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HISTORY

OF THE

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

BY THE

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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 III.

EDINBURGH :


OLIVER & BOYD, TWEEDDALE COURT.

LONDON : SIMPKIN, MARSHALL & CO.

M.DCCC.LI.

THE
HISTORY
OF THE
CHURCH OF SCOTLAND.

THE SIXTH BOOK CONTINUED.



HE next year began with a trouble in the borders, which was like to have disturbed the peace betwixt the two realms, and arose upon this occasion. The Lord Scroope being then warden of the west marches of England, and the laird of Buccleuch having the charge of Liddisdale, they sent their deputies to keep a day of truce for redress of some ordinary matters. The place of meeting was at the Dayholme of Kershop, where a small brook divideth England from Scotland, and Liddisdale from Bow Castle. There met as deputy for the laird of Buccleuch Robert Scott of Haining; and for the Lord Scroope, a gentleman within the west wardenry, called Mr Salkeld. These two, after truce taken and proclaimed, as the custom was, by sound of trumpet, met friendly, and, upon mutual redress of such wrongs as were then complained of, parted in good terms, each of them taking his way homewards. Meanwhile it happened one William Armstrong, commonly called Will of Kinmouth, to be in company with the Scottish deputy, against whom the English had a quarrel for many wrongs he had committed, as he was indeed a notorious thief. This man having taken his leave of the

Scots deputy, and riding down the river of Liddle on the Scottish side towards his own house, was pursued by the English that espied him from the other side of the river, and after a chase of three or four miles taken prisoner, and brought back to the English deputy, who carried him away to the castle of Carlisle.

The laird of Buccleuch complaining of the breach of truce (which was always taken from the time of meeting unto the next day at sunrising), wrote to Mr Salkeld, and craved redress. He excused himself by the absence of the Lord Scroope. Whereupon Buccleuch sent to the Lord Scroope, and desired the prisoner might be set at liberty without any bond or condition, seeing he was unlawfully taken. Scroope answered, "that he could do nothing in the matter, it having so happened, without a direction from the queen and council of England, considering the man was such a malefactor. Buccleuch loath to inform the king of what was done, lest it might have bred some misliking betwixt the princes, dealt with Mr Bowes, the resident ambassador of England, for the prisoner's liberty; who wrote very seriously to the Lord Scroope in that business, advising him to set the man free, and not to bring the matter to a farther hearing. But no answer was returned. The matter thereupon was imparted to the king, and the queen of England solicited by letters to give direction for his liberty; yet nothing was obtained. Which Buccleuch perceiving, and apprehending both the king, and himself as the king's officer, to be touched in honour, he resolved to work the prisoner's relief by the best means he could.

And upon intelligence that the castle of Carlisle, wherein the prisoner was kept, was surprisable, he employed some trusty persons to take a view of the postern-gate, and measure the height of the wall, which he meant to scale by ladders; and if those failed, to break through the wall with some iron instruments, and force the gates. This done so closely as he could, he drew together some two hundred horse, assigning the place of meeting at the tower of Morton, some ten miles from Carlisle, an hour before sunset. With this company passing the water of Esk about the falling, two hours before day he crossed Eden beneath Carlisle bridge (the water through the rain that had fallen being well thick), and came to

the Sacery, a plain under the castle. There making a little halt at the side of a small burn which they call Cadaye, he caused eighty of the company to light from their horses, and take the ladders and other instruments which he had prepared with them. He himself accompanying them to the foot of the wall, caused the ladders to be set to it; which proving too short, he gave order to use the other instruments for opening the wall nigh the postern, and finding the business like to succeed, retired to the rest whom he had left on horseback, for assuring those that entered upon the castle against any eruption from the town. With some little labour a breach was made for single men to enter, and they who first went in brake open the postern for the rest. The watchmen and some few the noise awaked made a little resistance, but they were quickly repressed and taken captive. After which they passed to the chamber wherein the prisoner was kept, and having brought him forth, sounded a trumpet, which was a signal to them without that the enterprise was performed. The Lord Scroope and Mr Salkeld were both within the house, and to them the prisoner cried a good night. The captives taken in the first encounter were brought to Buccleuch, who presently returned them to their master, and would not suffer any spoil or booting, as they term it, to be carried away: he had straitly forbidden to break open any door but that where the prisoner was kept, though he might have made prey of all the goods within the castle, and taken the warden himself captive; for he would have it seen that he did intend nothing but the reparation of his majesty's honour. By the time that the prisoner was brought forth, the town had taken the alarm, the drums were beating, the bells ringing, and a beacon put on the top of the castle to give warning to the country. Whereupon Buccleuch commanded those that entered the castle and the prisoner to horse, and marching again by the Sacery, made to the river at the Stonybank; on the other side whereof certain were assembled to stop his passage: but he causing sound the trumpet took the river, day being then broken; and they choosing to give him way, he retired in order through the Grahams of Esk (men at that time of great power and his unfriends), and came back into Scottish ground two hours after sunrising, and so homewards.

This fell out the thirteenth of April 1596. The queen of England having notice sent her of what was done stormed not a little. One of her chief castles surprised, a prisoner taken forth of the hands of the warden and carried away, so far within England, she esteemed a great affront. The lieger, Mr Bowes, in a frequent convention kept at Edinburgh the twenty-second of May, did, as he was charged, in a long oration aggravate the heinousness of the fact, concluding that peace could not longer continue betwixt the two realms, unless Buccleuch were delivered in England to be punished at the queen's pleasure. Buccleuch compearing, and charged with the fact, made answer, that he went not into England with intention to assault any of the queen's houses, or to do wrong to any of her subjects, but only to relieve a subject of Scotland unlawfully taken, and more unlawfully detained; that in the time of a general assurance, in a day of truce, he was taken prisoner against all order, neither did he attempt his relief till redress was refused; and that he had carried the business in such a moderate fashion, as no hostility was committed, nor the least wrong offered to any within the castle. Yet was he content, according to the ancient treaties observed betwixt the two realms, whenas mutual injuries were alleged, to be tried by the commissioners that it should please their majesties to appoint, and submit himself to that which they should decern. The convention esteeming the answer reasonable did acquaint the ambassador therewith, and offered to send commissioners to the borders with all diligence, to treat with such as the queen should be pleased to appoint for her part.

But she, not satisfied with the answer, refused to appoint any commissioners; whereupon the council of England did renew the complaint in July thereafter, and the business being of new agitated, it was resolved as of before that the same should be remitted to the trial of commissioners; the king protesting, that albeit he might with greater reason crave the delivery of the Lord Scroope for the injury committed by his deputy, it being less favourable to take a prisoner than to relieve him that is unlawfully taken, yet for the continuing of peace he would forbear to do it, and omit nothing on his part that could be desired either in equity or by the laws of friendship. The borderers in the mean-

time making daily incursions one upon another filled all those parts with trouble, the English being continually put to the worse ; neither were they made quiet till, for satisfying the queen, the laird of Buccleuch was first committed in St Andrews, and afterwards entered in England, where he remained not long.¹

At the same time, for bringing the isles to obedience, Colonel Stewart was employed to levy a thousand men, every shire furnishing twenty horsemen and thirty foot, or so much money as would sustain them, allowing the horsemen twenty-four pounds monthly, and the foot twelve pounds, besides the supply of the free burghs. These companies were appointed to meet at Dumbarton the twentieth of August, for attending the king or his lieutenant by the space of forty days, according to the custom, and when the day was come were commanded to follow the colonel, as designed lieutenant by the king. But upon the bruit of this expedition the principals of the isles did all submit themselves, offering obedience, and to appear before the king at the time his majesty should appoint. So that expedition ceased, the colonel going no farther than Islay, where he remained a few days, and took assurance for their comearing.

In the March preceding, the Assembly of the Church convened at Edinburgh, for consulting upon the dangers threatened to religion by the invasion of the Spaniard, which was then generally noised. Some brethren directed to lay open the perils to his majesty, returned with this answer, " That albeit there was no great cause to fear any such invasion at that time, yet they should do well to give their advice as if the danger were at hand, which would serve when necessity did require." The Assembly upon this thought meet to enter into consideration both of the dangers and remedies ; and first to inquire upon the causes that had provoked God to threaten the realm with that tyrannous nation, to the end the same might be removed ; then to deliberate how by ordinary lawful means the enemy should be resisted. The causes they condescended to be the sins of all estates, and especially the sins of the ministry ; which they held best should be penned and drawn to certain heads, that the corruptions being laid open, the remedies might be the better

¹ [See note to this Book.—E.]

provided. For this work some of the brethren were named and set apart, who, after a day or two, presented in writing a number of articles touching the corruption of ministers, as well in their offices as in their lives and manners; the offences in the king's house, in the court, and in the judgment-seats; the defection and faults common to all estates; and the remedies which in their opinion were fit to be used. The Assembly allowing their labours, and acknowledging their own guiltiness in that which concerned themselves, ordained a day of humiliation to be kept on Tuesday the week following by the ministers that were present, for reconciling themselves to God, and making up a new covenant with him for the better discharge of their duties. This is the covenant that by some is so often objected, and said to be violated by those that gave obedience to the canons of the Church; albeit in it there is not a word or syllable that sounds either to the confirming of the Church government then in use, or to the rejecting of that which since hath been established. But when other arguments fail them, somewhat must be said to entertain the conceits of the popular. By this covenant all did bind themselves to abide in the profession of the truth, and to walk according to the same, as God should enable them. But for the rules of policy, or ceremonies serving to good order or decency, let inspection be taken of the register which is extant, and it shall clearly appear, that at the time there was not so much as any mention thereof made.

But to proceed: the advice they gave for resisting the practices of the enemy was, "That all who had kithed in action with the popish lords should enter their persons in ward, till assurance was given that they should neither keep intelligence with the rebels, nor join with them in case they did return into the country, that the rents and livings of the rebels should be uplifted for entertainment of soldiers, and supporting other necessary affairs, that, in every parish, captains should be chosen for the mustering and training of men in arms, and some commanders in every shire appointed for convening the county at needful occasions, lastly, that they who were sureties for the good behaviour of the rebels without the realm should be called, and decerned to pay the sums contained in their bonds."

This advice presented to the king went much against his

mind; for his desire was to have the banished lords reclaimed and brought to obedience, which he esteemed to be the greatest assurance both of his own peace and the country's quiet: therefore did he only answer, "That if it could be proved that the lords since their departing from Scotland had trafficked with strangers to the prejudice of religion or state, they should be used with all extremity; but otherwise neither could their cautioners be convicted, nor would he change the course which he had kept with their wives and children." Not long before this Assembly the king had communicated his mind to Mr Robert Bruce touching that business, hoping that by the sway he carried in those meetings some such propositions as tended to the reclaiming of the banished lords should have been made by the Assembly; but finding his expectation not answered, he brake to him the matter of new, and showed "how greatly it concerned his estate to have them reduced and called home; that the queen of England was grown old, and if any should after her death withstand his title, he would have need of his subjects' assistance; and that having so many nobles exiled, he would be less respected of strangers, and be a great deal weaker at home. If he could therefore win them to acknowledge their offence, and to embrace the true religion (without which they should never get any favour from him), he believed the course would not be disallowed of wise men and those that loved him. Always he desired to know his judgment, for as yet he had not showed his mind in that matter to any person."

Mr Robert, being as then in great favour and credit with the king, said, "that he did think well of his majesty's reasons; and that he should not do amiss to bring home Angus and Erroll, so as they would conform themselves in religion. But that Huntly could not be pardoned, being so hated as he was of the subjects." The king reasoning to the contrary, "That if Huntly should be willing to satisfy the Church and fulfil the conditions which he would require of him, he saw no reason why he should not be received as well as the other two; and as he could not but know that his care of that man was great, and he having married his cousin, whom he accounted his own daughter, so was he the man of greatest power, and one that could stand him in most stead. There-

fore desired Mr Robert to think of that matter, and after a day or two give him his advice in it." At the next meeting being inquired what he had thought of the business, he answered as before, saying, "That Huntly's return would be ill interpreted, and offend all good men." The king repeating the former reasons, and adding, "That if he brought one home he would bring them all;" he replied, "I see, sire, that your resolution is to take Huntly in favour; which if you do, I will oppose, and you shall choose whether you will lose Huntly or me; for us both you cannot keep." This saucy reply the king did never forget, and it was this which lost him the favour which formerly he carried with the king.

Shortly after, the exiled lords not finding that respect given unto them in foreign parts which they expected, took a resolution to return, and to use all means for reconciling themselves to the king and church. And that their return might be the more secret, they separated one from another. Erroll taking his journey homewards through the United Provinces was intercepted, and delivered into the hands of Mr Robert Danielston, conservator of the Scottish privileges, to be kept by him till the king should be advertised. But, whether by the conservator's knowledge or otherwise, he made an escape and came into the country. Huntly came some months before, and lurking quietly in the north, sent a supplication to his majesty and the convention which met at Falkland the twelfth of August, the effect whereof was, that he might be permitted to return, and remain within any part of the country his majesty should appoint, he giving sufficient surety for his quiet and peaceable behaviour.

The king having heard the supplication, took occasion to say, "That one of two courses was needful to be followed with him and the rest that were in his condition; that is, either utterly to exterminate them, their race, and posterity, or then, upon their humble acknowledgment of their offence, and surety made for the state of religion, to receive them in favour; for to continue in the condition wherein they presently were, could not stand either with the safety of religion, or with his own honour and estate. 'The first course,'" said he, "hath its own difficulties, and will not be performed without great trouble; and for myself, so long as there is any hope that they may be reduced to the profession of the truth, I

desire not their destruction, but like rather to extend my clemency towards them; which I believe is the mind of all good and peaceable men. As to the present offer made by Huntly, I do think it well¹ general, and to no purpose; therefore by your advice I would have particular conditions condescended upon, such as may serve for the security of religion, mine own honour, and the tranquillity of the country. Such conditions being offered, and security found for performance, I should then think that license might be granted him to return, he being confined in such a part of the country as should be thought most convenient." The convention, approving his majesty's judgment, resolved upon this as the fittest course, remitting the conditions to be formed by his highness and the lords of council.

In another convention of the Estates at Dunfermline, the penult of September, the same conclusion was ratified, and the baptism of the princess, who was born the nineteenth of August, appointed to be at Halyrudhouse the twenty-eighth of November next.

How soon this their return into the country was known, and that such an act was passed in their favours, the commissioners of the Church assembled at Edinburgh, where falling to consider the dangers threatened to religion by their return, it was thought necessary to acquaint all the presbyteries with the present state of things; particularly that the forfeited earls were returned into the country without his majesty's warrant and approbation; that they remained peaceably in the same, using all means to be restored to their livings, albeit they had neither acknowledged their offence in that treasonable dealing with the king of Spain, nor their defection and apostasy from the truth; and that they had obtained an act of council in their favours at the convention of Falkland, which was ratified thereafter at Dunfermline, whereby they were licensed to remain upon certain conditions to be prescribed unto them by his majesty and council, to the manifest hazard both of Church and state, considering their continuance in the same disposition to work mischief as before. Of these things they were desired to inform their flocks; and both in public doctrine and private conference to stir up the people to apprehend the danger, and to be in readiness for resisting the same

¹ Very.

so far as lawfully they might. It was farther thought meet, that a public humiliation should be indicted through the whole country the first Sunday of December, and the cause thereof declared to be the return of the excommunicated lords, and dangers thereby threatened to religion, which the ministers should enlarge according to their discretions; as also that the presbyteries should call before them their entertainers, resetters, and such as kept company with them, and proceed summarily with the censures of the Church, *una citatione, quia periclitatur salus Ecclesiae et Reipublicae*. Lastly, they concluded that a number of commissioners selected out of all the quarters of the country should reside at Edinburgh, and convene every day with some of the presbytery of Edinburgh, to receive such advertisements as should be sent from other places, and take counsel upon the most expedient in every case. The brethren nominated to this purpose were Mr Alexander Douglas, Mr Peter Blackburn, Mr George Gladstones, and Mr James Nicholson for the north parts; Mr James Melvill, Mr Thomas Buchanan, Mr Alexander Lindsay, and Mr William Stirling for the middle part of the country; Mr John Clapperton, Mr John Knox, Mr George Ramsay, and Mr James Carmichael for the south; and for the west Mr John Howson, Mr Andrew Knox, John Porterfield, and Mr Robert Wilkie. Their attendance was ordained to be monthly, and to begin in November; at which time Mr James Nicholson, Mr James Melvill, Mr Andrew Knox, Mr John Howson, and Mr George Ramsay were appointed to wait: Mr Robert Bruce, Mr Robert Pont, Mr David Lindsay, Mr James Balfour, Mr Patrick Galloway, and Mr Walter Balcanquell observing ordinarily all the meetings.

These conventions were by a new name called the council of the Church, and appointed to be kept once every day at least, for taking advice in every business that occurred. By direction of this council Lord Alexander Seaton, president of the session, was called before the synod of Lothian, for keeping intelligence with the earl of Huntly, and by them remitted back to that council; before whom, with many attestations, he purged himself of any dealing with Huntly, or any of the papist lords, and, upon promise not to employ his credit that way, was dimitted.

The king suspecting these beginnings should end in some trouble, but not liking to fall in contrary terms with the Church, if by any means the same could be eschewed, commanded the president, secretary, advocate, and laird of Colluthie, to confer with the most moderate of the ministry, and use their best means for satisfying them touching the return of the forfeited lords. Mr David Lindsay, Mr Patrick Galloway, Mr James Nicholson, and Mr James Melvill being sent for to this conference, were desired to give their opinions, "Whether or not, due satisfaction being made to the Church by these lords (for otherwise the king did not mean to show them any favour), they might be pardoned and restored to their estates." The ministers answering, "They came only to hear what was proponed, and in a matter of that importance could say nothing unacquainting their brethren," the conference was delayed till afternoon; at which time returning they said, "That the brethren were glad of the respect carried by his majesty to the Church, and that his resolution was to give no favour to those rebels till the Church was first satisfied. But in their judgments, they having by God's law deserved death, and being by the most sovereign court of the kingdom sentenced to have lost their estates, they could not be lawfully pardoned nor restored. And if the king and his council would take on them to do it, they had God and the country to answer unto; but for them they would give no assent, but protest to the contrary that they were free thereof before God and man."

This answer seeming rather to proceed of passion than any good zeal, it was next urged, "Whether upon their humble and submissive suit to be reconciled, the Church could deny to receive them, it being commonly held, that the bosom of the Church should ever be patent to repenting sinners." They answered, "That the Church indeed could not refuse their satisfaction, if it were truly offered; nevertheless the king stood obliged to do justice." When by no reasoning they could be wrought from these extremities, the conference brake off, and the effects thereof being reported to the king, he was greatly commoved, inveighing against the ministers at his table, in council, and everywhere. The wiser sort, that foresaw the ill effects this rancour

would breed, advised the ministers to send some of their number, to understand what it was that did so offend the king, and offer all satisfaction on their parts; withal to lay open their grievances, and in humble manner entreat a redress of things which they esteemed hurtful.

Herein the same brethren being employed, they found the king's answers more biting and peremptory than they expected; for being desired to show what it was that made his majesty so offended with the Church, and professing to amend it so far as lay in them, he said, there could be no agreement so long as the marches of the two jurisdictions were not distinguished; that in their preachings they did censure the affairs of the estate and council, convoked general assemblies without his license, concluded what they thought good, not once desiring his allowance and approbation, and in their synods, presbyteries, and particular sessions, meddle with everything upon colour of scandal; besides divers other disorders, which at another time he would propound and have reformed, otherwise it was vain to think of any agreement, or that the same being made, could stand and continue any while.

The ministers not willing to dip in these matters, after they had in sober manner replied to each of these points, fell to speak of their own grievances. As first, the favour granted to the popish lords in the late conventions at Falkland and Dunfermline; the countenance given to the Lady Huntly, and her invitation to the baptism of the princess; the putting of her in the hands of the Lady Livingstone, an avowed and obstinate papist; and, which grieved them more than anything else, the alienation of his majesty's heart from the ministers, as appeared by all his speeches public and private. To this last the king did first reply, saying, "That they had given him too just cause by their railing against him, and his proceedings, in their sermons." For the popish lords, he had granted nothing to them but what the estate had found needful for the peace and quiet of the realm. As to the Lady Huntly, he esteemed her a good discreet lady, and worthy of his countenance; and that she was a papist they might blame themselves, who had never taken care to inform her of the truth. Lastly, for his daughter the princess, he had trusted her to the Lord Living-

stone, a nobleman known to be of good religion, and not to his lady, who should not be suffered to take any care of her, unless she conformed in point of religion.

Whilst things thus passed betwixt the king and the Church, a new occasion of trouble was presented by Mr David Blake, one of the ministers of St Andrews, who had in one of his sermons cast forth divers speeches full of spite against the king, the queen, the lords of council and session, and amongst the rest had called the queen of England an atheist, a woman of no religion. This being delated to the English ambassador, he complained to the king, and thereupon was Mr David Blake cited to appear before the council the eighteenth of November. Mr Andrew Melvill accompanying him to Edinburgh, did labour to make this a common cause, giving out that the same was done only for a preparative against the ministers, to bring their doctrine under the censure and controlment of the king and council; and so far he prevailed with the commissioners of the Church, as they sent certain of their number to entreat the deserting of the diet, saying, "It would be ill taken to draw ministers in question upon trifling delations, whenas the enemies of the truth were spared and overseen." The king, some days before, had published the conditions upon which he was to grant a protection to Huntly; and asking these commissioners if they had seen the conditions, said, "That both he and the rest should either satisfy the Church in every point, or be pursued with all extremity, so as they should have no reason to complain of the oversight of papists." For Mr Blake, he said he did not think much of that matter, only they should cause him appear and take some course for pacifying the English ambassador. "But take heed," said the king, "that you do not decline the judicatory; for if you do, it will be worse than anything yet fallen out."

Now the conditions proponed to Huntly were as followeth :

That he should give sufficient and reasonable caution of inland-men and landed barons, to the number of sixteen at least, who should be acted in the books of council under the pain of forty thousand pounds (each two of the cautioners conjunctly and severally for five thousand pounds of the said

sum), that he should faithfully observe and fulfil the whole articles undermentioned, and every one of them. As first, that betwixt that and the first day of April next to come, he should either satisfy the Church for his apostasy, and return to the bosom thereof in uniformity of religion, or before the expiring of the said time depart again forth of the country, and not return without his majesty's license.

2. Next, that during the said space, he should not receive in his company any Jesuit, mass-priests, or excommunicate papists, nor have any dealing, communication, or intelligence with them, especially with his uncle Mr James Gordon; nor suffer his children, in case any be brought forth in the mean time, to be baptized by another than a minister.

3. That so long as he remained in the country, as likewise in case of his departing at the time aforesaid, he should not traffic with any stranger or others whomsoever for alteration of the true religion, or disquieting the state of the country in any sort.

4. That his former cautioners should remain obliged, in case after lawful trial it should be found that since his last departing he had trafficked with strangers for subversion of religion or the alteration of the state, in the sums for which they were bound.

5. That he should presently enter his person in ward within such a place as his majesty should appoint.

6. That, within fifteen days next, he should enter his eldest son and apparent heir as a hostage to his majesty for observing the articles before and after mentioned; and that his said son should abide in such company, ward, or castle, as his majesty should appoint, where most conveniently he might be instructed in the true religion, and not escape by his father's knowledge or assistance.

Lastly, That he should compear personally before the council whensoever he should be called, upon fifteen days' warning, for trying the contravention of any of the articles above expressed; providing the cause for which he should be charged were expressed in the letters, and warrant given him that he should not be challenged for any other fact done before his last passing forth of Scotland.

These articles the king caused to be imprinted, that all

men might see he meant not to bestow any favour either upon him or the rest, unless they joined themselves to the religion publicly professed. Yet this served not to stop the mouths of people, nor did it remove the jealousy of the preachers, who were daily complaining "That papists were favoured, the ministers troubled for the free rebuke of sin, and the sceptre of Christ's kingdom sought to be overthrown. The process, they said, intended against Mr Blake was but a policy to divert the ministers from prosecuting their suit against the popish earls; and if he should submit his doctrine to the trial of the council, the liberties of the Church and spiritual government of the house of God would be quite subverted. In any case therefore they concluded that a declinator should be used, and protestation made against these proceedings." This was held a dangerous course, and earnestly dissuaded by some few; but they were cried down by the greater number, that said "it was the cause of God, whereunto it concerned them to stand at all hazard." So a declinator was formed and given Mr Blake to present, bearing this in substance:

"That howbeit the conscience of his innocency did uphold him sufficiently against the calumnies of whomsoever, and that he was ready to defend the doctrine uttered by him, whether in opening the words or in application; yet seeing he was brought thither to be judged by his majesty and council for his doctrine, and that his answering to the pretended accusation might import a prejudice to the liberties of the Church, and be taken for an acknowledgment of his majesty's jurisdiction in matters merely spiritual, he was constrained in all humility to decline that judicatory for the reasons following: First, Because the Lord Jesus, of whom he had the grace of his calling, had given him (albeit unworthy of the honour to bear his name) his word for a rule of his preaching, and that he could not fall in the reverence of any civil law, but in so far as he should be tried to have passed his instructions, which trial belonged only to the prophets and pastors, the spirits of the prophets being subject to them alone; for as first it must be declared whether he had kept his instructions or not. 2. In regard the liberty of the Church and discipline presently exercised was confirmed by divers acts of parliament, and the office-bearers

thereof peaceably possessed therein, particularly in the judiciary of the word preached (as was clear by divers late examples), he ought to be remitted for his preaching to the ecclesiastic senate, as his competent judge in the first instance. For which and for other weighty considerations, and namely for eschewing the inconveniences that might fall to religion and his majesty's own estate, by the appearance of distraction and alienation of his majesty's mind from the ministry and the cause of God in their hands, he for himself, and in name of the commissioners of the General Assembly, who had subscribed the same declinator, did humbly beseech his majesty not to infringe the liberties of the Church, but rather manifest his care in maintaining the same."

When the diet came, and the summons was read, being desired to answer, he said, "That albeit he might object against the citation, the same being directed *super inquirendis*, contrary to the form prescribed by parliament, and no particular specified therein, yet he would take him to the usual remedy of law, and desire to be remitted to his own ordinary." It was asked what ordinary he meant? He answered, "The presbytery where the doctrine was taught." The king then replying that the matter laid to his charge was civil, and that the generality of the summons was restricted to the particular letter produced by the English ambassador, he said, "That the speeches wherewith he was charged being uttered in pulpit must be judged by the Church, *in prima instantia*." Again being inquired whether the king might not judge matters of treason, as well as the Church did judge points of heresy, he said, "That speeches delivered in pulpit, albeit alleged to be treasonable, could not be judged by the king till the Church took first cognition thereof; but that he was not come thither to solve questions, and so presented the declinator." The king, notwithstanding that he was greatly offended (because the day appointed for the baptism of the princess was approaching), continued all farther proceeding to the last of November.

Meanwhile had the commissioners for the Church sent a copy of Mr Blake's declinator with a letter to all the presbyteries, requiring them for the greater corroboration of their doings to subscribe the same, and to commend the cause in hand in their private and public prayers to God, using their

best credit with their flocks, and employing all their labours for the maintenance thereof. The king being mightily incensed with this doing, as tending to a direct mutiny, and the stirring up of the subjects to rebellion, gave forth a proclamation, wherein he said :

“ That certain persons of the ministry abiding in the town of Edinburgh had of long time continued together devising plots prejudicial to his majesty’s authority, and, usurping a power over their brethren, had directed letters for subscribing a declinator formed and already subscribed by themselves, requiring them with the return of their subscriptions to send some of their number to assist their proceedings, as though they were not subjects, and that the king had no power nor authority over them, intending, as appeared, by convocations and the like tumultuous forms, to break the peace and make an insurrection in the country ; whereas no care in the meantime was taken of their flocks, but the same left comfortless and destitute of the preaching of the word ; all which they coloured with a general commission alleged to be given by the last General Assembly ; albeit there was no such commission, that which they produced containing only a power to consult and report, and not to set down acts, or exercise any jurisdiction : and granting that any such a commission had been given, the same could not be lawful, as given without the consent and approbation of his majesty’s commissioners, who were present at the time. Therefore to prevent the disorders and confusion which therethrough might arise, his highness, with the advice of the council, discharged the said commission as unlawful in itself, and more unlawfully executed by the said commissioners ; commanding the persons underwritten, namely, Mr Andrew Melvill, Mr James Melvill, Mr John Davidson, Mr Nicoll Dalgleish, Mr James Nicholson, Mr James Carmichael, and John Clapperton, to depart home to their several flocks within twenty-four hours after the charge, and to attend upon the lawful discharge of their callings, and noways to return for keeping such unlawful convocations, either within the said burgh or without, under the pain of rebellion.”

The commissioners, upon information that such a charge was directed, fell to consult what course they should take ; and first they resolved, “ That since they were convened by

the warrant of Christ, in a most needful and dangerous time, to see unto the good of the Church, *Et ne quid Ecclesia detrimenti caperet*, they should obey God rather than man; and, notwithstanding of any charge that should be given, continue together so long as conveniently they might, and in the mean time send some of the number to the Octavians (this was the title commonly given to those eight councillors that were trusted with all affairs), to advertise them, that seeing the Church at their entry to their places enjoyed a full peace and liberty, and that now it was cast into great troubles, and the enemies of the truth spared and overlooked, they could not but think that all this proceeded from their counsels; and therefore whatsoever the event should be, the Church would take herself to them, and they only should bear the blame." The president answering in choler said, "That these controversies were begun without their advice, and so they should end; that for their good service they had reaped small thanks, and drawn upon themselves much envy, and therefore would have no meddling in that business betwixt the king and them, but leave it to him and his nobility."

This answer put them to a second advice, and thinking they were mistaken, and that these councillors were not in the fault, but that all proceeded from the king himself, they sent Mr David Lindsay, Mr Robert Rollock, Mr James Nicholson, and James Melvill, to declare unto his majesty the great inconveniences that were like to arise upon this hard dealing with the Church, and humbly entreat a surcease of the process intended against Mr David Blake, and that all other controversies might be left off till some order was taken with the papists, and an assembly convocated for deciding these questions to his highness's content. The king answered, "That it was not his fault, and that he was no less displeased than they were with the controversies arisen; and that yet if they would pass from the declinator, or declare at least that it was not a general, but only a particular declinator, used in the cause of Mr David Blake, as being a cause of slander, and pertaining to the judgment of the Church, he should also pass from the summons and cease his pursuit."

This yielding offer of the king was by the advice of the wiser sort thought good to be accepted, that there might be

an end of contention ; “ for if,” said they, “ we go to try our strength with the king, we shall be found too weak. As yet the court stands in some awe of the Church, and whilst they are in this conceit, it shall be meet to take the best conditions we can have ; for if by our strictness matters go to the worst, our weakness shall soon appear, and thereafter shall the Church be no more feared nor regarded ; too great stiffness doth seldom succeed well, and it is often seen, that they who will have all their wills, do lose all in the end.” This was the reasoning of the wise and more moderate sort. Others flattering themselves in their preciseness held, “ that the only way to prevail was to stand by their grounds ; the cause was God’s, which he would maintain ; that worldly powers were not to be feared ; and that God had in his hand the hearts of princes to turn them whither he pleased, whereof in the present business they had seen a proof.” The debate held long, and, in end, by most voices it was concluded that they should stand to the declinator, unless the king would pass from the summons, and, remitting the pursuit to the ecclesiastical judge, make an act of council, that no minister should be charged for his preaching, at least before the meeting of the General Assembly. The king, perceiving his offer neglected, was in great wrath, and told them who were sent unto him, that he would hearken to no agreement unless they should pass simply from the declinator, and cause Mr Blake compare, and acknowledge the judicatory. Which being refused, the proclamation was published, the commissioners charged to depart forth of the town, and Mr Blake by a new summons cited to the last of November.

The next day being Sunday, and the day of the princess’s christening, the same was kept in the palace of Halyrudhouse with great joy and feasting. The English ambassador did name the Princess Elizabeth after the queen his mistress, the town of Edinburgh by the magistrates assisting as witnesses, such honour did the king unto them. But all that day in the town churches were bitter invectives made against the two proclamations ; for besides the charge given the commissioners to leave the town, by another proclamation the barons, gentlemen, and all other subjects were discharged to convene with the ministry, either in presbyteries or synods, or any other ecclesiastical meetings, under whatsoever colour or pre-

tence, without his majesty's license. These things were mightily aggravated by the preachers, and the people exceedingly stirred; at which the king more and more offending, he resolved to keep the diet assigned for Mr Blake's appearing in the council-house of Edinburgh, accompanied with his nobles that were present at the baptism.

The commissioners advertised of this (for all that time some gentlemen of the chamber, in hatred of the Octavians, gave intelligence of every thing that was intended), did form a petition to be presented to his majesty and the noblemen, consisting of three heads. "First, they entreated the king, that seeing the decision of such thorny and intricate questions as were moved at that time to the trouble of the Church could work no good, and was subtilly urged only to engender a dissension between his majesty and the ministers, he would be pleased to remit the determination thereof to a lawful assembly, and not to encroach upon the limits of Christ's kingdom upon any pretence, bending his actions, according to the present necessity, against the common enemies of religion and state. Next, they exhorted the noblemen to give his majesty a free and faithful counsel in that business; and as to the honour of God and their own just praise, they had kept themselves free both in counsel and action from working any prejudice to the liberty of the gospel, so they would not suffer themselves to be drawn at that time under the guiltiness of so great a sin by the craft of those who were subtilly seeking the thraldom of the gospel, and thought to make their honours the executors of their malicious devices. And, thirdly, that by their credit they would procure a continuation of all controversies unto a free and lawful assembly, where the same might be gravely reasoned and concluded." This petition was given to Mr David Lindsay, Mr Robert Bruce, and Mr Robert Rollock, to be presented; and if the same was refused, they were enjoined to protest against the proceeding of the council.

The king receiving the petition, after he had overviewed it, did reject the same as not worthy of answer, commanding to call Mr Blake, and read the summons. Therein he was charged, First, to have affirmed in pulpit that the popish lords were returned into the country with his majesty's knowledge, and upon his assurance, and said that in so

doing he had “detected the treachery of his heart.” Secondly, that he had called all kings “the devil’s bairns,” adding that “the devil was in the court and in the guiders of it.” Thirdly, that in his prayer for the queen he had used these words, “We must pray for her for the fashion, but we have no cause, she will never do us good.” Fourthly, that he had called the queen of England an atheist. Fifthly, that he had discussed a suspension granted by the lords of session in pulpit, and called them miscreants and bribers. Sixthly, that, speaking of the nobility, he said they were “degenerated, godless, dissemblers, and enemies to the Church.” Likewise speaking of the council, that he had called them “holiglasses, cormorants, and men of no religion.” Lastly, that he had convocated divers noblemen, barons, and others within St Andrews in the month of June 1594, caused them take arms, and divide themselves in troops of horse and foot, and had thereby usurped the power of the king and civil magistrate.

After reading of the summons Mr Robert Pont protested, that the process in hand and whatsoever followed thereof should not prejudice the liberty of the Church in matters of doctrine. The king answered, “That he was not to meddle with any matter of doctrine, but to censure the treasonable speeches of a minister in sermon, which he and his council would judge, except by clear scripture it should be proved that ministers were not subject in these cases to his judicatory.” Thereafter Mr Blake being commanded to answer, said, that all these accusations were false, and untrue calumnies, producing two testimonials, one of the provost, bailies and council of St Andrews, the other of the rector, dean of faculty, professors, and regents of the university, which he alleged should be preferred to any report whatsoever. Next he said that, for the first six points, the lords of council were not competent judges, the speeches alleged being uttered in pulpit, but the same ought to be censured by the presbytery where the sermon was delivered. And then repeating his former declinator, presented a new one, in substance the same with the first. For the last point he made offer to submit himself to the trial of the king and council. Being removed, and the declinator put to voices, it was found, “That the crimes and accusations contained in the summons were seditious and treasonable; and

that his majesty, his council, and other judges substitute by his authority, were competent judges in all matters either criminal or civil, as well to ministers as to other subjects." This pronounced, the witnesses were called and admitted, but their examination was delayed to the next day.

After the council dissolved, the prior of Blantyre, treasurer, and Alexander Home, provost of Edinburgh, were sent from the king to show the ministers, that notwithstanding of that his proceeding against Mr Blake, he did not mean to use him with rigour, but if they should move him to come and resolve his majesty touching the truth of the points libelled, he would rest upon his own declaration, and send him back to his charge; so careful was the king of peace, and so desirous to be in good terms with the Church. Night was then fallen, and the commissioners gone to their lodgings; yet finding Mr Robert Bruce, Mr Robert Rollock, Mr James Nicholson, and Mr James Melvill together, they declared what they had in commission to declare to the whole number. Mr Robert Bruce answering in the name of the rest, said, "That if the matter did touch Mr Blake alone the offer might be accepted, but the liberty of Christ's kingdom had received such a wound, by the proclamations published the Saturday preceding, and that day by the usurpation of the spiritual judicatory, as if Mr Blake's life and the lives of twenty others had been taken it would not have grieved the hearts of good brethren so much as these injurious proceedings had done; and that either these things behoved to be retreated, or they would oppose so long as they had breath."

This answer reported, the king the next morning calling some two or three of the ministers unto him, did confer with them a long space, showing that he was so far from impairing the spiritual jurisdiction or abridging any of the Church liberties, as he would not only maintain them in what they enjoyed, but would enlarge and amplify the same, when he saw it to be for their good; "but this licentious discoursing," said he, "of affairs of state in pulpit cannot be tolerated. My claim is only to judge in matters of sedition and other civil and criminal causes, and of speeches that may import such crimes, wheresoever they be uttered; for that the pulpit should be a place privileged, and, under colour of doctrine, people

stirred to sedition, no good man I think will allow. If treason and sedition be crimes punishable when they are committed, much more if they be committed in the pulpit, where the word of truth should only be taught and heard." One of the ministers answering, that they did not plead for the privilege of the place, but for the respect that was due to the message and commission they carried, which having received of God, the same ought not to be controlled in any civil judicature. "Would you keep you to your message (said the king), there would be no strife; but I trust your message is not to rule estates, and, when courses dislike you, to stir the people to sedition, and make your king and those that rule under him odious by your railings and outcries." "If any do so," said the minister, "and be tried to have passed the bounds, it is reason he be punished with all extremity; but this must be cognosed by the Church." "And shall not I (said the king) have power to call and punish a minister that breaketh out in treasonable speeches, but must come to your presbytery and be a complainer? I have good proof in the process with Gibson and Ross, what justice you will do me: and were it in a doubtful and ambiguous case, where by any colour the speeches might be justified, it were some way favourable to say that the minister should be called and convict by his brethren; but as in the present action with Mr Blake, who hath said, 'The treachery of the king's heart is discovered; all kings are the devil's bairns, &c.,' who sees not that the man hath passed his bounds, and not kept him to his message? I am not ignorant what agitations France of late, and England in former times, hath suffered by the violence of such spirits, and I have been in my time reasonably exercised with them, and ye must not think that I will tolerate such licentiousness. As for any lawful power or liberty ye or your assemblies have granted either by the word of God or by the laws of the kingdom, I mean not to diminish the same; and if ye think meet, I will publish so much by a declaration for satisfying you and all other my subjects."

With this the ministers were dimitted, who having related the conference they had with his majesty to the rest of their brethren, it was agreed, in regard of the many inconveniences which might ensue upon these distractions betwixt his majesty

and the Church, that if they could obtain a declaration in council that by the acts and proclamations published his majesty did not intend to discharge any church-assembly, nor to annul any conclusion thereof, but that the same should stand in force as they had been in use by the warrant of the word and approbation of his highness's laws, and that the discharge of barons and gentlemen to convene with the ministers was not extended to any ecclesiastical conventions, but only meant of their convening in arms, matters should be passed over for the present; the interlocutor in Mr Blake's business not being used against him nor any other minister, until a lawful General Assembly, wherein the question concerning the limits of the civil and the spiritual jurisdiction might be reasoned and defined.

This being proponed, the king assented to the declaration craved, offering farther to delete the acts whereupon the proclamations were founded. And for Mr Blake, he was content that he should be brought to his presence, and declaring upon his conscience the truth of the points libelled, in the hearing of Mr David Lindsay, Mr James Nicholson, and Mr Thomas Buchanan, they three should have power to determine what they thought meet. The business was now thought to be at an end, but in the afternoon, by the suggestion, as it was supposed, of the president, the king would have Mr Blake to come before the council, and acknowledge his offence to the queen; which done he should be pardoned of all. This Mr Blake refused, saying, "he would neither condemn himself, nor approve the proceedings of the council, who, having taken upon them to judge of his sermons, had admitted a sort of ignorant and partially affected people to be witnesses against him, rejecting the testimonies of the town and university." When by no persuasion he could be moved unto it, the king went to council, and the same day, it being the second of December, caused read the deposition of the witnesses, who did clearly testify that all the speeches libelled were uttered by Mr Blake in pulpit. Thereupon sentence was given, that he had falsely slandered and treasonably calumniated the king's majesty, his bed-fellow the queen, his neighbour princess the queen of England, the lords of his highness's council and session, and therefore (his punishment being remitted to the king) it was ordained,

that till his majesty's pleasure should be declared, he should be confined beyond the north water, and enter to his ward within six days.

Notwithstanding of this sentence the day following a new treaty began, which continued some ten days, and was like to have produced an agreement; for the king was content, as before, to delete the acts of council at which the ministers took offence, by writing on the margin of the book according to the custom of deleting acts, "This matter is agreed, and the act delete." He was likewise pleased to amend the narrative of the proclamation, turning that upon the papists and enemies of religion that was said of ministers; and for Mr Blake's business, was content that the interlocutor pronounced should not be made a preparative against any other minister, and that none should be called upon their preaching before the council, till it was found in a lawful Assembly that the king might judge of those that passed their bounds in doctrine; providing he might in the mean time be assured of the good behaviour of the ministers, and that they should not speak unreverently of him or of his council, which assurance he would have in writing. Some punishment also he would have afflicted on Mr Blake, as either to transport him from St Andrews to another congregation, or suspend him for a time from his charge: punishments not very rigorous, nor answerable to the quality of the offence.

The commissioners being herewith advised, liked well of all, the last excepted. "A punishment," they said, "could not be inflicted where no cognition had proceeded: for as to the trial taken, neither was it done by the proper judge, nor was that equity observed which ought to have been; witnesses that were under the censures of the Church, and ill-affected to Mr Blake, being admitted to depone against him." This reported to the king, he made offer to name twenty persons against whom no exception could be alleged, and to give Mr Blake his choice of seven or eight of that number, who should be of new examined touching the verity of the speeches whereof he was accused: if they upon their consciences did absolve him, he should rest satisfied; if otherwise, he would crave him to be deposed. But this came to no effect, nor could any overture, albeit divers were proponed, serve to work an accord, so as the communing brake off, and

greater displeasures arose on both hands than before. For the commissioners having directed two of the brethren to show the king, "That since they could obtain no redress for the wrongs done unto Christ's kingdom, and saw nothing but that the enemies of the truth were favoured, and the faithful pastors of the Church reviled and pursued, they could not abstain from opposing these proceedings with the spiritual armour given them by God;" and did therefore indict a fast to be kept the Sunday following, being the twelfth day of December, with solemn prayers for averting the judgments which the present courses did threaten.

The king, on the other side, made his displeasure and the scorn he took of these proceedings known by a declaration published on the fifteenth day, wherein he showed, "That out of a desire he had to keep peace with the ministers he did condescend to abstain from troubling them in any case bygone, until by a convention of the Estates, and a General Assembly of the ministry, the difference between the civil and ecclesiastical judgments might be removed; providing they should promise not to disgrace him and his proceedings in their sermons, which he was in hope to obtain by sundry conferences and meetings that he had kept with some of them, till at last publicly they had opposed themselves in pulpit by approving the doings of Mr David Blake, accusing himself of persecution, and falsely suggesting to the people that all church assemblies were discharged; whereas his resolution was and is to maintain religion and the Church discipline established by law, and to suffer nothing to be done in prejudice thereof by whomsoever. Which his highness thought good to make known to all his subjects, ordaining all ministers to subscribe their obedience to his majesty, and set their hands to the bonds which should be presented to them for that effect, under the pain of sequestering their rents and stipends, aye and while they gave the obedience required." The same day was Mr Blake charged to go unto his ward, and the commissioners of new commanded to remove themselves forth of the town.

How soon they were gone, the secretary Mr John Lindsay, thinking the ministers of Edinburgh would be more tractable being left to themselves, did move the king to send for them, and make a fresh proposition for settling these divisions.

But they refusing to enter in any communing, except the commissioners were recalled by as public a proclamation as that whereby they were discharged, hope was given that the next day the same should be done, and all questions laid over unto their return; which some of the king's chamber having understood, and fearing if matters were once accorded the Octavians (against whom they were chiefly set) should continue in their employment, among other reports they informed the king that a nightly watch was kept in Edinburgh about the ministers' houses for fear of some violence to be offered unto them, which laid a heavy imputation upon his majesty, and that the ministers would never be quiet till these factious people were put forth of the town. The advice, as truly meant, was hearkened unto, and direction given to some twenty-four of the burgesses that were best affected to the ministers to depart the town within the space of six hours. This they knew would be ill taken by the ministers; and, to put them in a greater fear, they did advertise them by a counterfeit letter to look unto themselves, because Huntly had been with the king that night late, and caused that charge to be given. This letter sent to Mr Robert Bruce was by him communicated to Mr Walter Balcanquel, whose course it was to preach that morning; and they both, apprehending the information to be true, did think it the safest way for themselves to make the people advertised of the danger. So when the hour of sermon came, the preacher reading his text out of the book of Canticles, which was his ordinary at the time, and taking occasion to speak of the present troubles of the Church, he made a particular relation of the proceedings and treacherous forms (so he called them) wherewith they were used by the court, laying the whole blame upon the president, controller, and advocate, whom he particularly named, and used with most reproachful terms. Then turning to the noblemen and barons, he put them in mind of the zeal which their predecessors had showed in planting religion, and exhorted them with the like courage and constancy to maintain the same. Having closed the sermon with a prayer, as use is, he requested the noblemen and barons to meet in the Little Church for assisting the ministers with their best advice.

There assembled in the place many people besides those that were desired, and so great was the throng as the ministers could hardly find entrance. Mr Robert Bruce at last having made way unto himself, went to the table where the noblemen and barons were placed, and after a short prayer declared in what danger the Church was brought by the return of the popish lords; how they had regrated the case to the king, and when they expected that order should have been taken therewith, a new business was moved, and one of their brethren called in question for his preaching, about which they had been in a long conference, but could come to no end; and that now at last the best affected of their people were charged to leave the town, whereby they were brought to suspect some worse practices. They did therefore request them humbly to intercede and entreat his majesty that they might be permitted to serve God in their callings without molestation. The desire seeming reasonable, the Lords Lindsay and Forbes, with the lairds of Bargenny and Buchan, Mr Robert Bruce, and Mr William Watson were chosen to prefer the petition.

By some occasion the king was that day come to the session, and being in the upper house, the lords with these others were admitted; where Mr Robert Bruce taking the speech said, "That they were sent by the noblemen and barons convened in the Little Church, to bemoan the dangers threatened to religion by the dealing that was against the ministers and true professors." "What dangers see you?" said the king. "Under communing," said he; "our best affected people, that tender religion, are charged off the town; the Lady Huntly, a professed papist, entertained at court, and it is suspected that her husband is not far off." The king leaving that purpose, asked "who they were that durst convene against his proclamations?" The Lord Lindsay in passion replied, "That they durst do more than so, and that they would not suffer religion to be overthrown." Numbers of people were at this time thronging unmannerly into the room; whereupon the king not making any answer arose, and went down to the lower house where the judges do sit, commanding the doors to be shut. They that were sent returning to the church show that they were not heard, nor was there any hope, so long as the counsellors remained

about the king, that they should receive any favourable answer, and were therefore to think of some other course.

“No course,” said the Lord Lindsay, “but one; let us stay together that are here, and promise to take one part, and advertise our friends and the favourers of religion to come unto us; so it shall be either theirs or ours.” Upon these speeches followed such a clamour and lifting up of hands, as none could hear what another spake. The sedition increasing, some cried to arm, others to bring out Haman (for whilst the lords were with the king, Mr Michael Cranston, minister of Cramond, had been reading to the people that story); others cried, “The sword of the Lord and of Gideon:” and so great was the fury of the people, as if one of the deacons of crafts, called John Watt, had not kept them back with a guard of craftsmen that followed him, they had undoubtedly forced the doors, and wrought some mischief. Sir Alexander Home, provost of the town, was then lying sick; yet being told what a tumult was raised, he came to the street, and, as he was wise and skilful in the handling of people, with his fair speeches brought them after a little time to lay down their weapons and retire to their lodgings.

The commotion thus raised, the king directed the earl of Mar, the Lord Pittenweem, and the laird of Traquair to confer with the ministers, and ask the cause of the tumult. They were then walking at the back of the church (for the tumult had scattered the meeting); and professing a great dislike of that which had happened, besought the noblemen to show the king that they were not in fault, and had done their best to appease the multitude. The cause, they said, to their conjecture was, that his majesty refused to hear their petition, which they knew came not of himself, but of others. The earl of Mar replied, that any reasonable petition would be heard and answered, being preferred in a dutiful manner; wherefore they should do wisely to go together and supplicate his majesty for remedy of these things wherein they were grieved. Whereupon they returned to the Little Church, and after a short deliberation sent the Lord Forbes, the laird of Bargenny, and Mr Robert Rollock with these petitions. “First, That all which had been done in prejudice of the Church the last four or five weeks might be rescinded. Next, That in the things which

concerned the Church, the president, controller, and advocate should have no voice, as being suspected in religion, and opposite enemies to the Church. Thirdly, That the citizens of Edinburgh who were charged to leave the town might be permitted to stay at home, upon surety to appear whensoever they were called." The king answering very calmly, said, " That his doings had been greatly mistaken by the ministers ; and that as these controversies were moved against his will, so he wished nothing more than to have them quietly settled. But that it could not stand with his honour to rescind so hastily the conclusions taken in council, nor to remove councillors from their places upon naked suspicions, except somewhat could be verified that might disable them. At afternoon he should call the council, and satisfy them in every thing which with reason they could desire. For the citizens, he said, that the supplication made in their behalf would come better from the provost and bailies of the town, and the same upon their petition should be granted." With these answers the Lord Forbes and the rest returned ; and with them the Lord Ochiltre and laird of Cessford were sent by the king to desire them to put their petitions in reasonable terms, and await on the council at two of the clock. Matters thus quieted, the king with the lords went down the street peaceably to his palace.

At afternoon the noblemen and barons assembling with the ministry, after long reasoning, did condescend upon the supplication and articles following :

" In most humble manner, we, the noblemen, barons, gentlemen, burgesses, and ministers, this day by the mercy of God convened, do beseech your majesty to apprehend the great danger wherein the state of religion, commonwealth, and your majesty's own honour and person are brought by the means of crafty and deceitful councillors, who respecting only their own preferment and standing, labour to sile your majesty's eyes, that you should not perceive their courses : for albeit it hath pleased God to endue your majesty with knowledge, wisdom, and graces, beyond all the princes that have ruled this kingdom at any time, yet it is no strange thing to behold good kings brought upon ill courses by the devices of such as pretend love, but in very deed hate them maliciously. That such courses are now in hand ; please

your majesty to consider what a division is made and entertained between your majesty and the Church, who were ever to this time inseparably joined; and how under coloured pretexts the liberty of preaching, and faithful applying of the word, is sought to be restrained and taken away, which cannot but bring many evils and inconveniences with it, as this day's tumult may partly teach. And now seeing, blessed be God, the same is settled without the harm of any person, for preventing the like, or worse, we humbly desire the articles following to be weighed and considered by your majesty :

“ 1. That professed papists, processed by the Church, be not suffered to reside at court; and that the Lady Huntly and Lord Sanquhar be removed and sent home.

“ 2. That Alexander Seaton, president, Mr Thomas Hamilton, advocate, and Mr James Elphinston, be not admitted to sit in council, at least when the cause of religion and matters of the Church are treated; seeing they are enemies to the quietness thereof, and have by their devices raised the troubles that presently do vex the same.

“ 3. That the acts of council, proclamations, decreets, and interlocutors passed in prejudice of the Church and ministers these last five weeks, be rescinded and annulled.

“ 4. That the commissioners of the Church be recalled by proclamation, and the burgesses of the town permitted to remain and attend their callings.

“ 5. That the bond advised by the foresaid enemies to be subscribed by all the ministers, under the pain of losing their benefices and stipends, be discharged, seeing the same is prejudicial to the liberties of the gospel, and that commission be given, as use is, to modify stipends, for the present year.

“ Lastly, That an act of council be made, allowing the proceedings of the Church, and the concurrency given them by the noblemen, barons, and others in the present action.”

It was late and the night fallen before these articles were put in form, the day being then at the shortest; the persons chosen to present them were the lairds of Bargenny, Pittarrow, Faldonside, Mr David Lindsay, and Mr Robert Rollock. Before their coming the council had concluded not to receive the petitions, as was promised, and to commit those that did present them; yet doubtful what might be the event

thereof, it was thought fitter to terrify them from presenting the same. For this effect the Lord Ochiltrie was appointed to meet them at the outer gate, who drawing Bargenny aside advised him to go back, because of the anger which the king had conceived, and to meddle no more in that business; for the king, he said, knew he was brought upon it unwillingly, and would excuse his part, if he went no farther. Bargenny, forethinking his employment, and not knowing how to colour it to his associates, the Lord Ochiltrie drew them aside, and said that he had brought the laird of Bargenny to the town for affairs that did nearly touch him, and that he did not think to meet with such business at his coming, therefore desired them to have his friend excused for that time; and seeing they were a number sufficient to do the errand, they might go to it, or, if they pleased to delay the same to the next morrow, he should be with them. They answered, that they were also little foreseen at their coming of those matters as he was, and seeing they were all joined in one commission, if he who was the principal did decline it, they could do nothing by themselves; and so the business was left for that night.

In the morning early the king and council departed to Linlithgow, leaving a proclamation, which was presently published at the market-cross of Edinburgh, of this tenor: "That the king, considering the late treasonable uproar moved by certain factious persons of the ministry of Edinburgh, (who after they had uttered most seditious speeches in pulpit, did convene a number of noblemen, barons, and others in the Little Church, and sent some of their number to his majesty, being then in the upper house of session, using him in a most irreverent manner, and with speeches ill-beseeming any subject; and that a multitude of the townsmen by persuasion of the said ministry had treasonably put themselves in arms, intending to bereave his majesty and his council of their lives), did think the said town an unfit place for the ministration of justice, and had therefore ordained the lords of session, the sheriffs, commissars, and justice, with their several members and deputies, to remove themselves forth of the town of Edinburgh, and be in readiness to repair unto such places as should be appointed; commanding in like sort all noblemen and barons to despatch unto their houses, and not

to presume to convene either in that or any other place without his majesty's license, under the pain of his highest displeasure."

This proclamation, with the king his sudden departing, wrought a great alteration in the minds of the people. They began then to see their error, and looked heavy one upon another. The better sort being in a great perplexity what they should do, called their council together, but could not resolve what course to take. To follow the king and plead for the town, they could not think any of them would be accepted (and it being the last day of the week, hardly would any others undertake the employment); so as they saw no way but to be quiet till they heard what the king and council concluded to do. But the ministers persisting in their first resolution laboured to have the noblemen and barons remain together, and to send for others well affected in religion, who, as they thought, would join in the cause. A bond to this effect was drawn up, and subscribed by some few. The council of the town excused themselves, saying, "Their good will was known, and that they were not to leave their dwellings;" which made divers keep back their hands. Always it was thought meet that the ministers should write to the Lord Hamilton and the laird of Buceleuch, of whose assistance they held themselves assured, entreating them to repair to the town and countenance the cause; as likewise that the rest of the ministers in the country should be convened as unto a General Assembly, and desired to bring with them the best affected gentlemen within their parishes.

They were at the same time in a long deliberation, whether or not they should excommunicate the Lord President and Advocate, which divers urged. The Controller was in some better opinion with them, by reason of a message sent quietly to Mr Robert Bruce. But in end they resolved to continue that business to the meeting of the Assembly, when the sentence might be pronounced with greater authority. Meanwhile, to keep the people in a good disposition, a fast was proclaimed through the city, and sermons of preparation ordained to be made that afternoon in all the churches.

A minister named Mr John Welch, making offer to supply the place in the High Church, was allowed to preach, who

taking for his theme the epistle sent to the angel of the church of Ephesus, did rail pitifully against the king, saying, "He was possessed with a devil; that one devil being put out seven worse were entered in place; and that the subjects might lawfully rise, and take the sword out of his hand:" which he confirmed by the example of a father that falling in a frenzy might be taken by the children and servants of the family, and tied hand and foot from doing violence. A most execrable doctrine and directly repugnant to holy scriptures; which yet was taken by many of the hearers as a sound and free application. So ready are men to flatter themselves in wickedness, and even to justify impiety itself. A rumour was then also dispersed throughout the town, that in the day of tumult the earl of Erroll did come to the Queensferry with five hundred horse, and was gone back upon report of the stir. This upon the Sunday took up a great part of the ministers' sermons, and was brought to justify the multitude's proceedings, as though they had been directed by a secret providence to disappoint the wicked practices that were in hand. A manifest forgery it was, yet believed at the time by foolish and credulous people.

The messenger sent to the Lord Hamilton was at his coming well received. At first the nobleman made a show that he would go for Edinburgh; but upon better advice he turned to Linlithgow, and taking the copy of the letter that was sent unto him (for he rendered the principal to the bearer), he showed the king what an invitation he had from those at Edinburgh. The king at sight of the letter grew exceeding angry, for therein, after a short narrative of the injuries the Church had received by the malice of some counsellors, it was said, "That the people animated by the word and motion of God's Spirit had gone to arms, and that the godly barons and other gentlemen that were in town had convened themselves, and taken on them the patrociny of the Church and her cause, only they lacked a head and special noblemen to countenance the matter; and since with one consent they had made choice of his lordship, their desire was that he should come to Edinburgh with all convenient diligence, and utter his affection to the good cause, accepting the honour which was offered unto him."

This letter, indited by Mr Robert Bruce, and subscribed

by him and Mr Walter Balcanquel, was of all that yet had happened the worst, nor could it receive any good construction; for albeit in an apology afterwards set forth it was said to be penned only to please the nobleman, who was of an ambitious humour, yet put the case he had accepted, and taken upon him to be their head, as he was desired, who can tell what mischief might have ensued, and if it might not have turned to the wreck and ruin of many innocents? But faults follow one upon another, and when men have once passed bounds they run easily into error.

On Monday early a charge was directed to the provost and bailies for imprisoning the ministers; but they upon some advertisement fled, and went to Newcastle in England. The town the same day sent John Arnot, Hugh Brown, George Heriot, and John Watt, to purge themselves of the tumult, and offer their obedience in every thing his majesty and council should be pleased to enjoin for repairing the indignity and dishonour done to his highness; providing they should not be thought guilty of the crime, which from their hearts they detested. But the king would receive no purgation, saying, "That fair and humble words could not excuse such a fault, and that he should come ere it were long, and let them know he was their king." The next day in council the tumult was declared to be treason, and the councillors, executors, and partakers to be traitors, as likewise all that should thereafter partake and assist the committers thereof.

This put the town in a great fear, neither did they expect any other than an utter ruin. All the judicatories were removed to Leith; the Session ordained to sit at Perth after the first of February; their ministers were fled, the magistrates not regarded, and those of greatest power about the king, their enemies; what they should do they were doubtful. After divers opinions given, they are resolved that some should be sent who would be more acceptable, to supplicate the king, and excuse the town's part, for that perhaps would be taken better at other men's hands than any of their own. To this errand none was held so fit as Mr David Lindsay, Mr John Preston, and Mr John Sharp, men in favour with the king, and free of all faction.

These coming to the king at Linlithgow, after they had

showed the miserable estate of the town, and how grieved all honest men were for the displeasure he had conceived against them, did beseech him not to use the extremity of rigour, but to put a difference between the innocent and guilty. "In great towns, such as that was (they said), there would ever be some bad spirits; and if the insolencies of a rascal multitude should be imputed to the town, it would be thought hard, specially since the magistrates had done their duties and repressed the tumult. If on their part there had been any connivance, or the smallest appearance that they did favour the sedition, they protested that they would not once have opened their mouths in their favour; but since it was known that none were more offended with the tumult than they, and that they were careful to find out the authors and present them to punishment, they could not but humbly entreat his majesty to relent his wrath, and to be mitigated towards the town."

The king after a little pause answered, "That he could not think the town to be free; for, if some of the principals had not approved the multitude in their doings, the tumult could not have been so great; but howsoever the magistrates' negligence could not be excused, in so far as they did not prevent the disorder, always his resolution was to proceed by form of law, and not to use any violent course; he had appointed the Estates to meet in the same place where the dishonour was done unto him, and would follow their advice both in the trial and punishment." With this answer they were dimitted.

The last of December, which was the day preceding the convention, the king came to Leith, and stayed there all night, giving order for his entry into the town the next morning, which was in this manner. The keys of the town being delivered to one of the king's officers, a guard of armed men was placed in the streets, the citizens being commanded to stay within their houses, and forbidden to carry any weapon. The earl of Mar with the Lords Seaton and Ochilttrie had the charge of the town given them, without the admission of the magistrates; and they having disposed all things in the best fashion, the king accompanied with a great train of nobles entered the town, and riding up the street lighted at the Tolbooth, where the Estates were appointed to meet.

After some general discourses of the tumult, the king was advised to call the magistrates, and hear what they could say in behalf of the town.

Sir Alexander Home of North Berwick, provost, Roger Macnaught, George Todrick, Patrick Cochran, and Alexander Hunter, bailies, with a number of the town council, compearing and falling on their knees, after some few words delivered by the provost, did present in writing the offers following :—

“ That for pacifying his majesty’s wrath, and satisfying the lords of council, they should upon their great oath purge themselves of all foreknowledge and partaking in that seditious tumult. And as already they had made a diligent search to find out the authors, so they should not cease till they had brought the trial unto the uttermost point ; or if his majesty and council did think any others more fit to take the examination, they should willingly resign their places to such as his highness would appoint, and assist them at their power. And because his majesty had taken that tumult to proceed from certain sermons preached by their ministers, who were now denounced rebels, they should promise never to readmit any of those ministers, unless his majesty did command otherwise. As also, that the like should not fall out thereafter, the town should be obliged never to receive any minister in time coming but by his majesty’s advice and approbation. And in the election of their magistrates they should yearly present their lites to his majesty and the lords of session, to be allowed or disallowed at their pleasure, and propone such others as his majesty should think more apt and sufficient for the charge, and to that effect should alter the time of their election, and make the same on some day of November, when the lords of session were convened and might give their advice thereto. They did lastly offer to fulfil whatsoever his majesty and council should think fit to be done in the premises, under protestation that they did not take upon them the crime, and that it should not be thought to have been committed of their foreknowledge.”

Thus it proved true which Tacitus saith, “ that all conspiracies of the subjects, if they succeed not, advance the sovereignty ;” for by this tumult was the king’s authority in

matters ecclesiastical so far advanced, as he received little or no opposition thereafter.

The offers of the town, howbeit made in great submission, were not accepted, and counsel given by some noblemen to raze the town, and erect a pillar in place thereof, for a monument of the insolency committed, and the just punishment taken thereof. Others were more mild in their opinions; but for that time nothing was concluded.

The queen of England upon notice sent to her of these broils did write to the king a letter, which (for the wise and loving advice it contained) I thought meet here to insert.

“ My dear Brother,—If a rare accident and ill-welcomed news had not broken my long silence, I had not used now my pen-speech, as being [too?] careful of your quiet, and mindful of your safety, to omit the expressing of both, by letting you know how untimely I take this new begun frenzy, that may urge you to take such a course, as may bring into opinion the verifying of such a scandal as ye avowed to me to be far from your thought. In this sort I mean it; some members of the Church with their companies have over audaciously emboldened themselves to redress some injurious acts that they feared might overthrow their profession, which though I grant no king for the manner ought to bear with, yet at the instant when the new banished lords returned, and they seen to be winked at without restraint, and the spring-time going on, when promised succour is attended, together with many letters from Rome and elsewhere sent abroad, to tell the names of men authorized by you, as they say (though I hope falsely), to assure your conformity, as time may serve you, to establish the dangerous party, and fail your own. I wail in unfeigned sort, that any just cause should be given you to call in doubt so disguised acts, and hope that you will so try this cause as that it harm not you, though it ruin them.

“ Of this you may be sure, that if you make your strength of so sandy a foundation, as to call to your aid such as be not of your flock, whenas the one side be foolish, rash, headstrong, and brainsick, yet such as may defend you, having no sure anchorage for themselves, if you fail them; and the

others, who have other props to sustain them, though they lack you, yea such as though your private love to their persons may inveigle your eyes, not to pierce in the depth of their treason, yet it is well known that their many petitions for foreign aid might have tended to your peril, and your country's wreck; for seldom comes a stranger to a weaker soil that thralleth not the possessor, or endangereth him at least. I trust you think no less, or else they must justify themselves to condemn you, for without your displeasure, not feared for such a fact, no answer can shield them from blame. Now to utter my folly in seeming busy in another's affairs, I suppose you will not mislike, since the source of all is care of your good, to desire that nought be done that may embolden the enemy, decrease your love, and endanger your surety. This is in sum the line whereto I tend, and God I beseech to direct your heart in such sort, as ye please not your worst subjects, but make all know in a measure what is fit for them, and make difference between error and malice. So God bless you with a true thought of her that means you best,

“ Your most affectionate sister,

“ ELIZABETH R.”

This letter was to the king's mind; for albeit he judged the offence great, yet it was not his purpose to use rigour, but to assure the obedience of the subjects in time coming, and make his own advantage of their disorders. Therefore in the next meeting which was kept at Halyrudhouse, the tumult being of new declared to be treason by the Estates, no farther was done, but a conclusion taken to pursue the town criminally before the justice; and to charge the provost, bailies, council, and deacons of crafts, as representing the whole body of the town, to enter their persons within the town of Perth before the first of February, and there to keep ward till they should be cleared, or found guilty of the uproar.

In this convention the Octavians not according well amongst themselves (for the prior of Blantyre did keep a course with the gentlemen of the chamber, and underhand informed the ministry of the ill affection that the President and Advocate carried unto them), gave over their commission

of exchequer in his majesty's hands. They pretended the many burdens which they sustained otherwise, their services in council and session, with the charge of the queen's rent and living; but the true cause was, the malice and envy carried unto them for the credit and place they had with the king, which their service had well deserved; for never were the rents of the crown so thriftily and so rightly used as in that short time of their employment. But the king loved to have peace though with his own loss, neither did they like to be the instruments of his trouble.

A little before these stirs with the Church, Captain James Stewart (who had been sometimes chancellor, and carried the title of the earl of Arran) was killed by James Douglas of Torthorwald. This man after he was put from court had lived obscure in the north parts, and was entertained by the Lady Salton his sister-in-law. Being in some hope to come again by the office of chancellor, as yet void by the death of the Lord Thirlstane, he came south, and had a long conference with the king, which did greatly encourage him; but till matters might be better prepared, he took purpose to visit his friends in Kyle. Taking his journey by Symington nigh unto Douglas, he was advised by his friends in those parts to look to himself, and not ride so openly, because of Torthorwald that lived not far off, whose uncle he had followed (as they spake) to the death. His reply (as he was a man proud and disdainful) that he would not leave his way for him, nor for all the name of Douglas, being overheard by a fellow, and reported to Torthorwald, did so inflame him, the old ulcer remaining uncured, as he avouched to have his life at all hazards. So getting intelligence that he had taken horse, he made after him with three of his servants, and overtaking him in a valley called Catslack, after he had stricken him from his horse, did kill him without any resistance. It is said that when Captain James saw the horsemen following, he did ask how they called the piece of ground on which they were, and when he heard the name of it, he commanded the company to ride more quickly, as having gotten a response to beware of such a part. He was a man full of violence, and when he was in place of rule executed it with much cruelty, which was now paid home in the end.

The king, who had longed to see a decent order established

in the Church, such as agreed with the word of God, the allowable custom of the primitive times, and with the laws of the country, did think this a fit time to effectuate his purpose, and thereupon resolved to call a national Assembly to meet at Perth the last of February, for treating and determining the bounds and exercise of the spiritual jurisdiction; and to the end that all might come the better prepared, and be duly advised with the matters then to be entreated, he caused some articles to be drawn up and imprinted with a preface, wherein he took God the searcher of all hearts to record, that his intention was not to trouble the peace of the Church by thorny questions, nor yet to claim to himself any tyrannical or unlawful government over the same, but only to have these doubts solved, which might either in his time or in the time of his successors engender debate; and to have the policy of the Church so cleared, as all corruptions being removed, a pleasant harmony might be settled betwixt him and the ministry, to the glory of Almighty God, the content of all good men, and terror of the wicked.

The articles were fifty-five in number, and drawn up in form of questions, as followeth:—

1. May not the matters of external gubernation of the Church be disputed, *salva fide et religione*?
2. Is it the king severally, or the pastors severally, or both conjunctly, that should establish the acts concerning the gubernation of the Church? or what is the form of their conjunction in the making of laws?
3. Is not the consent of the most part of the flock, and also of the patron, necessary in the election of pastors.
4. Is it lawful for the pastor to leave his flock against their wills, albeit he have the consent of the presbytery? and for what cause should the presbytery consent thereto?
5. Is it lawful for a minister to use farther application than that which may edify his own flock? or is the whole world the flock of every particular pastor?
6. Is he a lawful pastor who wants *impositionem manuum*?
7. Is it lawful to pastors to express in particular the names of councillors, magistrates, or others whatsoever in pulpit, or so lively to describe them that the people may under-

- stand whom they mean, without notorious declared vices, and private admonitions, preceding?
8. For what vices should admonitions and reproving of magistrates pass publicly from pulpits, in their absence or presence, *respectivè*?
 9. Is the application of doctrine in pulpits lawful which is founded upon informations, bruits, and rumours, suspicions and conditions, if this be or that be, probabilities, likelihood or unlikelihood of things to come in civil matters, which all may be false, and consequently the doctrine following thereupon; or should all applications be grounded upon the verity of known and notorious vices?
 10. Is the text which is read in pulpit the ground whereupon all the doctrine should be built? or may all things be spoken upon all texts, so that the reading thereof is but a ceremony?
 11. May a simple pastor exercise any jurisdiction, without consent of the most part of his particular session?
 12. Is his session judge to his doctrine?
 13. Should not the moderator of the session be chosen yearly of any who hath voice therein?
 14. May the session be elected lawfully by ministers only, without the consent of the whole congregation?
 15. Why should not elders and deacons of particular sessions be elected *ad vitam*?
 16. How many presbyteries are meet to be in the whole country, in what places, and how many pastors of churches in every presbytery?
 17. Should not the elders and deacons of every particular session have voice in presbyteries, or the pastors only?
 18. What are the matters belonging to the jurisdiction of the presbytery, which may not be entreated in particular sessions?
 19. What form of process in libelling and citation, what terms and diets, and what probations should be used before the said particular sessions and presbyteries *respectivè*?
 20. What matters should the synodal assemblies treat upon, which may not be decided in presbyteries?
 21. Should not all who have voice in presbyteries and

- in the particular sessions, have voice in the synodal assemblies?
22. Should each university or college, or every master or regent within colleges, have voice in presbyteries and synods, in the towns and countries where they are? as likewise what form of voice should they have in General Assemblies?
 23. Is it lawful to convocate the General Assembly without his majesty's license, he being *pious et Christianus magistratus*?
 24. Is it necessary that the General Assembly should be ordinarily or extraordinarily convened for weighty causes concerning the whole Church?
 25. Have not all men of good religion and learning voice in the General Assembly?
 26. Is every particular pastor obliged to repair to the General Assembly? or is it sufficient that only commissioners come from every particular session, presbytery, or synod?
 27. Who should choose the commissioners to come from every shire to give voice in the General Assembly?
 28. What is the number of those that give voices, which is necessary to the lawfulness of a General Assembly? and how many of the number should be pastors, and how many other men?
 29. May any thing be enacted in the Assembly to which his majesty consents not?
 30. Is it expedient that the two part of them who have *jus suffragii* should consent to any things decerned in ecclesiastic judgments, that matters pass not by one voice more or less?
 31. Hath not every judgment, inferior to the General Assembly, a territory limited, without the which they have no power of citation or jurisdiction?
 32. What is the ordinary ecclesiastic judgment for his majesty's household and council, removable with his majesty to any part of the realm?
 33. Should there be libelled precepts containing the cause of the citation and certification of the censures before all ecclesiastic judgments? or should they answer *super inquirendis*?
 34. Have the inferior judgments power to summon any to

compear before the superior? or should men be summoned only by the authority of that judgment before which they ought to compear?

35. Is it not necessary that private admonitions, with reasonable intervals of time, pass before all manner of citations?
36. What interval of time is necessary between every private admonition and between the first citation, and the day of compearance, and betwixt the citation and the last admonition, in every one of the said judgments?
37. How many citations should infer contumacy?
38. Is simple contumacy without probation of a crime, or is any crime without contumacy, a sufficient cause of excommunication?
39. Are there not divers kinds of censures, such as *prohibitio privati convictus*, *interdictio à cœna*, not published to the people; and last of all, *publica traditio satanæ*?
40. Should the presbyteries be judges of all things that import slander? and if so be, whereof are they not judges?
41. Can excommunication be used against thieves, murderers, usurers, and not payers of their debts? and if so it may be, why are not the highland and border thieves cursed, as also all the forswearing merchants and usurers amongst the burghs?
42. Is there any appellation from the inferior to the superior judgment? and is not the sentence suspended during the appellation?
43. Should not all processes and acts be extracted to parties having interests?
44. Is summary excommunication lawful in any case without admonition and citation preceding?
45. Have any others but pastors voice in excommunication?
46. Hath every ecclesiastical judgment a like power to excommunicate?
47. Is it lawful to excommunicate such papists as never professed our religion?
48. A woman being excommunicated, having a faithful husband, should he thereafter abstain from her company?
49. Is it not reasonable that before any letters of horning be granted by the session upon the process of excommunication, that the party should be cited to hear them granted?

50. Hath not a Christian king power to annul a notorious unjust sentence of excommunication?
51. May any council or university be excommunicated? for what cause, by whom, and the manner thereof?
52. When the pastors do not their duties, or when one jurisdiction usurpeth upon another, or any other schism falleth out, should not a Christian king amend such disorders?
53. May fasts, for general causes, be proclaimed without a Christian king's command?
54. May any ecclesiastical judgment compel a man to swear *in suam turpitudinem*?
55. Should there any thing be entreated in the ecclesiastical judgment prejudicial to the civil jurisdiction or private men's rights? and may not the civil magistrates stay all such proceedings?

How soon these questions were divulged, and that it was seen they all touched upon the abuses crept into the discipline, the ministers that stood affected to the present order were much perplexed; neither did any thing more offend them, than that the government should be brought in dispute which they had given out always to be a part of the gospel. This at any hand they thought was to be prevented; and many private conferences were kept to this purpose. Neither did the king neglect to provide himself of a party against that meeting; and thinking he should gain most easily the ministers in the north parts, he employed Sir Patrick Murray, gentleman of his chamber, to deal with them, giving him direction first to show what a slander the ministers of Edinburgh had brought upon religion by the stirring up of the late uproar, and the inciting of the Lord Hamilton and others of the nobility to open rebellion against him; how for the same they were become fugitives, and denounced his majesty's rebels; and thereupon to desire them by some public act or declaration to utter their dislike of those seditious and treasonable courses.

He was next desired to urge their subscription to the bond, which was appointed to be subscribed by the ministers for acknowledging his majesty's royal power above them in all causes of sedition, treason, and other civil and criminal

matters, and in all speeches uttered by them in pulpits, schools, or otherwise, which might import the said crimes, or any of them.

Thirdly, to require them to accept the earl of Huntly his offers for satisfying the Church, and to absolve him from his excommunication, they finding his offers reasonable; seeing the bosom of the Church ought always to be open to penitents, and that they should be more ready to receive than to cast out: wherefore as the presbytery of St Andrews, to the which he was not subject, had pronounced him excommunicate, they, under whose jurisdiction he lived, might and ought with better reason declare him absolved. Neither should the pretext of the General Assembly's ratification of the sentence be a stay unto them, considering it was done many months after the pronouncing of the sentence, and that the absolution they should give might in the like manner be ratified at the next Assembly; much less ought the prohibition of the presbytery of Edinburgh (whereof his majesty was informed) be any hindrance to them, seeing they were neither subject nor subordinate to them, but as free in all respects as themselves.

And if any doubt should arise upon the form of the earl's satisfaction, he was to remember them that the same is expressly defined in the act of parliament, anno 1572, made against apostates and other adversaries of the true religion, where it is said, "That they which have made defection from the truth should not be received to our sovereign lord's mercy and favour, till they have given of new the confession of their faith, and promised to continue in the profession thereof, in all time coming, and to fortify the preachers of the same against whatsoever enemies."

Last of all, he was appointed to deliver them a copy of the imprinted questions, and to desire the most discreet of their number to be sent commissioners to the Assembly appointed at Perth, with promise of special favour to them in all their businesses, his good will towards the ministry being no way altered by the wrong he had received from those insolent ministers of Edinburgh. This was the substance of his instructions.

The ministers with the reverence that was due made answer, That for the tumult of Edinburgh they were igno-

rant of the ministers' behaviour therein, as likewise of the reason of their flight, and having no jurisdiction over them, they could give forth no judgment or censure; only in the general they would say, that whosoever by just trial should be found authors of that insurrection deserved to be punished as traitors, and if they were ministers, to be doubly punished.

For their subscription to the bonds, they answered, That at their acceptation of the ministry they had taken oath for acknowledging his majesty's power and authority, and would not decline the same; but where the bond did mention speeches uttered in pulpit, because the same concerned application of doctrine, which his majesty had proponed as a question to be decided in the approaching Assembly, they did humbly entreat his majesty to spare them in that point unto that time, which they promised precisely to keep.

For the earl of Huntly, they said, his repentance should be most acceptable to them; that they were content to give him conference, and use all means for his resolution; but they did not find him so willing to conform as they wished, nor very earnest for his absolution.

This was the sum of their answer, which the king did accept the better, because of the hopes given to his servant of all satisfaction on their parts at the meeting of Perth, which they also performed; for both then and afterwards in all assemblies and conventions they did stick fast unto him. But the king being made to understand that Huntly did linger and delay to make offers for satisfying the Church, he sent him the letter following written all with his own hand:—

“ My Lord,—I am sure ye consider and do remember how often I have incurred skaith and hazard for your cause; therefore, to be short, resolve you either to satisfy the Church betwixt and the day that is appointed without any more delay, or else if your conscience be so kittle as it cannot permit you, make for another land betwixt and that day, where ye may use freely your own conscience; your wife and bairns shall in that case enjoy your living; but for yourself look never to be a Scottishman again. Deceive not yourself to think that, by lingering of time, your wife and

your allies shall ever get you better conditions. And think not that I will suffer any professing a contrary religion to dwell in this land. If you obey me in this, you may once again be settled in a good estate, and made able to do me service, which from my heart I would wish. The rest I remit to the bearer, whose directions ye shall follow if you wish your own weal. Farewell.

“ From Dunfermline.

JAMES R.”

Such was the king's care for reclaiming the nobleman to the profession of the truth, whilst people suffered themselves to be abused with rumours that he himself was declining. Letters in the meantime were directed to all the presbyteries, advertising them of the meeting at Perth, and desiring they should send their commissioners thither instructed with power to treat and conclude in all matters to be proponed. When the day came, the Assembly was frequent enough; but divers commissioners bearing a power only to convene, hear, and report, and not to question anything concluded in former Assemblies, the king sent Sir John Cockburne of Ormiston, Mr John Preston, and Mr Edward Bruce, to ask those that were convened, “ Whether they did account that meeting a lawful General Assembly, having power sufficient to treat and conclude in the articles that should be proponed, according to his majesty's missive letters directed to the several presbyteries?” After long reasoning, answer was made, “ That they did esteem the meeting to be a lawful General Assembly, called extraordinarily by his majesty's letters, and that they would hear, treat, and conclude of things that should be moved unto them, according to the commissions wherewith they were authorized.”

This answer given, they presented the articles following:—
“ Seeing the quietness of the Church and the freeing of the same from slander, which upon the contrary effects would necessarily follow, is the principal scope and end at which his majesty aimeth in this present Assembly, for eschewing fashious and long disputes whereupon controversies and debates might arise, his majesty hath thought good to remit the decision of a great number of the questions imprinted to better oppor-

tunity, and will content himself with the determination of a few that he hath made choice of, which without a greater harm could not be longer delayed.

As first, That it be not thought unlawful either to the prince or any of the pastors at any time hereafter to move doubts, and crave reformation of any points in the external policy and discipline of the Church, which are not essential concerning salvation, nor expressly defined in scripture; providing it be done *decenter* in right time and place, *animo ædificandi, non tentandi*.

2. That, seeing the civil and politic government of the country belongs properly to the king's office and his counsellors, and is no way pertinent to the spiritual ministry of the word, no minister should thereafter meddle with matters of estate in pulpit, or with any of his majesty's laws, statutes, or ordinances; but if any of them seem hurtful to religion, they should complain to the king and council thereof.

3. That it should not be lawful to ministers to name any particular men's names in pulpit, or so vividly to describe them as may be equivalent to their naming, except upon the notoriety of a crime, which notoriety must only be defined by the guilty persons being fugitive for the crimes, or the declaration of an assize, or their excommunication for the same.

4. That every minister in his particular application have only respect to the edification of his own flock and present auditory, without expatiating in other discourses no way pertinent to their congregation.

5. That every particular presbytery be commanded to take a diligent account of the doctrine of their ministers, and see that they keep themselves within bounds in the premises.

6. That summary excommunication be utterly discharged, and that three lawful citations, at least of eight days' interval betwixt every one of them, precede the sentence.

7. That no session, presbytery, or synod use censures upon any but those that are within their bounds; otherwise their decrees and sentences to be null.

8. That all summons contain a special cause and crime, and none be used *super inquirendis, quod est mere tyrannicum*.

9. That no meeting or convention be amongst the ministers without his majesty's knowledge and consent, except the ordinary sessions, presbyteries, and synods.

10. That in the principal burghs no ministers be placed without the consent of his majesty and the flock; and this order to begin presently in Edinburgh.

11. That all matters concerning the rest of his majesty's questions be suspended, and neither condemned nor rebuked, either in pulpit, or any other judicatory, till the same be decided in the next General Assembly; especially that no matters be called before the ecclesiastical judicatories as importing slander, wherein his majesty's authority may be prejudged; but that they meddle only with causes merely ecclesiastical.

12. That some wise and discreet ministers, to the number of seven or eight, be authorized by commission to reason upon the rest of the questions, when opportunity of time shall serve.

Lastly, That the present Assembly grant commission to the ministers of the north country to absolve the earl of Huntly from his excommunication, if he satisfy the Church."

For the better determining of the said articles, it was thought meet that some brethren should be desired to confer of them apart, and report their opinions to the Assembly, which they did the next morning. Touching the first article, they said, That they held it not expedient to make any law or act concerning that matter, lest a door should be opened thereby to turbulent spirits; otherwise they did think it lawful to his majesty, by himself or by his commissioners, to propone in a General Assembly whatsoever point his majesty desired to be resolved in, or to be reformed *in specie externi ordinis*, seeing *substantia externæ administrationis ecclesiasticæ est plenissime prodita in sacris literis*. And as the General Assembly hath accepted well of this manner of doing in all times past, so in their opinion they would do the like in time coming.

For the second their advice was, That the acts already made which are hurtful to religion, and prejudicial to the liberty of the word, should be discharged, and no act thereafter passed concerning religion without the advice and consent of the Church. As for matters of estate mentioned in the article, they craved a farther explanation of that point.

The third they esteemed reasonable, that no man's name should be expressed to his rebuke in pulpit, unless the fault

was notorious and public ; but they esteemed notoriety must be defined otherwise than by the three ways set down in the article : for contumacy after citation, the public commission of a crime, such as was Bothwell's treasonable attempt at Leith, the burning of Donibristle, and the like, make also a notoriety. As to the vive description, said to be equivalent, they thought it hard to set any law to that, seeing every guilty person will think himself described when his fault is rebuked, albeit the minister doth not once think of him.

The fourth and fifth articles they judged lawful ; but for the sixth, which craves a simple charge of summary excommunication, they advised to remit the same to the next Assembly, suspending the practice thereof in the meantime. The seventh, they thought, was likewise to be remitted. To the eighth they agreed ; and for the ninth, that concerned the meeting of pastors, they said that besides sessions, presbyteries, and synods, pastors are accustomed to meet for visitation of churches, admission of ministers, taking up of fends, resolving of questions, and the like.

The tenth they esteemed reasonable. The eleventh article seeming to import a discharge of many points of discipline, they said was so large that it could not be presently answered. And the last two they remitted to the full Assembly, judging that they ought to be granted.

These answers showed to the king were not liked, and held insufficient ; whereupon the Assembly was desired to repair to the place where his majesty and the Estates were convened, for treating upon the foresaid articles. At their coming the king had a speech much to this purpose : “ That they could not be ignorant either of the occasion, or of his purpose in calling the present Assembly ; and for the occasion, that it grieved him to remember it, not for any injury or displeasure done to himself, but for the shame and slander cast upon religion ; for have not the adversaries, said he, now too just a ground against us, who say that our profession teacheth the contempt of princes, and maintains insurrections against them ? I know it is the fault of men, and not of the profession, and none of you that are met here I take to be guilty of the late attempt ; but it is in your hands to clear yourselves, if any think otherwise, and so to free your profession of that scandal. As to the purpose for which I have

called you together at this time, it is to mend such things as are amiss, and to take away the questions that may move trouble afterwards. If you for your parts be willing to have matters righted, things may yet go well. I claim nothing but what is due to every Christian king within his dominion, that is to be *custos and vindex discipline*. Corruptions are crept in, and more daily growing by this liberty that preachers take in the application of their doctrine, and censuring every thing that is not to their mind. This I must have mended; for such discourses serve only to move sedition and raise tumults. Let the truth of God be taught in the chair of truth, and wickedness be reprov'd; but in such sort as the offender may be bettered, and vice made more odious. To rail against men in pulpit, and express their names, as we know was done of late, there being no just cause, and make the word of God, which is ordained to guide men in the way of salvation, an instrument of sedition, is a sin, I am sure, beyond all other that can be committed on earth. Hold you within your limits, and I will never blame you, nor suffer others to work you any vexation. The civil government is committed to me, it is not your subject, nor are ye to meddle with it." After such words as these, he began to speak of the articles proponed, desiring to hear what reasons they had to the contrary.

Mr Thomas Buchanan, as he was appointed, did first protest in the name of the Assembly, "That their coming to that place was only to testify their obedience to his majesty, and to hear what should be proponed; but not to submit matters ecclesiastic, either concerning doctrine or discipline, to their judicatory, or yet to make themselves one Assembly with the Estates: and that therefore they should be permitted to return to the place of their Assembly to treat, reason, and conclude in the points moved unto them according to the word of God and good conscience." Which protestation was admitted. Then he did humbly thank his majesty for his good affection to the Church, and the care he had to redress things that were amiss in so peaceable a manner. And for the particulars proponed, he showed what was the mind of the Assembly, and the reasons that led them unto it, saying, they were willing to hear and give place to better information. Hereupon ensued a reasoning, which kept a long

time, and ended in a good agreement : so the ministers were dimitted, and assembling again in the ordinary place, they corrected their first answers in this sort.

1. That it is lawful to his majesty by himself or his commissioners, or to the pastors, to propone in a General Assembly whatsoever point his majesty or they desire to be resolved or reformed in matters of external government, alterable according to circumstances ; providing it be done in right time and place, *animo edificandi, non tentandi*.

2. That no minister should reprove his majesty's laws, acts, statutes, and ordinances, unto such time as first he hath by the advice of his presbytery, synodal or general assemblies, complained and sought remedy of the same from his majesty, and made report of his majesty's answer, before any farther proceeding.

3. That no man's name should be expressed in pulpit to his rebuke, except the fault be notorious and public ; which notoriety is thus defined, If the person be fugitive, convict by assize, excommunicate, contumax after citation or lawful admonition ; nor yet should any man be described vively by any other circumstances than public vices always damnable.

4. That no minister should use application, wherein he hath not a principal respect to the edifying of his own flock and present auditory.

5. That every presbytery take diligent account of the pastor's doctrine, and that he keep himself within the bounds of the word.

6. That the answer of the sixth article shall be superseded unto the next General Assembly, suspending in the mean time all summary excommunication unto the said Assembly.

7. That the seventh article be remitted to the next Assembly.

8. That all summons contain the special cause and crime, and none to be given out *super inquirendis*.

9. That no conventions shall be amongst the pastors without his majesty's knowledge and consent, except their sessions, presbyteries, and synods, the meetings of the visitations of churches, admission or deprivation of ministers, taking up of deadly feuds, and the like, which have not been found fault with by his majesty.

10. That in all principal towns the ministers shall not be

chosen without his majesty's consent and the consent of the flock.

11. That all matters concerning remanent questions shall be suspended, and neither damned nor rebuked in pulpit or other judicatories, till they be decided in the General Assembly; and that no matters importing slander shall be called before them in the mean time, wherein his majesty's authority is prejudged, causes ecclesiastical only excepted.

Lastly, for reasoning the said questions, according to his majesty's desire, the Assembly did ordain Mr James Nicholson, Mr John Coldcleuch, Mr Andrew Clayhills, Mr Thomas Buchanan, Mr David Lindsay, Mr James Melvill, Mr Robert Wilkie, Mr William Cowper, Mr John Cowper, Mr Robert Rollock, Mr Patrick Galloway, Mr Robert Howy, John Duncanson, and Mr James Bryson, to convene at such time and place as his majesty should be pleased to appoint, and to report their opinion and advice to the next General Assembly.

These conclusions taken, which for a beginning did satisfy the king, a commission was also given at his majesty's desire to the ministers of Aberdeen and Murray, with some others of Mearns and Angus, for reconciling the popish lords. The conditions required of Huntly to be fulfilled before his absolution were,

1. That he should appear before the commissioners appointed by the Assembly the twenty-second of March at Aberdeen, and remain in that city during the time of their conference with him, to the effect he might be instructed in the truth, and brought to condescend with knowledge unto the religion professed, and to the detestation of the contrary.
2. That he should acknowledge the Church of Scotland to be a true church, and adjoin himself thereto, hear the word, receive the sacraments, and be obedient to the discipline thereof.
3. That he should solemnly promise to remove forth of his company, and from the bounds that were under his power, all Jesuits, priests, and excommunicate persons.
4. That he swear and subscribe the confession of the faith in presence of the whole commissioners.
5. That he acknowledge the sentence of excommunication to have been justly pronounced against him for his apostasy from the truth, the slaughter of the earl of Murray, and burning of Donibristle, and that he

declare himself penitent therefor, promising assythment to the party whensoever he should be moved to accept the same. 6. That he provide sufficient maintenance to the churches within his bounds by the advice of his best disposed friends, and have an ordinary minister to reside with him in his family. And lastly, That he be content to reconcile with all that he is esteemed to carry any grudge unto, and profess no quarrel to any of those that assisted the king in his pursuit.

The like conditions were required of Angus and Erroll (that which concerned the earl of Murray only excepted). All matters being thus peaceably accorded, the king caused publish the good agreement he had made with the Church, taking in his protection the ministers with their families, goods, and possessions, and charging all papists (those excepted that were in terms of satisfaction) to depart forth of the country before the first of June.

The Assembly finding the king so well pleased, made bold to intercede for the ministers, the town of Edinburgh, and the gentlemen that were challenged for the tumult. For the town his majesty answered, that he was not minded to trouble innocent men, and should shortly settle with them. Touching the gentlemen, he said, they should do well to present their supplications by their friends. But for the ministers, he esteemed them most guilty, and knew not what course to take with them. It being replied, that by the examinations taken it appeared that they all, especially Mr Robert Bruce, was a chief instrument in the staying of the tumult, and that they should therefore be rather rewarded than punished; he answered, "That granting they did stay the tumult, yet they were the cause of it; and if they for that fault were first corrected, he would not be much troubled with their reward. Not the less, at the Assembly's request, he would be content they should be relaxed, upon caution to underlie the trial of law." Thus an end was put to that meeting, and the next Assembly by his majesty's consent appointed to be at Dundee the tenth of May following.

This year Mr John Lesley, bishop of Ross, departed this life at Brussels in Flanders, where for the most part he abode after the queen of Scotland's execution. A man (though differing from us in religion) worthy to be remembered for his

fidelity to the queen his mistress, and the extraordinary pains he took to procure her liberty, travailing with all the neighbour princes to interpose their credit with the queen of England for her relief: neither was he deficient otherwise in ministering the best consolations he could furnish for bearing patiently her cross, whereof one treatise he afterwards published full of piety and learning. How heavily he took her death it cannot well be expressed; yet comforting himself in the best sort he could, he put off to this time, and being much weakened by a languishing sickness that held him some months, he ended quietly his days. The history of his country from the beginning of the nation unto these last times, written by him in the Latin tongue, doth witness both his learning and judgment. It being just to give unto every man (albeit an enemy) his due commendation, I could not pass him unremembered. Mr David Lindsay, minister at Leith, was in the year following provided to that sec.

The diet assigned for the appearing of the town of Edinburgh at Perth, was upon their petition continued first to the fifteenth day of February, and from the fifteenth again put off to the first day of March, with a declaration, "That if two of the bailies, with the dean of guild, treasurer, four of the principal deacons, four of the council, and their clerk, making thirteen in all, did enter themselves the said day, and bring a sufficient commission from the provost, bailies, council, and community of the town for underlying the order that should be taken with them, as representing the whole body, their compearance by so many should serve for all the rest."

It was the fifth of March before they were called, at which time there compeared a number of persons, and presented a procuratory under the seal of the town, and the subscription of the clerks thereof, which his majesty caused to be read; then asking if all contained in the commission were present, it was answered that they were all there, William Mauld excepted, who had his majesty's letter of dispensation, which they produced. But the same being granted the eleventh of January, long before the deliverance upon their petition, which expressly ordained that they should have thirteen persons present for undergoing the trial, it was declared to be no warrant; and so for not fulfilling the ordinance of the council, the town was denounced, the burgesses declared

rebels, and their common goods (so they called the rents belonging to the town) arrested to the king's use.

It was pitiful to behold the desolation wherein the town was then cast. The magistrates renounced their offices, and would carry no more charge; the people were left without direction, wanting both magistrates and ministers; and in this state did they continue for the space of fifteen days. At last, by the intercession of some noblemen, the king was pleased to receive the town in favour; and the provost, bailies, council, and deacons of crafts, being brought unto his presence at Halyrudhouse the twenty-first of March, and falling upon their knees, did with tears beg pardon for their negligence in not timely preventing that tumult, raised (as they said) by a number of ill-disposed people, beseeching his majesty to take pity of the town, which did submit itself simply to his highness's mercy. The king, after he had sharply rebuked them, and showed in many words the greatness of their offence, commanded them to remove, that he might think what was fittest to be done. Then calling for the offers they had formerly made, he caused eke unto them the articles following. "That the lodgings in the churchyard wherein the ministers dwelt and kept their consultations should be given to his majesty, and used at his pleasure. That the ministers who should thereafter serve in the town should dwell in their own quarters and live dispersed. That the town should be obliged for the indemnity of the lords of session during their sitting, under the penalty of forty thousand marks. That the nether council-house, wherein the provost and bailies did keep their meetings, should be appointed for the exchequer; and that for the offence committed the town should be fined in twenty thousand marks, to be paid in four months." These conditions accepted, the king did pardon the town, giving order to receive them to his peace, and by proclamation recalled the session to sit in their former place. Never did any king, considering the offence, temper his authority with more grace and clemency than did his majesty at this time; which the people did all acknowledge, ascribing their life and safety only to his favour.

Shortly after the ministers were also permitted to return, and had their peace granted, but were not suffered to preach in their places; the king taking now the occasion of finishing

that work which some two years before had been moved, for distributing the people in several parishes, and planting more ministers among them. The let he knew was in the town, that still put off the business because of the burthen it would draw upon them; and knowing that the desire they had to have their old ministers reponed would make them the more forward that way, he refuses to readmit them until the distribution intended was perfected, and other four ministers adjoined to them, for the better instruction and more orderly government of the people. The ministers themselves did also profess that they were wearied of that confused ministry, as they called it; and compearing in the Assembly, which held at the time appointed in Dundee, they resigned their offices, denying to serve any longer, unless they had a particular flock designed. But because that work required a longer time than the Assembly could well abide together, the same was committed to certain delegates, and the ministers dwelling near unto Edinburgh ordained to furnish the pulpits for the interim.

In the Assembly Mr Robert Rollock was elected to preside, though he was not as yet in orders; in so great esteem he was with all good men for his learning, holiness, and moderation. The first thing done was the taking of an account of the ministers' travails with the earls of Angus, Huntly, and Erroll, and of their obedience to the injunctions given in the former Assembly. This was testified, by the ministers that had the charge, to have been in all points so well performed, as no more could be required of them. For verifying thereof their several subscriptions were produced, together with an humble supplication to the Assembly for accepting their satisfaction, and receiving them in the bosom of the Church; which accordingly was decerned, and order given that they should be received by the same commissioners who were appointed to meet at a certain time, and pronounce their absolution.

The next thing proponed was touching the questions left unresolved in the last Assembly; and because exception was taken, by some brethren that were absent, at the articles concluded at Perth, especially that it should have been acknowledged for a lawful General Assembly, it was of new declared to be a lawful Assembly, and certain explanations added to

the rest of the acts : As, in the point of notoriety, the crime should be reputed notorious, that was so manifest and known *ut nulla tergiversatione celari possit* ; and for the convening of pastors with his majesty's consent, the same was declared to be extended to all assemblies either general or particular, authorized by his highness's laws, and having warrant in the word of God. His majesty did likewise express his meaning, touching the provision of burghs with ministers, in this sort, that when the Assembly should find it necessary to place a minister in any town, he should either yield his consent or give a sufficient reason of his refusal. With these declarations the whole number were so well pleased, as, proceeding in the rest of the questions, they determined as followeth :—

First, Where his majesty doth crave that, before the conclusion of any weighty matter, his highness's advice and approbation should be had thereto ; the Assembly will be very glad to have his majesty's authority interponed to all acts of any importance made by the Church, so as matters formerly treated and concluded be not drawn in question.

2. That there should be an uniform order kept in the ordination of ministers, and none admitted but by imposition of hands, and to a certain flock on which they shall be astricted to attend. As also such as have not received ordination should not be permitted to teach in great rooms, except upon urgent necessity and in the defect of actual ministers ; and that good heed shall be taken that they did not pass their bounds, especially in application.
3. That no minister should exercise any jurisdiction, either by making of constitutions or leading of processes, without advice and concurrence of his session, presbytery, synod, or General Assembly.
4. That all sessions should be elected with consent of their own congregations.
5. That sessions, presbyteries, and synods should labour to be formal in their proceedings, and that the inferior judicatories should be tried in this point by their superiors.
6. That in the exercises of the word whereunto ministers convene, there should no application be used.
7. That in matters of importance, if the voices be different only by two or three, nothing should be concluded until a

better resolution was taken, and he who holdeth the negative give *rationem negandi*.

8. That presbyteries should not meddle with any thing that is not known, without all controversy, to belong to the ecclesiastical judicatory; and that therein uniformity should be observed throughout the country.
9. That no processes and acts should be extracted at the desire of parties having interest.
10. Summary excommunication should be suspended as before, and in great crimes after public intimation, the committer debarred *à sacris et à privato convictu*.
11. That where any presbytery should be desired by his majesty's missive to stay their proceedings, as being prejudicial to the civil jurisdiction or private men's rights, they should desist until his majesty did receive satisfaction.

The principal questions being thus decided, it was thought meet to supersede the treating of the rest, and to give a general commission to certain of the most wise and discreet brethren, for all affairs that might concern the good of the Church. For this effect choice was made of Mr David Lindsay, Mr Thomas Nicholson, Mr Thomas Buchanan, Mr Robert Pont, Mr Robert Rollock, Mr Alexander Douglas, Mr George Gladstones, Mr Patrick Galloway, John Duncanson, Mr Patrick Sharpe, Mr James Melvill, Mr William Cowper, and John Clapperton, to whom, or to any seven of them, power was given to convene with his majesty at such times as they should be required, for taking order touching the provision of ministers to the towns of Edinburgh, Dundee, and St Andrews, the houses of the king and prince, and to any other churches within the realm that should stand in need to be planted; as likewise to present the petitions and grievances of the Church to his majesty, either general or particular, and to give their advice to his highness in all matters that might serve to the weal and peace of the Church.

How soon the Assembly dissolved, Sir Patrick Murray was sent by the king unto the north, to see the conditions made by the three earls to the Church performed, and to assist the commissioners appointed for their absolution. He had farther in charge to cause them to subscribe the general bonds for the peace and quietness of the country, and to find

caution each of them, under the pain of twenty thousand pounds, not to traffic nor keep intelligence with any foreigners without his majesty's license by word or writing; particularly for the earl of Huntly it is enjoined, that he should follow the counsel of certain barons and ministers that the king did nominate unto him, and proceed by their advice in all weighty affairs, especially in matters that concerned his majesty's service. The barons nominated to him were, the laird of Findlater, the laird of Innes, the laird of Phillorth, the tutor of Cromarty, the laird of Pitlurg, and laird of Cluny, or any three of them; the ministers were, the bishop of Aberdeen, Mr Peter Blackburn, Mr John Forbes, Mr Robert Howy, the parson of Turriff, and Mr Alexander Douglas, or any three of them.

Whilst the king was thus busied to reconcile Huntly to the Church, Mr James Gordon, Jesuit, came into the country of intention to divert him from giving obedience; against whom a strict proclamation was made, inhibiting the subjects to reset, supply, or entertain any intelligence with him, under pain of treason, and a thousand crowns promised to any that should apprehend and bring him to the king. And at the same time was discovered a practice of fortifying the isle of Ailsa, in the west seas, for receiving certain forces that the Spanish king had promised to send thither. The contriver of this plot was one Hugh Barclay of Ladyland, who being committed the year before in the castle of Glasgow, had made an escape and gone to Spain. This year returning to make good what he had undertaken, with some few assistants, he entered into the isle (a huge rock it is, four miles in compass, wherein is an old ruinous tower built on the ascent of the rock, of difficult access), meaning to have victualled the same. Mr John Knox (the same who took Mr George Kerr with the blanks some five years before) getting intelligence of the purpose, came upon him unlooked, and landing in the isle did encounter him in the very shore; for most of his company being gone to seek their sport, he had stayed to see who those were that he espied coming to the isle, not thinking that his purpose was known, or that any would pursue him; but when he perceived them to be un-friends, and to be set for his apprehension, he ran into the sea and drowned himself. The king did esteem this, as it was

indeed, a piece of good service; and the news thereof going to the popish lords made them more willing to fulfil that which they had promised; so that, on the twenty-sixth of June, the earls of Huntly and Erroll, upon their solemn repentance, oaths, and subscriptions to the articles of faith, were absolved in the church of Aberdeen. The earl of Angus in the same manner was received by the ministers of Mearns and Angus.

This business ended, the king, for repressing the barbarous feuds which abounded at that time in the north parts, sent a commission to the bishop of Aberdeen, with concurrence of Sir Patrick Murray and some ministers, for taking up their quarrels, and with charges to cause the parties give assurance one to another, which should endure to the first of April in the year 1598. The feuds mentioned in the instructions sent to Sir Patrick Murray, were the feuds betwixt the earl of Huntly and Lord Forbes, the earl of Erroll and the laird of Ludqharne, the laird of Drum and young Fren draught, with a number more. But the most deadly and dangerous, betwixt the families of Huntly and Murray, the king reserved to be his own work, and ceased not till the same was removed, and a friendship made up by marriage, which should in all reason be most lasting. Those others were by the diligence of the bishop and ministers settled, and so the north parts reduced unto quietness.

In the end of June the king called the commissioners of the Assembly to a meeting at Falkland; where amongst other business a complaint was preferred by Mr John Lindsay of Balcarres, secretary, against Mr Robert Wallace, minister at St Andrews, for certain injurious speeches uttered in his sermons, having called him a briber, and said, "That albeit he had made conquest of fifty chalders victual in Fife, and built a house to the skies, yet his posterity should beg their bread, which some of his auditors should see; and that it was doubtful if ever God should grant him repentance." The secretary had complained of this to the presbytery, but they refused to admit his accusation, unless the same was assisted by two witnesses, who could affirm that the accuser had just cause to pursue the complaint, which they alleged to be the apostle's canon in the First Epistle to Timothy, ch. 5, v. 19, and showed themselves so partially affected, as he was forced to pursue the complaint before his majesty and the commissioners.

Mr Wallace being summoned to that diet, and desired to answer to the complaint, refused to acknowledge the judgment, alleging, "That the General Assembly had given them no commission in that particular, and that the accusation once intended before the presbytery of St Andrews ought to have been orderly taken out of their hands, which was not done. This declinator being proponed, compeared Mr Nicoll Dalglish, moderator of the presbytery, and in their name protested against the proceedings of the commissioners in that cause, as being once intended before them, seeing, by that form of doing, all the presbyteries of Scotland should be prejudged, and that the General Assembly, of whom they had their commission, would not take unto them the trial of any cause, with a neglect of the inferior judicatories." "Then," said the king, "I will likewise protest, that seeing one of the principal motives which induced me to crave, and the General Assembly to yield unto this commission, was to have the like of these offences, when they did arise, removed, and justice done by the ministers themselves, rather than to be brought before the council, ye will either proceed in examining the complaint, and do that which is right, or hold me excused if I take order with it by another form that will not please you so well."

The commissioners having advised the reasons of the declinator and protestation, did find them all invalid and of no force, and that they had warrant sufficient to proceed and minister justice in that action, as well in respect of the general power contained in their commission, as of the particular commended to their care in the planting of the church of St Andrews. So the complaint was admitted, and the fifth of July appointed at St Andrews for trying the same.

At the day the secretary compearing, accompanied with Mr Robert Mauld, commissar of St Andrews, and John Arnot, clerk to the commissariat, (whom he produced as assisting witnesses to take away the presbytery's exception,) did insist in his complaint. Mr Wallace being asked if he had any thing to oppose against the witnesses, refused to answer in respect of his declinator; whereupon they were admitted, and upon oath declared that they knew the accusation to be just, and that the secretary had not intended the same of any purpose to calumniate or slander the said Mr

Robert, but only to be repaired to his credit and honour, as one who had been greatly wronged by him. The witnesses for probation being then called, and Mr Wallace inquired if he had any exception against them, refused, as before, to answer. So they likewise were received, and being sworn, deponed, that they heard the said Mr Wallace utter the words complained of in his sermon. Not the less the commissioners for their better information did think it meet to call his auditors of the university, who were of better judgment, and could truly relate what they heard. The masters of the new college refusing to give any testimony, in respect of the presbytery's protestation at Falkland, all the rest affirmed what the witnesses had deponed. After which, Mr Wallace being again called, and desired to show what reason or warrant he had for uttering such speeches, refused still to make answer; nor could any persuasion break his obstinacy, though he was earnestly laboured by Mr Robert Rollock and Mr James Melvill apart, who did offer, upon the confession of the fault, that the process should cease.

The commissioners seeing no way to eschew the pronouncing of sentence, in regard of his obstinacy, did yet take counsel to visit the church, and inquire both of his and Mr Blake's behaviour in that ministry, before they went farther. A visitation for this effect being appointed the eleventh of July, and Mr Blake summoned to the same day, the elders and deacons of the Church were inquired touching the behaviour of them both, and the verity of the accusations laid against them; who all upon oath deponed that the accusations were true, and that Blake had spoken all that whereof he was convicted before the council; as also that the secretary's complaint of Mr Wallace was most just. And being asked touching their behaviour otherwise, they declared that both the one and the other were given to factions, and that they did not carry themselves with that indifferency which became preachers.

This declaration made clear way to the commissioners for ending that business, and providing St Andrews with a more peaceable ministry; whereupon sentence was given that both the ministers should be removed, and Mr George Gladstones (a man sufficiently qualified, serving then at Arbirlot in Angus) translated and placed in their room, till another

helper might be found out to be joined with him. This done, the Sunday following he was accepted of the people with a great applause, Mr Thomas Buchanan, Mr James Nicholson, and Mr James Melvill entering him to the charge.

And because it concerned the peace of the Church no less to have the abuses of the university reformed, the king calling the governors thereof, and inquiring what order they kept; when he understood that, against the accustomed form, Mr Andrew Melvill had continued rector a number of years together, he commanded a new election to be made, and honouring the election with his own presence in the schools of St Salvator, Mr Robert Wilkie, principal of St Leonards, was chosen rector, and appointed to bear that charge unto the ordinary time of election. As also, for preventing the like disorders, a statute was made, "That none should be continued rector above a year, nor admitted to the said office but after the space of three years." It was likewise declared, "That any supposit, having received the degree of a Master of Arts, might be chosen rector, he residing in the university during his office, or at least the most part of the time."

In the new college, whereof the said Mr Andrew had the charge, all things were found out of order; the rents ill husbanded, the professions neglected, and, in place of divinity lectures, politic questions oftentimes agitated: as, "Whether the election or succession of kings were the better form of government? How far the royal power extended? and, If kings might be censured for abusing the same, and deposed by the Estates of the kingdom?" The king, to correct these abuses, did prescribe to every professor his subject of teaching, appointing the first master to read the common places to the students, with the law and history of the Bible; the second to read the New Testament; the third the Prophets, with the Books of Ecclesiastes and Canticles; and the fourth the Hebrew Grammar, with the Psalms, the Proverbs, and the Book of Job.

For the better husbanding of the rents, as well in that as in the other colleges, it was ordained, "That there should be a council chosen to the university, which should have power to elect an œconomus in every college for uplifting the rents, and take care to see all things rightly administrated." Of this council were named the chanceller of the university,

the conservator of the privileges, the laird of Colluthie, Mr David Lindsay, Mr Robert Rollock, and Mr Thomas Buchanan; without whose consent and subscriptions it should not be lawful to set any lease, or make other disposition whatsoever of any part of their rents.

And, lest they should be distracted by any other employment, it was concluded, "That all the doctors, professors, and regents, not being pastors in the Church, should be exempted from the keeping of sessions, presbyteries, synodical or general assemblies, and from all teaching in churches and congregations, exercises excepted; with a discharge to all and every one of them, to accept any commission prejudicial to the said exemption, under the pain of deprivation and rebellion, at the conservator's instance, the one execution not prejudging the other." Yet, that they should not be thought excluded from the General Assembly, it was appointed, "That the masters and regents of the university should meet when any such occasion did offer, and condescend upon some three persons, of whom one should be elected by the foresaid council, to be present at the General Assembly for that year; which person so chosen should not for the space of three years thereafter be employed in that commission." These articles being openly recited in presence of his majesty, and of the whole members of the university, were accepted by the masters and regents, with solemn promise of obedience.

This summer there was a great business for the trial of witches. Amongst others one Margaret Atkin, being apprehended upon suspicion, and threatened with torture, did confess herself guilty. Being examined touching her associates in that trade, she named a few, and perceiving her delations find credit, made offer to detect all of that sort, and to purge the country of them, so she might have her life granted. For the reason of her knowledge, she said, "That they had a secret mark all of that sort, in their eyes, whereby she could surely tell, how soon she looked upon any, whether they were witches or not:" and in this she was so readily believed, that for the space of three or four months she was carried from town to town to make discoveries in that kind. Many were brought in question by her delations, especially at Glasgow, where divers innocent women, through the credulity of

the minister, Mr John Cowper, were condemned and put to death. In end she was found to be a mere deceiver (for the same persons that the one day she had declared guilty, the next day being presented in another habit she cleansed), and sent back to Fife, where first she was apprehended. At her trial she affirmed all to be false that she had confessed, either of herself or others, and persisted in this to her death; which made many forthink their too great forwardness that way, and moved the king to recall the commissions given out against such persons, discharging all proceedings against them, except in case of voluntary confession, till a solid order should be taken by the Estates touching the form that should be kept in their trial.

In the borders, at the same time, great troubles were raised by the broken men of Tindale and Readsdale, who made incursions on the Scots side, and wasted all the country of Liddisdale. The laird of Buccleuch, that had the keeping of those parts, to be repaired of that wrong, made a roade into England, and apprehending thirty-six of the doers, put them all to death, and brought away a great spoil. Sir William Bowes being sent to complain of this, after much debating it was agreed, that for keeping peace in the borders, hostages should be delivered of either side, Englishmen into Scotland, and as many Scots into England. But Buccleuch, failing to deliver his in due time, was commanded, for satisfying the queen, to enter himself into England, as he did, remaining there from October to February next.

In the month of December a parliament was held at Edinburgh, for restoring the forfeited lords to their lands and honours. Amongst the articles presented to this meeting by the commissioners of the Church, one was, "That the ministers, as representing the Church and Third Estate of the kingdom, might be admitted to give voice in parliament, according to the acts made in favours of the Church, and the liberty and freedom thereof." The king was earnest to have the article granted, and at last obtained an act to be made, whereby it was declared, "That such pastors and ministers as his majesty should please to provide to the place, title, and dignity of a bishop, abbot, or other prelate, at any time, should have voice in parliament as freely as any other ecclesiastical prelate had at any time bypast. And that all

bishoprics then in his majesty's hands, and undisposed to any person, or which should happen to fall void thereafter, should be only disposed to actual preachers and ministers in the Church, or to such other persons as should be found apt and qualified to use and exercise the office of a preacher or minister, and who, in their provisions to the said bishoprics, should accept in and upon them to be actual pastors and ministers, and according thereto should practise and exercise the same."

As concerning the office of the said persons in the spiritual policy and government of the Church, the same was remitted to his majesty to be advised and agreed upon with the General Assembly, at such time as his highness should think expedient to treat with them thereupon; without prejudice in the meantime of the jurisdiction and discipline of the Church, established by acts of parliament, and permitted to general and provincial assemblies, and other presbyteries and sessions of the Church.

This act gave occasion to the indicting of a General Assembly, which convened at Dundee in March next; where the king being present, did show, "That he had anticipated the time of the Assembly (for the appointment was at Stirling, the first Tuesday of May), that he might be resolved touching their acceptation of the place in parliament, with the form, manner, and number of persons that should be admitted to have voice; and thereupon desired them to enter into a particular consideration of the whole points of the act; and first to reason whether it was lawful and expedient that the ministers, as representing the whole Church within the realm, should have voice in parliament or not.

This question being long debated, first in private by some brethren selected to that purpose, then in the hearing of the whole Assembly, it was concluded, "That ministers might lawfully give voice in parliament, and other public meetings of the Estate, and that it was expedient to have some always of that number present, to give voice in name of the Church."

A second question being moved, touching the number of those that should have voice, it was agreed, "That so many should be appointed to give voice as of old had place in the papistical church, to wit, fifty-one persons, or thereby."

Thirdly, touching the election of those that should have voice, it was resolved, "That the same did appertain partly to

his majesty, and partly to the Church." And, because time could not permit the discussing of the rest of the points, as *de modo eligendi*, what rent those ministers should have, whether they should continue in that office *ad vitam* or not, what their title should be, and the cautions to preserve them from corruption, with other the like circumstances, the presbyteries were desired to consider the same thoroughly, and thereafter to meet in their synods all upon one day, to wit, the first Tuesday of June; and having reasoned upon these heads, to direct three of their number to convene with his majesty (the advertisement being upon a month at least), and with the doctors of the universities, namely, Mr Andrew Melvill, Mr John Johnstone, Mr Robert Wilkie, Mr Robert Rollock, Mr Robert Howie, Mr Patrick Sharpe, and Mr James Martin, at such time and place as his majesty should think most convenient; with power to them being so convened to treat, reason, and confer upon the said heads, and others appertaining thereto; and in case of agreement and uniformity of opinions, to conclude the whole question touching voice in parliament; otherwise in case of discrepance, to remit the conclusion to the next General Assembly.

The commissioners' proceedings in the planting of the church of St Andrews were at the same time ratified; but the provision of Edinburgh, which they had likewise concluded, made greater business. The king had been induced by the humble entreaty of Mr David Lindsay, Mr Robert Rollock, and Mr Patrick Galloway, to suffer the old ministers to preach again in their places, upon their faithful promises to observe the conditions following:—

1. That they should not in pulpit make any apology for themselves farther than to say, that they had satisfied his majesty touching their intentions in the day of the tumult, and that they condemned the raisers thereof, and all that took arms, or gave command or allowance thereunto, praising the calm and clement course his majesty hath taken in censuring the same.

2. That they should at no time thereafter tax, quarrel, or reproach, directly or indirectly, privately or publicly, any inhabitant of Edinburgh that did show themselves affectionate to his majesty; and if any of them should happen to fall in

any offence meriting the censure of the church discipline, they should in the trial and censuring thereof use them indifferently, as if they had never kithed contrary to the said ministers.

3. That they should not in pulpit speak otherwise than reverently of his majesty's council and their proceedings, and in their sermons labour to imprint in the people's hearts a reverent conceit of his majesty and his actions, so far as in them lies; and whenas they should hear any slanderous or offensive reports of his majesty or of any of his councillors, his or their intentions or proceedings, they should address them in all humility to his majesty, and with due reverence make him acquainted with the reports, receiving his majesty's own declaration therein, whereunto they should give credit, and generally should conform themselves to the order set down in the late General Assembly thereanent.

4. That they should never hereafter refuse to give account of any of their speeches in pulpit, or of their proceedings elsewhere; but when his majesty should require the same, they should plainly declare the truth of that they should be asked, in all humbleness and simplicity, without claiming to the general warrant of conscience not founded upon reason.

The ministers upon these conditions being licensed to preach, and the town going on in dividing themselves in parishes, as they had promised, a leet was presented of some twelve persons, out of which number the commissioners of the Church were to elect four, besides the old ministers, to bear charge in that ministry, having his majesty's approbation. The four on whom the choice fell, were Mr Robert Rollock, principal of the College of Edinburgh; Mr John Hall, minister at Leith; Mr Peter Hewat, and Mr George Robertson. Against the two last exception was taken because of their youth, and that they were not men of that gravity which was required in ministers of such a place. Yet the commissioners, after trial taken of their qualification, proceeded, and decerned all the four to be admitted.

Hereof the old ministers complained, with whom the Synod of Lothian joined, who repaired in great numbers to the Assembly, thinking to carry the matter by voices; but when after a long contestation it came to be judged, the decret of

the commissioners was approved, and a new commission given to Mr David Lindsay, Mr Robert Pont, Mr Robert Rollock, Mr George Gladstones, Mr Patrick Galloway, Mr James Nicholson, Mr Thomas Buchanan, and Mr John Duncanson, to place the ministers in their several parishes; or if any should refuse to accept, to depose them from the function of the ministry, and plant the Church with such others as they should think meet.

Meanwhile, because of the numbers that came from Lothian, an act was made, "That no presbytery should thereafter send above two or three ministers at most in commission to the Assembly, with one baron of the bounds, and one commissioner from every burgh, Edinburgh excepted, who in all public meetings were allowed to have two."

About the end of the Assembly, a motion was made for removing all offences conceived by his majesty against any of the ministers, and particularly against the ministers of Edinburgh; whereupon the king was pleased to declare, "That for any offences past he did freely remit them, and should never at any time call the same to mind, in hope they would so behave themselves in time coming, as they should still deserve his good opinion." And so did this meeting close with the great content of all; Mr John Davidson only, a man given to contention, finding that things went not to his mind, especially in the planting of Edinburgh, to the ministry whereof he was always aspiring, did protest in his own name and in the name of certain other brethren, "That none of the conclusions taken in that Assembly should be of any force, in regard the same was not a free Assembly, but overawed by the king." The moderator inquiring if any of the brethren would adhere to his protestation, none was found, all condemning it, and the uncivil form he used in making the same. He himself, as his custom was when he made any such trouble, fled away, and lurked a while, till his peace was again made.

It was now thought that the planting of Edinburgh should receive no more delay, yet a new impediment cast in made no less ado than the former. Mr Robert Bruce had preached ordinarily in the town some ten years, but had not received ordination to the ministry; and being urged therewith, refused, pretending the approbation of the General Assembly

to be equivalent to an ordination. It was replied, "That the approbation he had of the Church was a license only to preach; but being now to receive an office, it concerned them to observe the form prescribed by divers acts." But this not satisfying, he denied to yield in an iota to that which might question his former calling. And albeit it was offered to be declared at his entry, "That the ordination they used was not to question his former calling, but rather to allow and confirm the same;" he would not be content, except the declaration was given him in writing. This also yielded unto, a new difference arose among them upon the form of the declaration; the commissioners offering to declare the lawfulness of his calling, and that the imposition of hands they were to use was not given him as a new entrance to the ministry, but as one that was taken to be entered to the charge of a particular flock; he requiring to have it expressly said, "That they did acknowledge him a lawful pastor of Edinburgh, as being called by the general Church thereto."

Ten days and more were spent in the setting down of this form; and after many alterations at last they came to agree on this, "That the commissioners did acknowledge his calling to be a pastor in Edinburgh lawful, and that the imposition of hands was not used as a ceremony of his ordination to the ministry, but of his ordination to a particular flock." The declaration thus formed, a day was appointed for his admission, and Mr Robert Pont, Mr Thomas Buchanan, and Mr James Nicholson, chosen to perform the same. Mr Robert Pont having preached, and beginning to show what was the business they met for, Mr Robert Bruce arose, and stepping into the pulpit, fell a-complaining of the strict forms wherewith the commissioners had used him; which the people hearing, such a tumult was raised, as to all appearance the ministry that was to use the imposition of hands had been in danger, if the commissioner Mr John Nicholson, a man well respected (being there as one of the elders, to testify the Church's consent to his admission), had not by his wise and grave speeches reduced them to quietness. Always the business was put off for that time.

The king advertised of this was greatly offended, and commanded the commissioners to cite Mr Robert Bruce, and censure him for the trouble he had made. He compearing

excused himself, laying the blame on the people; and being charged under pain of deprivation to give obedience, and accept the charge after the form prescribed, was upon the ninth of May, the day assigned for his acceptation, admitted by Mr David Lindsay and Mr Alexander Douglas with imposition of hands. Thus ended that business, which made more noise than was needful, and was judged to proceed rather of wilfulness on his part than of any good zeal.

The day appointed for the synod drawing near, the king sent William Melvill, commendator of Tongland, and Sir Patrick Murray to attend the Assembly of Fife, where it was supposed some new stirs should be made. The commission given them was, not to suffer any of the conclusions taken in the last General Assembly to be drawn in question, and to see that, in the other heads left undecided, nothing should be concluded *definitivè*. But they found the synod more peaceable than was expected, and all things carried therein to the king's mind, Mr Thomas Buchanan, Mr George Gladstones, and Mr John Fairfoul being chosen commissioners for meeting with those that should be sent from the other synods.

The report of this gave the king hopes of a good issue to the conference intended; whereupon letters were sent, desiring the doctors of the universities and commissioners of the synod to be at Falkland the twenty-ninth of July. There, after a long deliberation, it was with an unanime consent agreed,—

1. Touching the manner of his election who should have voice in parliament, that the Church should name for each prelacy that was void six of their number, of whom the king should take one; or if his majesty did not like any of those six, that as many others should be recommended by the Church, of which number he should accept one, without any more refusal.

2. That the nomination should be made by the General Assembly, with advice of the synods and presbyteries, who should present to the General Assembly in writing the names of the persons they esteemed fit, and have liberty to name persons, as well without as within the bounds of their jurisdiction: providing if there was any person within the

bounds meet and qualified, he should be preferred, *cæteris paribus*.

3. Concerning his rent, that the churches being sufficiently planted, and no prejudice done to schools, colleges, and universities already erected, he should be provided to all the rest of the prelacy whereunto he is preferred.

4. The cautions to preserve him from corruption should be these :

1st, That he should not propone to council, convention, or parliament, in name of the Church, any thing without express warrant and direction from the Church; neither should he consent nor keep silence in the said conventions, if any thing was moved prejudicial to the weal and liberty thereof, under pain of deposition from his office.

2d, Next, he should be bound to give an account of his proceedings in the discharge of his commission to every General Assembly, and obtain their ratification of the same; submitting himself to their judgment, without making any appeal, under the pain of infamy and excommunication.

3d, He should content himself with that part of his benefice which should be given him for his living, and not hurt nor prejudice the rest of the ministers within his benefice, planted or to be planted, nor any other minister in the country whatsoever; and this clause to be inserted in his provision.

4th, He should not dilapidate his benefice in any sort, nor make any set or disposition thereof, without the special advice or consent of his majesty and the General Assembly: and, for the greater warrant, should interdict himself and be content that inhibition be raised against him to that effect.

5th, He should be bound to attend the congregation faithfully at which he should be appointed minister, in all the points of a pastor, and be subject to the trial and censure of his own presbytery, or provincial assembly, as any other of the ministers that bear no commission.

6th, In the administration of discipline, collation of benefices, visitation, and other points of ecclesiastical government, he should neither usurp nor claim to himself any more power or jurisdiction than any of his brethren, except he be employed, under pain of deprivation; and in case he do usurp any part of the ecclesiastical government, the presbytery,

synod, or General Assembly opposing and making impediment thereto, whatsoever he should do thereafter should be null *ipso facto*, without any declarator.

7th, In presbyteries, provincial and general assemblies, he should behave himself in all things as one of the brethren, and be subject to their censure.

8th, At his admission to the office of commissioner, he should swear and subscribe all these and other points necessary, otherwise he should not be admitted.

9th, If it should happen him to be deposed from the ministry by the presbytery, synod, or General Assembly, he should loose his place in parliament, and the benefice be void *ipso facto*.

10th, That he should be called commissioner of such or such a place, if so the parliament may be induced by his majesty to accept that title, otherwise the General Assembly should consider and determine the same; as also how long he should continue in office, whether *ad vitam*, except some offence make him unworthy, or for a shorter space, at pleasure of the Church.

It was neither the king's intention nor the minds of the wiser sort to have these cautions stand in force, (for to subject the decrees of parliament to the Assembly, as in the second caution, or to interdict churchmen, as in the fourth, and serve inhibitions upon them, were things absurd;) but to have matters peaceably ended, and the reformation of the policy made without any noise, the king gave way to these conceits, knowing that with time the utility of the government which he purposed to have established would appear, and trusting that they whom he should place in these rooms would by their care for the Church, and their wise and good behaviour, purchase to themselves the authority which appertained.

He had also matters of greater importance in hand, which made him desire to be settled in some sort with the Church; for in June preceding he had directed an ambassage to the princes of Germany, wherein David bishop of Aberdeen and Sir Peter Young his cleemosynar, men of good abilities and learning, were employed. Their commission was, to inform the princes of his right and title to the crown of Eng-

land after the death of the queen Elizabeth, and to request their assistance, if he should stand in need thereof. The queen was then stricken in years, and divers libels and pamphlets divulged against his title to that crown, which made him careful to have his friends rightly informed, and to understand what aid he might expect if opposition should be made. "Not that he minded (this they were willed to declare) to wrong or offend the queen in any sort, whom he loved and honoured as his mother, wishing her many good and happy days, but only to strengthen himself against unjust pretenders; and if in the mean time they should be pleased by a common ambassage to entreat the queen to declare in her own time the right successor, for preventing the plots and practices of enemies, he would take it for a singular friendship at their hands."

It was a painful ambassage, and by them faithfully discharged; for taking their journey by Denmark, as they were directed, and receiving letters commendatory from that king to the princes, they travelled to Udalrick duke of Mecklenburg, Maurice landgrave of Hesse, Frederick duke of Saxony and administrator of the electorate, Henry duke of Brunswick, John Adolphe duke of Sleswick, and Joachim marquis of Brandenburg; and having communicated their message to them all severally, returned not before the end of the year. Of all the princes they obtained one answer in substance, which was, "That albeit his majesty's right was not unknown unto them, they did esteem it an act of great wisdom in him to make his friends acquainted with the exceptions taken against his title, that when occasion required nothing might be wanting that lay in their power. But to move the queen for declaring her successor, they held it dangerous, and feared it should not so much promote the business as offend her. Always they should advise, and take counsel with their confederates and allies, and follow the course which was most likely for his benefit." This was the sum of the answer they returned.

The twenty-fourth of December the queen was brought to the bed of another daughter, who was christened in the chapel of Halyrudhouse the fifteenth of April, by Mr David Lindsay, minister of Leith, and named Margaret. The earl of Montrose (created chancellor in January preceding), with

the Lord Hamilton and earl of Huntly, assisted as witnesses. These last two were at the same time preferred to the honour and dignity of marquises.

There died within the compass of this year divers worthy men, amongst whom Mr John Lindsay of Balcarres, secretary to the king, shall first be named; a man honourably descended, of exquisite learning, and a sound judgment, held worthy by all men of the place he had in the senate, both for his wisdom and integrity: he died of the stone, where-with he had been pained many years.

Next to him Mr David Carnegy of Colluthie, a wise, peaceable, and sober man, in good credit and estimation with the king, and taken into his privy council for his skill and knowledge in civil affairs.

And in the Church, Mr Thomas Buchanan, provost of Kirkheuch and minister of Ceres; a man learned, wise, and a strong defender of the Church's rights: having attained to a good age, he died of a bruise which he received of a fall from his horse.

David Ferguson, minister of Dunfermline, of the age of sixty-five, departed also this life the same year; a good preacher, wise, and of a jocund and pleasant disposition, which made him well regarded both in the court and country.

But the death of Mr Robert Rollock, taken away in the forty-third year of his age, and in the time when the Church had greatest need of his service, was beyond all the rest lamented. This man was born not far from Stirling, and trained up in letters under Mr Thomas Buchanan, who did then keep a famous school in that town. He passed his course in philosophy at St Andrews, and no sooner received the degree of a Master in Arts, than he was chosen regent of the college of St Salvator, where he had studied. In the year 1583, he was removed to Edinburgh, and made principal of a college which the town had there erected; where by his lectures of divinity in the schools, and his sermons to the people (in both which he was assiduous), he came to be greatly esteemed. But the seventeen days' tumult and troubles that followed thereupon withdrawing him against his mind to the keeping of assemblies and other commissions of the Church, he was thereby much weakened; for he was of an infirm body, and grievously pained with the stone,

whereof at last he died. In his sickness, being visited by his brethren of the ministry, amongst other pious exhortations, he did earnestly beseech them to carry themselves more dutifully towards the king, lamenting he should be so ill used by some of their number; and gave them a most comfortable farewell. His torments were extreme, yet was he not heard to use an impatient word, but was still calling on God, with these and the like sayings, "Haste, Lord Jesus, and tarry not, put in thy hand and take this soul away to thyself." At other times, "Go out, silly life, that the better life of God may enter in." Drawing near his end, he repeated a part of the sixth psalm, and framing a most pithy prayer out of the same, as one exulting after victory, he cried aloud, "Christ hath taken my yoke to bear, and now strengthened by his grace I will follow;" with which words he yielded up his spirit. A rare example of holiness he was both in his life and death; albeit, now dead, still preacheth by his learned works, which it is pity should not be collected in one volume, and preserved to posterity. He deceased the last of February, and had his corpse honourably interred in the burial-place, an innumerable multitude of people accompanying the same to the grave.

To return to the Estate: The necessities of the king by foreign ambassages and other extraordinary employments daily increasing, he was forced to look the more narrowly to the administration of his rents; for the ill managing whereof the laird of Wedderburn was put from his place, and the office of controullery given to Sir David Murray, who was afterwards preferred to the lordship of Scone. The prior of Blantyre, who was treasurer, for that he had offended the king by his partial behaviour in an action betwixt Mr Robert Bruce and the ministers of Angus, was committed in the castle, and forced to resign his office, which was conferred upon the earl of Cassils by his lady's procurement. She was the widow of the Lord Thirlstane, and said to be wealthy, which induced him to take her to wife, against the counsel of all his friends, who could not away with the imparity of their age, he being a young nobleman never matched to any, and she a woman past childbirth. But the desire he had to keep his estate made him take that course; and she loving to stay at court and have her husband a ruler of affairs, made offer

to advance some moneys, so as he might carry the place, which was readily accepted. Yet was it not long before they did both forthink the bargain, being pressed with a multitude of precepts for the laying forth of money, and so were glad to quit the office, with the loss, as was said, of forty thousand marks, which he did advance at his entry. In his place was the Lord Elphingston chosen, by the recommendation of his brother, then secretary.

Whilst these things were adoining in court, Sir William Bowes came ambassador from England, upon some rumours that the king was declining to popery, and had offered his obedience to the bishop of Rome by a letter, the copy whereof was brought by the master of Gray from Rome, and showed to the queen, of purpose to divide the two princes, and dissolve the amity which was amongst them.

The queen, though she did take the letter to be feigned, and that the same was devised to breed a jealousy between her and the king, thought meet to advertise what was rumoured, and to advise him not to build upon the friendship of Rome. The king did take the advertisement well, and made the ambassador very welcome, assuring him that these were false and feigned calumnies, neither did the king think any other at that time. Such a letter indeed was sent to the pope, and the king's hand surreptitiously gotten thereto, for which the secretary, Mr James Elphingston, was some years after, upon his own confession, convicted, as we shall hear.

Whilst this ambassador remained in the country, there fell out an accident which had almost wrought great trouble. An Englishman called Ashfield, who had brought some hunting-horses to the king, and cunningly abused the English warden, did make his abode at court, and was there well entertained. The ambassador, whether desired by the queen or the warden it is uncertain, caused some of his servants keep company with the man, and allure him one day to Leith, where having drunk liberally, he was by coach, instead of returning to court, carried to Berwick. This being told the king, he was greatly offended, and giving order to watch the ambassador's lodging, sent to Berwick to bring back the man. The governor prayed the king to have him excused, for that the man being come within his charge, he could not dimit him without the queen's knowledge.

The king receiving this answer, did challenge the ambassador, as not having carried himself dutifully, and wronged both him and the country : but he denying the fact, affirmed the same to have been contrived by two of his servants without his knowledge and direction. This none did believe, neither did the king vouchsafe him any more countenance. Whereupon he parted in a great discontent.

Soon after the king went to St Andrews for a new visit of the university, where it was ordained, “ That there should be yearly, upon the third of March, a dean of faculty of theology elected by the doctors, the ministers resident within the city, and the principal masters of the colleges ; which dean so chosen should have the like privilege and jurisdiction upon the students and professors of theology, that the deans of philosophy had by the foundation over the professors thereof : with express provision, that he who was elected dean, should not till after three years space be received again into the office.”

Other conclusions were also taken for distributing the students of theology in classes, and their yearly examination ; but were ill observed.

At this time came forth sundry discourses touching the succession of the crown of England, some oppugning, some maintaining the king's title. Amongst others Mr John Collivill, taking upon him one of the opposite treatises, did publish a recantation, wherein having confuted all the contrary reasons, he professed, that of malice in time of his exile he had penned the treatise, which then out of conscience he refuted. This was believed of many, and helped greatly to discredit the adversary writings ; yet was he not the author of that which he oppugned ; only to merit favour at the king's hands he did profess the work that came forth without a name to be his : and indeed a more pithy and persuasive discourse was not penned all that time in that subject.

The same year did the king publish his *Doron Basilicon* upon this occasion. Sir James Semple, one of his majesty's servants (whose hand was used in transcribing that treatise), upon an old familiarity with Mr Andrew Melvill, did give it him to read ; who offending with some passages that touched the ministry and present discipline, took copies thereof, and dispersed the same amongst the ministers. Thereupon a

libel was formed, and cast in before the synod of St Andrews, wherein the passages at which they excepted being first set down, it was asked, "What censure should be inflicted upon him that had given such instructions to the prince (for the treatise was directed to Prince Henry), and if he could be thought well affected to religion, that had delivered such precepts of government." Sir Patrick Murray and Mr James Nicholson being present in the synod as commissioners for the king, and apprehending the libel to concern his majesty, made diligent inquiry to find out the presenters. The whole number pretending ignorance, the commissioners commanded the doors to be shut, and the roll of the ministers' names to be called, who being put to their oath one by one did purge themselves; yet was it tried the very next day to be laid on the table by Mr John Dikes, minister at Anstruther, who being therefore cited before the council, was fugitive and denounced rebel. The rumour by this occasion dispersed, that the king had left certain directions to his son prejudicial to the Church and religion, he took purpose to publish the work; which being come abroad, and carried to England, it cannot be said how well the same was accepted, and what an admiration it raised in all men's hearts of him, and of his piety and wisdom. Certain it is, that all the discourses that came forth at that time (and those were not a few), for maintaining his right to the crown of England, prevailed nothing so much as did this treatise against which such exceptions had been taken.

In the end of the year happened some new jars betwixt the king and the ministers of Edinburgh, because of a company of English comedians whom the king had licensed to play within the burgh. The ministers offending with the liberty given them, did exclaim in their sermons against stage-players, their unruliness and immodest behaviour; and in their session made an act prohibiting people to resort unto their plays under pain of the Church censures. The king taking this to be a discharge of his license, called the session before the council, and ordained them to annul their act, and not to restrain the people from going to these comedies, which they promised, and accordingly performed; whereof publication was made the day after, and all that pleased permitted to repair unto the same, to the great offence of the ministers.

The next year, which by public ordinance was appointed to have the beginning at the calends of January, and from thenceforth so to continue (for before that time, the year with us was reckoned from the twenty-fifth of March), there was an Assembly kept at Montrose, the twenty-eighth of March, where the king himself was present. Therein that great business of the Church's voice in parliament was determined; and first, the conclusions taken at Falkland in July 1598 were ratified. Then touching the continuance of those that should be chosen to give voice for the Church, it was, after much debating, concluded, "That he who was admitted should yearly render an account of his commission to the General Assembly, and laying the same down at their feet, should be therein continued; or if his majesty and the Assembly did think it fit to employ another, he should give place to him that was appointed." Two caveats more were adjoined to the former. One was, "That they who had voice in parliament should not have place in the General Assembly, unless they were authorized by a commission from the presbyteries whereof they were members." The other caveat was, "That *crimen ambitus* should be a sufficient reason to deprive him both of his place and office." And now there rested no more but to nominate persons to the bishoprics that were void. Aberdeen and Argyle had their own incumbents at the time, both actual preachers; St Andrews and Glasgow were in the hands of the duke of Lennox; Murray possessed by the Lord Spynie; Orkney by the earl of Orkney; Dunkeld, Brechin, and Dunblane had their own titulars, but these were not ordinary preachers; Galloway and the Isles were so dilapidated as scarce they were remembered to have been. Only in Ross and Caithness some provision was left, whereunto, by consent of the Church, Mr David Lindsay and Mr George Gladstones were presented; the first to the bishopric of Ross, the other to Caithness; who, not the less, continued still serving in their churches at Leith and St Andrews, for as yet they could not find any settling in their dioceses. Besides the conclusion taken in this business, divers other good acts were concluded at that time, as may be seen in the Book of Records.

Some three weeks before this convention, John Dury,

minister at Montrose, departed this life. He was born at Mauchline, a little village in the country of Kyle, and trained up a while in letters in the town of Ayr; after which he was sent to George Dury, his cousin, abbot of Dunfermline, and placed by him among the monks of that abbey, where he lived three years. Then falling in some suspicion of that which they called heresy, and delated thereof to the abbot, after trial taken he was condemned to be immured, that is, to be shut up between two walls till he died. Yet by the means his friends made with that worthy nobleman, the earl of Arran, he was delivered, and shortly after the Reformation admitted to the ministry; in which he served first at Hailes, near to Edinburgh, then at Leith, and when the civil troubles ceased, translated to Edinburgh, where he continued minister the space of ten years. A man earnest and zealous in every thing he gave himself unto, but too credulous (a fault incident to the best natures), and easily abused by those he trusted; which bred him great trouble whilst he remained at Edinburgh. In Montrose, where he was at first confined, and whereof soon after he became minister, he lived well respected, and in great quietness, making it appear that the many contests and strifes he had in former times proceeded not from his own disposition so much as from the suggestion of others; for all the sixteen years he lived there, no man did carry himself with greater modesty, nor in a more dutiful obedience, and was therefore well beloved and esteemed by the king. He wished earnestly to have lived unto the meeting of the Assembly, that he might have declared his mind touching the matters then in hand; but when he perceived his sickness increasing, and that he should not continue so long, he entreated some brethren that did visit him, to show the Assembly, as from him, "That there was a necessity of restoring the ancient government of the Church, because of the unruliness of young ministers, that could not be advised by the elder sort nor kept in order; and, since both the estate of the Church did require it, and that the king did labour to have the same received, he wished them to make no trouble therefor, and to insist only with the king that the best ministers, and of greatest experience, might be preferred to places." This as he directed was reported to the Assembly, and of the greatest part well received; for he was certainly

a sound-hearted man, and far from all dissimulation, ever professing what he thought, and following the course that he held most expedient for the Church. To the poor he was exceeding helpful, compassionate of those that were in any distress, and merciful even when he seemed most severe. He died the last day of February, in the sixty-third year of his age.

It was in August this year that the conspiracy of Gowrie fell forth; a conspiracy plotted by him alone, and only communicated to Mr Alexander, his brother, two youths of great hope, at whose hands no man could have expected such an attempt. Their father had been taken away by form of justice in the year 1584, whilst the king was yet minor, and forced he was unto it as unto many other things that agreed not with his mind. But the care he took of the nobleman's children, and kindness wherewith he used them, did show how much he disliked that proceeding; for he restored the eldest to his father's honour and living, his brother Alexander he made one of his bed-chamber, a sister of theirs he preferred to be chief maid about his queen, and had a purpose to advance the earl himself to a principal office in the kingdom. Such and so great benefits might have endeared the most barbarous and hard-hearted. But benefits are no benefits to the malicious, and those that are set for revenge. The device was to allure the king to the earl's house in Perth, and there to kill him. The king was then remaining in Falkland, and one day early in the morning (it was the fifth of August), as he was going to take his sport in the park, Alexander meets him, and telleth that his brother had intercepted a man, a Jesuit, as he supposed, with a great quantity of gold, and that he kept the man fast in his house at Perth, and sent him with the news, praying the king to make haste, for that he doubted not he should learn things worthy of his travel. The king moving some questions touching the man's stature and habit, and the place where he was taken, received no other answer, but that his brother would satisfy him in all those things at his coming; which put him in a suspicion that the gentleman was distracted, for he observed in him some perturbation; yet, because of the instance he made, he yielded to go, willing him to ride back, and show that he would be with his brother before dinner.

After a short chase and a buck killed, the king made towards Perth, accompanied with the duke of Lennox, the earl of Mar, and a few gentlemen more, all in their hunting-coats. By the way, the king did ask the duke of Lennox if he had known Mr Alexander (for the duke had married his sister) at any time troubled or distempered in his wits. The duke answering that he had never known any such thing in him, the king insisted no farther. Being come to the town, the Earl Gowrie did meet him, and was noted by all the company to be in some trouble of mind, the very imagination of the fact he went about perplexing his thoughts. But he coloured all with the want of entertainment, saying, that he did not expect the king, and that his dinner was not prepared. The king wishing him not to trouble himself with those thoughts, because a little thing would content him, and for the noblemen a part of his own dinner would suffice them, they discoursed of hunting and other common matters till meat was dressed. How soon the king had taken a little refreshment, and the lords were placed at table in another room, Mr Alexander did sound in the king's ear, that the time was fit whilst the lords were at dinner to go and examine the stranger. At which word the king arose, and went up stairs, Mr Alexander going before him. The king did call Sir Thomas Erskine (afterwards earl of Kelly) to follow him; but Mr Alexander turning at the door, after the king was entered, said that the king willed him to stay below, whereupon Sir Thomas went back. Thus the door was shut, and Mr Alexander guiding him to an inner room, the king did perceive a man standing alone, whereupon he asked if that was the man. Nay, said Mr Alexander, there is another business in hand; and with that word covering his head, "You remember," said he, "how you used my father, and now must you answer for it." "Your father?" answered the king, "I was not the cause of his death; it was done in my minority by form of justice. But is this your purpose, and have you trained me hither to murder me? Did you learn this lesson of Mr Robert Rollock your master? or think you, when you have done your will, to go unpunished?" Mr Alexander, stricken with the speeches, and the man who was placed there to assist him trembled for fear, desired the king to be quiet, and make no noise, for that he would go speak

with his brother, and pacify him. This said, he went down a back way, as it seemed to the court below.

Whether he did meet with his brother at that time or not is unknown, but his stay was short, and when he returned, he said to the king, "There is no remedy, you must die." Then making as though he would have tied the king's hands, they fell a-wrestling, and the king drawing him by force to a window in the corner that looked toward the street, as he espied the earl of Mar, cried, "Help, earl of Mar, help." The voice and words were discerned by all the lords and gentlemen, who thereupon ran to seek the king by the way that went up; but the doors being shut, there was no entry that way till the same was broke by force, which took up a large time. Upon the first cry, Sir Thomas Erskine, suspecting treason, did flee upon Gowrie, and taking him by the gorge, said, "Thou art the traitor;" but they were quickly sundered by his servants that stood by. The first that came to the king was a page called John Ramsay, who falling upon a back passage by which the traitors, after the deed committed, had purposed to escape, found the king and Mr Alexander struggling. The king calling to him and bidding him strike the traitor, he gave Mr Alexander two or three wounds with his dagger, and so parted him from the king. The man who was placed there to assist Mr Alexander did steal away secretly; and he himself, perceiving that the treason was discovered, made down the stairs, where being encountered by Sir Thomas Erskine, and asked how the king was, because he gave no direct answer, and only said, "That he took God to witness that he was not in the fault," he thrust him through the body with his sword, and killed him outright.

Sir Thomas was followed by Hugh Hereise, doctor of medicine, and a foot-boy named Wilson, who seeing the king safe were not a little joyed, and placing him in a little room, and shutting the door, they prepared to defend the entry. Gowrie accompanied with three or four servants breaketh presently into the chamber, and with his two swords, one in each hand, puts them all to their shift, and had undoubtedly overthrown them, but that one of the company crying, "You have killed the king our master, and will you also take our lives?" he became astonished, and setting the points of his

two swords to the earth, as if he minded to cease from any more fight, he was instantly stricken by the page with a rapier which pierced the heart, so as he fell down dead. The servants, seeing him fall, made away; only Mr Thomas Cranston being sore wounded, and not able to shift for himself, was apprehended. In this fight, Sir Thomas Erskine and Doctor Hereise were both hurt, but nothing dangerously.

By this time the doors of the other passage being made open, the lords and a number with them entered into the room, who hearing what happened went all to their knees, and the king himself, conceiving a prayer, gave thanks to God for his deliverance, and that the device of those wicked brothers was turned upon their own heads. The danger that ensued was not much less, for the people of the town taking arms did environ the house, crying "to give them out their provost, otherwise they should blow them all up with powder." The rage of the multitude was great (for they loved the earl, as being their provost, beyond all measure), and with great difficulty were they kept back from using violence; at last the bailies and certain of the citizens being admitted to enter and brought to the king, when they were informed of the truth of things, returned and pacified the people. After which the king took horse and returned to Falkland, where he was welcomed (the rumour of the danger having prevented¹ his coming) with great acclamations of joy.

It was observed, not without some wondering, that after Gowrie was killed there issued no blood for a good space from his body, till his girdle being loosed and taken from him, the same gushed forth in abundance. This was supposed to be the effect of some characters that he did always carry in a little bag at his girdle, which being viewed, were found to be certain spells of necromancers, and added much to the infamy of his death.

A diligent search was made the days following for the man the king saw standing in the room, and large rewards promised to those that should find him out. In this search one of the earl's servants, called Henry Younger, hiding himself out of an idle fear among some growing eorns, was killed, and for some days supposed to have been the man; till

¹ Anticipated.

Andrew Henderson, chamberlain to Gowrie, discovering himself to the comptroller, did offer upon promise of his life to enter and show all that he knew in that business. Another of Gowrie's servants surnamed Craigengelt was some two days after apprehended, and both he and Mr Thomas Cranston executed at Perth; though at their dying they declared that they knew nothing of the earl's purpose, but had only followed him as being their master unto that room, where if they had known the king to have been, they would have stood for him against their master and all others.

Henderson at his examination declared, that, the night preceding the attempt, the earl had directed him to attend his brother Mr Alexander, and do what he commanded. That accordingly he accompanied him the next morning to Falkland; and when they were returned, being commanded by Mr Alexander to dress himself in his armour, and go wait till he came unto him in that upper room, he obeyed. But that he could not imagine any purpose against the king, either in him or in the earl, nor would have believed it unless he had seen the same with his eyes. Being demanded why he did not take the king's part when he did see them fall a-wrestling, he excused himself by a sudden fear that overtook him in the time; and indeed he looked ever after that time as one half-distracted. It was much marvelled that in so high an attempt the earl should have made choice of such a one; but the man was of a servile spirit, and apt enough to do mischief; and many have conjectured that, if the treason had taken effect, it was in the earl's purpose to have made away both his brother and him, that he might not be supposed to have had any knowledge thereof. I remember myself that meeting with Mr William Cowper, then minister at Perth, the third day after in Falkland, he showed me that, not many days before that accident, visiting by occasion the earl at his own house, he found him reading a book entituled, *De conjurationibus adversus Principes*: and having asked him what a book it was, he answered, "That it was a collection of the conspiracies made against princes, which he said were foolishly contrived all of them, and faulty either in one point or other; for he that goeth about such a business should not (said he) put any man on his counsel." And he not liking such discourses, desired him to lay away

such books, and read others of a better subject. I verily think he was then studying how to go beyond all conspirators recorded in any history; but it pleased God, who giveth salvation to kings, as the psalm speaketh, to infatuate his counsels, and by his ensample to admonish all disloyal and traitorous subjects to beware of attempting against their sovereigns.

Advertisement sent the next day to the council, which then remained at Edinburgh, the ministers of the town were called and desired to convene their people, and give thanks unto God for his majesty's deliverance. They excusing themselves, as not being acquainted with the particulars, nor how those things had fallen out; it was answered, that they were only to signify how the king had escaped a great danger, and to stir up the people to thanksgiving. They replied, "That nothing ought to be delivered in pulpit but that whereof the truth was known, and that all which is uttered in that place should be spoken in faith." When by no persuasion they could be moved to perform that duty, it was resolved that the council should go together to the market-cross, and that the bishop of Ross should, after a narration of the king's danger and deliverance, conceive a public thanksgiving, which was done, the multitude applauding and expressing a great joy.

The Monday following the king came to Edinburgh, accompanied with divers noblemen and barons, and heard a sermon preached at the cross by Mr Patrick Galloway, who choosing the hundred and twenty-fourth psalm for his theme, did take occasion to discourse of all the particulars of that conspiracy, and gave the people great satisfaction: for many doubted that there had been any such conspiracy, "The condition of princes being," as the Emperor Domitian said, "herein miserable, that even when conspiracies made against their persons are discovered, yet they are not credited, unless they be slain." The next day the king in a solemn council kept at Halyrudhouse, to testify his thankfulness for his deliverance, and to perpetuate the memory thereof, did mortify for the entertainment of some poor men the rent of a thousand pounds yearly to be taken of the readiest fruits of the abbacy of Scone, and ordained an honourable reward to be given to the three gentlemen that had been the instru-

ments of his preservation, and the cause of the reward to be specified in their patents.

After this, order was taken for a public and solemn thanksgiving to be made in all the churches of the kingdom, and the last Tuesday of September with the Sunday following appointed for that exercise.

The ministers of Edinburgh, who gave the refuse, were commanded to remove themselves out of the town within forty-eight hours, and inhibited to preach within his majesty's dominions under pain of death. Mr Walter Balcanquel, Mr William Watson, and Mr John Hall, three of that number, compearing at Stirling the 10th of September, and declaring, that they were thoroughly resolved of the truth of Gowrie's conspiracy, and willing to amend their former fault, were pardoned, upon condition that, before their return to Edinburgh, they should in the churches appointed to them publicly preach, and declare their persuasion of the truth of that treason, craving God and his majesty forgiveness for the question they made thereof, and rebuking all such as continued in that doubtfulness. The churches designed to them were Tranent, Musselburgh, and Dalkeith, for Mr Walter Balcanquel; Dunbar and Duns, for Mr William Watson; and for Mr John Hall, Dunfermline, St Andrews, and Perth.

Mr James Balfour, the day following, upon the like confession, was remitted, and ordained to publish his resolution in the churches of Dundee, Montrose, Aberbrothock, and Brechin.

But Mr Robert Bruce, taking a course by himself, and saying, "He would reverence his majesty's reports of that accident, but could not say he was persuaded of the truth of it," was banished the king's dominions, and went into France.

The fifteenth of November a parliament was held at Edinburgh, wherein sentence of forfeiture was pronounced against Gowrie and Mr Alexander his brother, their posterity disinherited, and, in detestation of the parricide attempted, the whole surname of Ruthven abolished. But this last was afterwards dispensed with, and such of that name as were known to be innocent tolerated by the king's clemency to enjoy their surnames and titles as in former times. The bodies of the two brothers being brought to the Parliament

House were, after sentence given, hanged upon a gibbet in the public street, and then dismembered, their heads cut off and affixed upon the top of the prison-house. This done, the Estates, in acknowledgment of the favour and grace they all had received of God, by the miraculous and extraordinary preservation of his majesty from that treasonable attempt, did ordain, "That in all times and ages to come, the fifth of August should be solemnly kept with prayers, preachings, and thanksgiving for that benefit, discharging all work, labour, and other occupations upon the said day, which might distract the people in any sort from those pious exercises."

Divers other good and profitable acts, as well for the Church as kingdom, were concluded in this parliament; as the act decerning "all marriages contracted betwixt persons divorced for adultery to be null, and the children begotten by such unlawful conjunction incapable of succession to their parents' inheritance;" as also the act made for removing and extinguishing of deadly feuds, which the king had ever striven to abolish, was in that time confirmed by the whole Estates.

Upon the close of the parliament the king went to Dunfermline to visit the queen, who was brought to bed of a son. The christening was hastened because of the weakness of the child, and that his death was much feared. He was named Charles, and, contrary to the expectation of most men, grew unto years and strength, and surviving Prince Henry, his elder brother, reigns happily (at) this day over these kingdoms; which that he may long do is the desire and wish of all good subjects.

In the end of the year Mr John Craig, that had been minister to the king, but through age was compelled to quit the charge, departed this life. This man whilst he lived was held in good esteem, a great divine and excellent preacher, of a grave behaviour, sincere, inclining to no faction, and, which increased his reputation, living honestly, without ostentation or desire of outward glory. Many tossings and troubles he endured in his time; for being left young and his father killed at Flodden, after he had got an entrance in letters, and passed his course in philosophy in St Andrews, he went to England, and waited as pedagogue on the Lord Dacres his children, the space of two years. Wars then

arising betwixt the two realms, he returned home, and became one of the Dominican order; but had not lived long among them when, upon suspicion of heresy, he was put in prison. Being cleared of that imputation, he went back again into England, and thinking by the Lord Dacres' means to have got a place in Cambridge, because that failed, he went to France, and from thence to Rome. There he found such favour with Cardinal Pole, as by his recommendation he was received among the Dominicans of Bononia, and by them first appointed to instruct the novices of the cloister: afterwards, when they perceived his diligence and dexterity in businesses, he was employed in all their affairs throughout Italy, and sent in commission to Chios, an isle situated in the Ionic Sea, to redress things that were amiss amongst those of their order.

Therein he discharged himself so well, that at his return he was made rector of the school, and thereby had access to the libraries, especially to that of the Inquisition; where falling on the institutions of John Calvin, he was taken with a great liking thereof, and one day conferring with a reverend old man of the monastery, was by him confirmed in the opinion he had taken, but withal warned in any case not to utter himself, or make his mind known, because the times were perilous. Yet he neglecting the counsel of the aged man, and venting his opinions too freely, was delated of heresy, and being sent to Rome, after examination, imprisoned. Nine months he lay there in great misery; at the end whereof, being brought before the judge of the Inquisition, and giving a clear confession of his faith, he was condemned to be burnt the next day, which was the nineteenth of August.

It happened the same night Pope Paul the Fourth to depart this life; upon the noise of whose death the people came in a tumult to the place where his statue in marble had been erected, and pulling it down, did for the space of three days drag the same through the streets, and in the end threw it in the river of Tiber. During the tumult all the prisons were broken open, the prisoners set free, and among those Mr Craig had his liberty. As he sought to escape (for he held it not safe to stay in the city), two things happened unto him not unworthy of relation. First, in the suburbs, as he was passing, he did meet a sort of loose men,

whom they called banditti; one of the company, taking him aside, demanded if he had been at any time in Bononia. He answered that he had been some time there. Do you not then remember, said he, that walking on a time in the fields with some young noblemen, there came unto you a poor maimed soldier, entreating some relief? Mr Craig replying that he did not well remember. But I do, said he, and I am the man to whom you showed kindness at that time: be not afraid of us, ye shall incur no danger. And so conveying him through the suburbs, and showing what was his safest course, he gave him so much money as might make his charge to Bononia, for he intended to go thither, trusting to find some kindness with those of his acquaintance; yet at his coming he found them look strange, and fearing to be of new trapped, he slipped away secretly, taking his course to Milan.

By the way another accident befell him, which I should scarce relate, so incredible it seemeth, if to many of good place he himself had not often repeated it as a singular testimony of God's care of him, and this it was. When he had travelled some days, declining the highways out of fear, he came into a forest, a wild and desert place, and being sore wearied lay down among some bushes on the side of a little brook to refresh himself. Lying there pensive and full of thoughts (for neither knew he in what part he was, nor had he any means to bear him out the way), a dog cometh fawning with a purse in his teeth, and lays it down before him. He stricken with a fear riseth up, and looking about if any were coming that way, when he saw none, taketh it up, and construing the same to proceed from God's favourable providence towards him, followed his way till he came to a little village, where he met with some that were travelling to Vienna in Austria, and changing his intended course went in their company thither.

Being there, and professing himself one of the Dominican order, he was brought to preach before Maximilian the Second, who, liking the man and his manner of teaching, would have retained him, if by letters from Pope Pius the Third he had not been required to send him back to Rome, as one that was condemned for heresy. The emperor not liking to deliver him, and on the other part not willing to

fall out with the pope, did quietly dimit him with letters of safe conduct. So travelling through Germany he came to England, and being there informed of the reformation begun at home, he returned into Scotland, and made offer of his service to the Church. But his long desuetude of the country language (which was not to be marvelled, considering that he had lived abroad the space of twenty-four years), made him unuseful at first; now and then to the learned sort he preached in Latin in the Magdalen's Chapel at Edinburgh, and in the year 1561, after he had recovered the language, was appointed minister at Halyrudhouse. The next year he was taken to Edinburgh, and served as colleague with Mr Knox the space of nine years. Then by the ordinance of the Assembly he was translated to Montrose, where he continued two years, and upon the death of Adam Heriot was removed to Aberdeen, having the inspection of the churches of Mar and Buchan committed to his care. In the year 1579 he was called to be the king's minister, and served in that charge till, borne down with the weight of years, he was forced to retire himself. After which time, forbearing all public exercises, he lived private at home, comforting himself with the remembrance of the mercies of God that he had tasted in his life past; and this year, on the twelfth of December, without all pain died peaceably at Edinburgh in the eighty-eighth year of his age.

In the beginning of the next year there happened a great stir in the court of England, which, concerning the king in some sort, I must needs touch. The earl of Essex, who had been a long time in special favour with the queen, and was then upon some displeasure kept from the court, not enduring to be thrust down (as he complained) by his adversaries into a private life, did resolve to make his way unto the queen by force, to seize upon her person, and remove from her company those he judged to be his adversaries. But the purpose failing, he was taken himself, and committed to the Tower. A while before he had written letters to the king full of respect, informing that they who had the managing of all affairs under the queen were inclining to the infanta of Spain, and advising him to send ambassadors into England, and urge the declaration of his title of succession. The king, though he could have wished his title to be declared,

did not think that time fitting for such propositions; yet upon the report of his apprehension he resolved to employ some in commission to the queen. And to this effect made choice of the earl of Mar, joining with him the abbot of Kinloss; who coming to the court some days after the execution of Essex, and having access to the queen, did congratulate her good success in repressing that audacious attempt. This she took well, and was glad to hear so much from them, because of the rumours which were then dispersed, that Essex was made away for favouring the king of Scots' title, and that if the ambassadors had come in time they would have dealt for him. A good answer was hereupon given to all their instructions, and whereas, among other points of their commission, they were willed to seek an assignment of some portion of land in recompense of the lands belonging to the Lady Lennox, the king being her lawful heir; the queen excusing herself touching the lands, was content to add to the annuity formerly paid the sum of two thousand pounds yearly, as long as he kept fast and held one course with her. Besides this satisfaction obtained of the queen, they did so work with the principal noblemen and councillors, as they won them to be the king's friends, and, at their return, gave his majesty assurance of a peaceable reception to that crown after the decease of the queen, which was some two years after really performed.

Much about this time had Pope Clement the Eighth sent his breves (as they call them) into England, warning all the clergy and laity that professed the Roman faith, not to admit after the queen's death any man, how near soever in blood, to be king, unless he should bind himself by oath to promote the Catholic Roman religion at his power. And, at the same time, came Mr John Hamilton and Mr Edmond Hay, Jesuits, into Scotland, two factious and working spirits, and therefore much suspected by the king; the first especially, for that he was known to have been a chief instrument of the seditions raised in the city of Paris in the time of the league. How soon the king understood of their repairing into the country, a proclamation was given out inhibiting their reset under the pain of treason. In this proclamation, to make them the more odious, they were compared to Bothwell and Gowrie; the king declaring that he would judge no

otherwise of their ressetters than of those that did treasonably pursue his own life. This notwithstanding, they found lurking-holes amongst the papists in the north, and kept the country till, after some years, that Mr John Hamilton was apprehended and carried to the Tower of London, where he died.

The church of Edinburgh remained all this while destitute of a number of their ministers, the conditions prescribed unto them when they were pardoned not being performed. Of the four, only Mr John Hall, having given obedience, was licensed to return to his charge; the other three, upon I know not what pretext, deferred to make their declaration, as was appointed, and were thereupon in the Assembly convened at Burntisland the twelfth of May, ordained to be transported from the ministry of Edinburgh, and placed in such parts of the country as the commissioners of the Church should think meet. This Assembly was called by his majesty's proclamation, partly for taking order with the church of Edinburgh, partly for repressing the growth of popery, which was then increasing; and where it should have held at St Andrews, was, in regard of the king's indisposition, brought to Burntisland.

Mr John Hall, being elected to moderate the meeting, did begin with a regrate of the general defection from the purity and practice of true religion, which he said was so great, that it must of necessity at last conclude either in popery or atheism, except a substantial remedy were in time provided. And because the ill could not be well cured unless the causes and occasions thereof should be ript up, he exhorteth those that were assembled to consider seriously both of the causes of the defection, and the remedies that were fittest to be applied.

After long conference, the causes were condescended to be, the wrath of God kindled against the land for the un-reverent estimation of the gospel, and the sins in all estates, to the dishonour of their profession; lack of care in the ministry to discover apostates; too hasty admission of men unto the ministry; ministers framing themselves to the humours of people; the desolation of the churches of Edinburgh; the advancing of men to places of credit that were ill-affected in religion; the education of his majesty's chil-

dren in the company of papists; the training up of noble-men's children under suspect pedagogues; the decay of schools; and the not urging of the reconciled lords to perform their conditions.

For remedy of the foresaid evils it was ordained, that a public humiliation should be kept throughout the realm the last two Sundays of June, with fasting and prayer, for appeasing the wrath of God kindled against the land; that the ministers of every presbytery should after the dissolving of the Assembly take up the names of the recusants within their bounds, and send them to the king's ministers; that places of greatest need should be furnished with learned and wise preachers, and in the meantime, till that might take effect by a constant provision of ministers to those places, that the meetest for that purpose should be appointed to attend for a certain time in the families of the reconciled lords, for their better confirmation in the truth. The rest of the remedies resolved all in petitions to his majesty, for the planting of churches, the not permitting of those who were under process for popery to have access to court, and a care to be taken of the good education of the children of noblemen. To all which the king gave favourable answers; and for the removing of the princess his daughter from the Lady Livingstone, which was earnestly entreated by the whole Assembly, his majesty did promise to bring her to his own house before the term of Martinmas next.

Whilst matters were thus proceeding, there was delivered a letter sent by Mr John Davidson to the Assembly, wherein, as if he would awake his brethren fallen asleep, he began with a strong cry, "How long shall we fear or favour flesh and blood, and follow the counsel and command thereof? Should our meetings be in the name of man? Are we not yet to take up ourselves, and to acknowledge our former errors, and feebleness in the work of the Lord?" And a little after, "Is it time for us now, when so many of our worthy brethren are thrust out of their callings without all order of just proceeding, and jesuits, atheists, and papists are suffered, countenanced, and advanced to great rooms in the realm, for the bringing in of idolatry, and captivity more than Babylonical, with an high hand, and that in our chief city,—Is it time for us, I say, of the ministry, to be inveigled and blindfolded with pretence of

preferment of some small number of our brethren to have voice in parliament, and have titles of prelacy? Shall we with Samson sleep still on Dalilah's knees, till she say, 'The Philistines be upon thee, Samson?'" Then, scoffing at the king's doings, he said, "But Bonnyton is executed, an infamous thief in the highest degree! What is that to the cause of religion, whereof no question was moved? Is there no papist nor favourer of papists in Scotland but Bonnyton? But the king is sound in religion, what can the adversaries do! Being sound, the danger were the less; but there is nothing either in church or king according to our calling," &c. In postscript to the same letter he wished them to be wary of determining any thing touching the planting of Edinburgh, in respect of any promises against papists, and to remember that *Melius et optabilius est bellum pace impia, et à Deo distrahente.*

This letter, laughed at by some, did greatly offend the wiser sort, who would have proceeded to censure the man as he had deserved, but that the king interceded, willing them to leave the punishment to him, and go on with their own affairs as they had begun. So the letter being cast by, the planting of Edinburgh was next handled; and after some reasoning it was concluded, that the three ministers, Mr Walter Balcanquel, Mr James Balfour, and Mr William Watson should be transported, and others placed in their rooms. The care of this among other things was intrusted to certain commissioners deputed by the Assembly, who had power given them for all matters that concerned the Church, unto the next general meeting.

After this a proposition was made for a new translation of the Bible, and the correcting of the Psalms in metre. His majesty did urge it earnestly, and with many reasons did persuade the undertaking of the work, showing the necessity and the profit of it, and what a glory the performing thereof should bring to this Church. Speaking of the necessity, he did mention sundry escapes in the common translation, and made it seen that he was no less conversant in the Scriptures than they whose profession it was; and when he came to speak of the Psalms, did recite whole verses of the same, showing both the faults of the metre and the discrepance from the text. It was the joy of all that were present to

hear it, and bred not little admiration in the whole Assembly, who approving the motion did recommend the translation to such of the brethren as were most skilled in the languages; and the revising of the Psalms particularly to Mr Robert Pont; but nothing was done in the one or the other. Yet did not the king let this his intention fall to the ground, but after his happy coming to the crown of England set the most learned divines of that Church a-work for the translation of the Bible; which, with great pains and to the singular profit of the Church, they perfected. The revising of the Psalms he made his own labour, and at such hours as he might spare from the public cares went through a number of them, commending the rest to a faithful and learned servant, who hath therein answered his majesty's expectation.

The act for restraining the liberty of application in exercises was of new ratified, and an ordinance made against the preaching of young men not admitted to the ministry in the chief places of the country; which done, and the next Assembly being appointed to hold at St Andrews the last Tuesday of July, *anno* 1602, the meeting dissolved.

Soon after the king, by the advice of the commissioners of the Church, received in favour the three ministers of Edinburgh that were ordained to be translated to other places, and licensed them to return to their charges. Mr John Dikes also, who had lurked unto this time, having composed some eucharistic sonnets (as he called them) for his majesty's preservation, was pardoned, and permitted to return to his place. But Mr John Davidson, presuming to find the like favour, and appearing in public without warrant, was taken and committed to the Castle of Edinburgh, where he remained some months, till, by the intercession of the king's ministers, he was also put to liberty.

In the State, the Lord Maxwell began to make new troubles; and, notwithstanding he was prohibited to repair within the bounds of Nithsdale and Galloway, he went home without license, having contrived the death of Sir James Johnston then warden. But the purpose failing, he made an incursion upon Annandale, raising fire, and committing slaughter; whereupon great stirs were moved in those parts, which were not pacified till the February after; at

which time the king, going in person to Dumfries, made him leave the country, and put in sureties for his remaining within the bounds of Clydesdale.

In July thereafter, Lodowick duke of Lennox was sent in an ambassage to France, rather for confirming the old amity and friendship, than for any business else. There went with him Sir Thomas Erskine and Sir William Livingstone of Kilsyth, two of his majesty's privy council; Mr John Spottiswoode, then parson of Calder, was directed to attend him as his chaplain or preacher. The duke taking his journey by sea arrived at Dieppe the twenty-fourth of that month, and upon the tenth day after entered into Paris, accompanied by James archbishop of Glasgow, and a great train of Scotsmen, who did meet him at St Denis. He had presence of the French king at St Germain's, some seven leagues from Paris, and was very kindly accepted. A few days after, the king went to Fontainebleau, where the queen was to lie of childbirth. Thither the duke did follow him, and was entertained with hunting and the like sports unto the queen's delivery, which fell out the seventeenth of September. Going then unto the country to salute his mother, Madame D'Aubigney, and other his friends, whilst he was about these offices of kindness, the king went by post to Calais, upon some intelligence, as it was said, from England, that the queen was fallen sick. He himself gave out that the affairs of Flanders did occasion his journey, for as then the archduke was besieging Ostend. But whatsoever the business was, no man doubted but that he had an eye upon the succession of England; and if he could have found a faction, would have foisted in another bastard of Normandy, which oftentimes in a merriment and gallantry he spared not to utter.

The duke, after his return to Paris, made no long stay, but taking his leave of the French king, who was then come back from Calais, took journey towards England, and came to London in the beginning of November. A parliament was then sitting at Westminster, (the last that Queen Elizabeth held), which, with his coming upon that instant, gave many to think that he was come to urge a declaration of the king's right of succession; and not a few they were, nor of small note, that offered to assist, if he should move any such

business; but he told them, that neither had he any such commission, nor would the king ever agree to any thing that might breed a jealousy in the queen. And his commission indeed was no other but to salute the queen in the king's name, and let her know the kind and filial affection he carried unto her, whereof he should be willing to give proof at all occasions. And for that he was given to understand that the Irish rebels had drawn in some Spanish forces into Ireland, to fortify themselves in their rebellion, he would, if his aid should be thought necessary, employ the same for their expulsion. The queen, giving the king many thanks, said, that if those troubles continued, she would take his help, and hire some of his Highlanders and Islesmen; but she trusted to hear other news shortly, and not be vexed long with those strangers. As also it came to pass: for the very next month the Lord Montjoy her deputy did, in a battle fought near Kinsale, defeat the Irish utterly, and afterwards forced the Spaniards that had taken the town to render, upon condition of their lives saved, and that they might be transported again into their country.

The duke, after three weeks' stay, being feasted by the queen and entertained with all compliments of amity, returned home, and came to Edinburgh in the end of December; where, having related his proceedings in council, they were all approved. The Lord Elphingston had in his absence resigned the office of treasury upon an offence, as was thought, he conceived for adjoining some others unto him in the composing of signatures: and now was Sir George Home, one of the masters of the equerry, preferred to the office, which he discharged by his deputy, Sir John Arnot, both to his majesty and the country's content.

The next summer the king having resolved to plant inlandmen in the isles, and transport the inhabitants into the mainland, where they might learn civility, made a beginning at the Isle of Lewis. The undertakers were Patrick abbot of Lindores, Colonel William Stewart, Captain William Murray, Mr John Learmonth of Balcomie, Mr James Spence of Wormiston, Sir James Anstruther of that ilk, and James Forret of Fingask. These gentlemen furnishing themselves with arms and shipping, and having conducted a number of soldiers, took sea, and in the third or

fourth day arrived in the lake of Stornoway within the same isle. Murdoch Macleod, base son to old Macleod, who carried himself as lord of the isle, made at the first some resistance; but after a little conflict, distrusting the people, for he had used them with great tyranny, he fled and forsook the isle, leaving the indwellers to the discretion of the invaders. They, how soon he was gone, did all submit themselves, and accept such conditions as were offered by the undertakers.

Being thus peaceably possessed, the laird of Balcomie, either sent by the rest to signify their good success and to make preparation against the winter, or for some private business of his own, took purpose to return home, and being launched a little from the coast, and by reason of the calm forced to cast anchor, was suddenly invaded by the said Murdoch Macleod, with a number of birlings (so they call the little vessels those islesmen use), the ship boarded, the mariners killed, and himself made prisoner. The gentleman being detained some days, and hourly threatened with death, was afterwards ransomed by one of his friends, and conveyed to Orkney, where contracting a fever he died. The rest of the gentlemen, to repair this injury, conducted Neil Macleod, brother to the said Murdoch, to betray and deliver him in their hands; which he performed shortly after, having by an ambush laid for his brother apprehended him, and some twelve more that were in his company. The twelve he presently beheaded; Murdoch he delivered to the gentlemen, as he had promised, who was afterwards transported to St Andrews, and there executed.

The undertakers thinking themselves now secured, began to build, and make a partition of the lands, letting the same to the country people, who did all swear fidelity unto them; but whilst they expected no trouble, Norman Macleod, son to old Macleod, did on the sudden beset them, put fire to their lodgings, and forced them to the conditions following:

First, that they should purchase to them a remission from the king of all crimes and offences past.

Next, that they should resign to Norman all the right which they had acquired of the Isle of Lewis.

And thirdly, that Sir James Spence, with his son-in-law Thomas Monypenny of Kinkell, should remain as pledges

until the remission was brought unto him, and such a surety given of the isle as he could devise.

This condescended unto, Sir James Anstruther departed with the whole company that was left (for many were killed before their yielding), and, for relief of the pledges, obtained of the king both the remission and security of the isle that was desired, which was sent to Norman by James Learmonth, son to the laird of Darcie. By this mean were the pledges freed, and for that time the whole enterprise defeated. Some three years after, the same was of new attempted, with what success we shall hear in the own place.

Mr Robert Bruce, who as we showed before was exiled in France, obtained license to return in the beginning of this summer, by the intercession of the earl of Mar, whom he had entreated to mediate his peace, upon promise at his return to satisfy the king, and declare his resolution in that matter of Gowrie. The king, who never showed himself difficile (especially to ministers that professed penitency for their errors), gave warrant to recall him; and he appearing before the commissioners of the Church, at Perth the twenty-fifth of June, where his majesty was present, acknowledged his error, professed his resolution touching the guiltiness of those unhappy brothers, and promised, if his majesty should license him to return to his place, to declare the same publicly in the first sermon he should have to the people. The king doubting his performance (for he had often in other matters tried his inconstancy) caused the same to be set down in writing upon the back of the letter he had sent to the earl of Mar, and after he had subscribed the same, made all the commissioners that were present (cleven in number) to set their hands thereto as witnesses. This done, he was admitted to kiss his majesty's hand, and licensed to return to his place. But as the king had conjectured, so it fell out; for coming to Edinburgh, where it was expected he should have done what he had both promised and subscribed, he left the town, pretending that his ministry should thereby be discredited, and he esteemed to preach by injunction. The General Assembly of the Church meeting in November following, the king, to remove this pretext, after he had showed all the particulars of his proceeding with Mr Robert, and produced the letter sent by him to the earl of Mar, together with his subscription

in the meeting of Perth, desired the voices of the Assembly, whether or not he ought to utter his resolution in pulpit as he had promised. They all, not one gainsaying, declared, "That he was bound both in duty and conscience to fulfil his promise, so much the rather, that by his distrust and disobedience to the council's charge he had confirmed ill-disposed people in their suspicions." Yet this ordinance did not content him; and so, delaying to give satisfaction, he was by the commissioners of the Church discharged from the ministry of Edinburgh the year following.

In this Assembly, Mr Patrick Galloway being chosen to preside, he made a speech to the king, wherein he showed, "That the Church was oppugned by two sorts of enemies, to wit, papists and sacrilegious persons; and therefore in the name of the whole Church entreated his majesty, that, as he had with great travail and happy success made the principals of the popish profession to conform themselves in outward obedience, so he would use his princely authority towards the other sort, and compel them, if not to restore all, at least to grant a competent allowance to ministers forth of the tithes they possessed." The king accepting the petition graciously, said, "That it should not be well with the Church so long as ministers were drawn from their charges to attend the yearly modification of stipends, and that he held it fittest once to condescend upon a competent provision for every church, and deal with those that possessed the tithes to bestow a part thereof to the foresaid use; and seeing that business would require a longer time than they could well continue together, that they should do well to make some overtures to those that had the commission for stipends, promising for himself that he should stand for the Church, and be an advocate for the ministers."

After a long deliberation, these overtures were proponed. "First, That the ministers having stipends assigned to them forth of the tithes of the churches where they served, a perpetual security should be made to the tacksmen, and a certain grassum condescended on for every chalder of victual, which should be paid for nineteen years' lease; at the expiring whereof, another lease upon the like conditions should be renewed for as many years, the principal tacksmen being obliged to grant the like security for his subtacksmen. 2d,

That the prelaties should be disposed to actual ministers, the churches annexed thereto being sufficiently provided, and the tenth of the superplus paid to the king; or otherwise, that all the great benefices should be dissolved, the prelate enjoying the principal church and temporal lands, and the churches annexed disposed to ministers, both they and the prelate paying a yearly duty to the king. And 3d, That all inferior benefices should be provided to the ministers serving the cure."

The first of these overtures the king held reasonable and most advantageous to the Church. But the Assembly, esteeming it dangerous to make tithes heritable, deferred to give their consent; so as nothing was at that time concluded, and the overtures remitted to a more deep consideration.

The synod of Fife did, after this, present some grievances, complaining, "That the General Assemblies were not kept at the ordinary times, and both places and diets altered, without the knowledge of presbyteries and synods. That ministers were called before the council *in prima instantia*, for matters of doctrine and discipline. That the government of the Church continued in the hands of a few ministers, under the name of a commission, to the prejudice of the liberty of the Church. That doctors, being an ordinary calling in the Church, were debarred from coming to Assemblies. That no trial was taken concerning the observation of caveats. That the ministers of Edinburgh, being the principal watch-tower of the Church, were not permitted to attend their charge. That the land was polluted with the French ambassador's mass, and excommunicates suffered to abide in the country. And lastly, that the letters and practices of papists were kept secret, and not communicated to the watchmen."

These complaints, being known to proceed from the private discontents of such as grieved to see the affairs of the Church carried by others than themselves, were not much regarded; yet to show that they had no just cause to complain, a particular answer was made to every one of them. And first it was said, "That the Assemblies both were and should be kept according to the act of parliament. That ministers should not be called before the council but upon just grounds. That commissions given by the Assembly and rightly dis-

charged were lawful. That doctors authorized with a commission from the university, where they lived, were not denied a voice in Assemblies; and that if the caveats were not observed, they might instance the point, and have the person after trial censured." To the rest of the heads his majesty by himself made this reply: "That the French ambassador's mass was private, and could not be refused to him, considering that the minister, directed with his own ambassador the year before, was permitted to preach within the city of Paris. And for the ministers of Edinburgh, they had received all the favour they desired. As to him that lay back, it was his own fault, and no man's else. But where, saith he, it is craved that the letters and practices of papists should be communicate to ministers, as that were the ready way to procure the escape, and no punishment of the practices, so the proponers would remember, that secrets must be imparted at the king's pleasure, and not otherwise."

Some other acts were concluded in the same Assembly; as, "That, in memory of his majesty's deliverance, there should be sermons in all the burghs every Tuesday, and the fifth of August solemnly kept, as the parliament had prescribed, in all the churches of the kingdom. That ministers should not refuse the sacrament of baptism to infants, nor delay the same, upon whatsoever pretext, the same being required by the parents, or others in their name:" for as then, except at ordinary hours of preaching, ministers denied to baptize. And because they had taken up a custom not to celebrate marriage upon the Sunday, pretending that the day was profaned by feasting, dancing, and the like, it was ordained, "They should hereafter, at the parties' desire, celebrate the same either on Sunday or week-day." These things concluded, and commissioners chosen to attend the common affairs of the Church, the Assembly dissolved, having appointed the next meeting at Aberdeen, the last Tuesday of July, *anno* 1604.

All this time were the enemies of our religion, the Jesuits, especially busied to stir up a party against the king and his title to England. They had lost all hope of gaining his affection, or obtaining any promise of toleration when he should come to that crown; and had found their writings and pamphlets, for the infanta of Spain her right, to move few

or none. Thereupon they fell to treat of a marriage betwixt Lady Arabella and Robert prince of Savoy; and, that not succeeding, to speak of a match betwixt her and a grandchild of the earl of Hartford's; judging that their pretensions being conjoined, many would befriend them, to the excluding of the king of Scots. But the queen, who truly favoured his right, though she would not openly profess so much, dashed all those projects, and caused an eye to be kept upon that lady and such as resorted unto her.

About the same time, the king had intelligence given him that one Francis Mowbray, son to the laird of Barnbougle, who had lived a while in the infant's court at Brussels, had undertaken to kill him. This broke out first at London by an Italian, a fencer, whose name was Daniel. Which coming to the queen's ears, she commanded Sir Robert Cecil, her secretary, to call the persons (for they were both in the city), and examine them. The Italian abode by his speeches. Mowbray denied, and offered to prove him a liar in combat, which the other accepted. Both being sent into Scotland, they were tried first severally, then confronted before certain of the council. The Italian produced witnesses who verified all that he had deponed. Whereupon Mowbray was committed to the castle of Edinburgh, where, seeking to escape by night, at a window of the chamber where he was detained, the sheets proving too short by which he thought to descend, he fell from a great precipice, and was found the next morning dead at the foot of the rock. The corpse was, the same day, being the last of January, presented to the justice, and sentence of forfeiture pronounced against him; his body hanged for a space upon the gibbet, and afterwards quartered and affixed on the gates and most open places of the town. His friends (for he was well-born, and a proper young gentleman) gave out that he had been strangled, and his corpse thrown down at the window. But this carried no appearance, and was believed of few.¹

The queen of England, in the winter, being perceived to wax heavy and dull, and the rumour thereof dispersed (as there is nothing that can be worse concealed than the sickness or death of a prince), there was much business every where, and she held by the most part no better than dead.

¹ [See note to this Book.—E.]

The French king had sent, the summer preceding, two ambassadors, one to reside in England and another in Scotland, under colour of impeaching the courses of Spain, but in effect to observe the strength and affection of both people. He that was sent into England brought a letter, from the French king to Secretary Cecil, of infinite kindness; and breaking with him one day upon the miseries of the kingdom when it should please God to translate the queen, fell to speak of the loss he should sustain by the exchange, and the case wherein he would be if the Scottish king did succeed; which to his apprehension should be more hard and miserable than any others, being likely to undergo the revenge of faults laid upon his father about matters concerning the king's mother, and other courses that he was esteemed to have run himself since the death of his father. The secretary, that was no child, knowing that the ambassador did but sound him, for making some other project, answered, "That this was the reward of unspotted duty, when ministers did only regard the service of their sovereigns, without respect of their own particular; and that for himself he should never grieve to endure trouble for so just a cause, the same being to a man that valued his credit more than his security, a kind of martyrdom; notwithstanding, he supposed that things past would not be called to mind; or if so were, and that he saw his case desperate, he should flee to another city, and take the benefit of the king's royal offer."

The ambassador being so answered, made a fair retreat, saying, "That in case the king of Scots did carry himself towards the king of France with the respect which was due, he was not purposed to impeach his interest." The secretary replying, "That it was a wise resolution his master had taken," the ambassador ceased to tempt him any farther in that business. Hereof the king was advertised by letters from the secretary, who therein did assure him of his true and honest service when occasion required; howbeit he would not, as some others had done, needlessly hazard his fortune and reputation before the time.

It shall not be amiss to hear what was the king's answer to the secretary. "As I do heartily thank you," said he, "for your plain and honest offer; so may you assure yourself, that it would do me no pleasure that you should hazard

either your fortune or reputation, since the loss of either of these would make you the less available to me. No, I love not to feed upon such fantastical humours, although I cannot let¹ busy-bodies to live upon their own imaginations. But for my part, I hold it the office of a king, as sitting on the throne of God, to imitate the *primum mobile*, and by his steady and ever constant course to govern all the other changeable and uncertain motions of the inferior planets. And I protest in God's presence, that for your constant and honest behaviour in your sovereign's service, I loved your virtues long before I could be certain that you would deserve at my hand the love of your person; wherefore go on, and serve her truly that reigneth, as you have done, for he that is false to the present will never be true to the future."

In another letter directed to the earl of Northumberland (that we may know the wisdom and piety of the king), who had sent him advertisement of the queen's weakness, and advised him to make sure his title by apprehending possession in time, he said, "That man can neither be religious nor just that dealeth worse with his neighbour than he would be dealt withal; and in a man of quality it can be no wisdom to leap hedge and ditch, and adventure the breaking of his neck for gathering forbidden fruit before it be ripe; whenas by attending the due time, he may be sure to find all the gates of the orchard open, and with free scope enter, take and taste at liberty. Sure it were a great weakness and unworthiness in me to come in as an usurper, with offence and scandal to the laws and present estate of government, when I may, in the right time, claim the crown as nearest heir to the prince deceased, and possess with equity. Should I, out of untimely ambition, fall to break the long continued and faithfully preserved amity, that by the proof of many kind offices hath taken root among us, it were an error inexcusable. And howbeit I do acknowledge your kind affection in the offers you make of assistance, I must tell you freely, that no prince can presume of any subject's loyalty to himself that hath been unsound and unfaithful to his own sovereign; nor would I ever look to be secure in a kingdom so traitorously disposed." In end, he advised the earl to forbear such writing, and when he wrote (which he wished him to do

¹ Hinder.

rarely, and not but upon great occasions), to beware of any thing that might justly offend the queen, lest, by interception or other misadventure, he might be disabled to serve him another day.

This was the king's resolution, which God so blessed as it brought him within a short time after, against the opinions and desires of many, to the quiet and peaceable possession of his right and inheritance; for, in the spring, the queen's disease increasing (which was judged to be a melancholy incorrigible, and by some conceived to proceed from a sorrow for Essex, others ascribed it to the accepting of the rebel Tyrone to peace), and all apprehending it to be deadly, the hearts of people did so incline to the king, as a great man in that state did write unto him, "That all England was grown to be Scottish." The queen herself continuing constant in her affection, when she was asked, a little before her death, by the lord keeper and secretary (who were directed by the council to understand her will touching her successor), answered, "None but my cousin, the king of Scots." After which words she spake not much: only being desired by the archbishop of Canterbury (whom she would not suffer to go from her all that time), to fix her thoughts upon God, she said, "So I do, neither doth my mind wander from him;" and then commending her soul to God in devout manner, died most patiently and willingly. A queen incomparable for wisdom and felicity of government. She departed this life the twenty-fourth of March, in the seventieth year of her age, and forty-fourth of her reign. The same day, in the forenoon, the king of Scots was proclaimed king, first at the palace of Whitehall, next at the cross in Cheapside, within the city of London, with an infinite applause of all sorts of people.

NOTES TO BOOK VI.

NOTE I. Vol. II. p. 361; Vol. III. pp. 5, 107.

QUEEN MARY AND HER MAIDENS.—SCOTT OF BUCCLEUCH AND FRANCIS MOWBRAY.

[Our author's account of the death of Mary queen of Scots is a model of historical narrative. Nevertheless, some circumstances are omitted in the text which seem to complete the dramatic horrors of this matchless tragedy, and may be here supplied. This will be the more readily excused, as even Mr Tytler, in his very accurate and overflowing history, has not recorded all that we are about to add from contemporary sources.

On the morning of the execution, after the will of the queen had been read to her domestics, which she herself had drawn up, and signed in their presence, and while on her knees at an altar, two of her maidens, Barbara Mowbray, and a young French lady of the name of Beauregard, came weeping to her physician Burgoin. Their names, they said, had been omitted in the will, and they implored Burgoin to mention the matter to her majesty. No sooner was the queen informed of this distress, than she rose from her kneeling posture, and wrote an affectionate remembrance of these two damsels on the margin of her testament. This touching trait is not recorded by our author, and had escaped the modern historians, from Hume to Tytler.

It is perhaps more extraordinary that the precise mode of the decapitation has been imperfectly and erroneously recorded by Spottiswoode, Hume, Robertson, Scott, and even by Tytler; though this last enters more into the details, and is more accurate, than his predecessors. Our author says, "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 grey" (vol. ii. p. 361.). This account has been adopted by Hume, Robertson, and Scott. Tytler is nearer the truth when he says, that the unhappy queen awaited the blow in a sitting posture, expecting to be beheaded according to the mode of capital punishments in France. It is strange, however, that this accurate and indefatigable historian, while quoting the chronicle where the true details are to be found, (*Mort de la Royno d'Escosse*), should have added, "On being made aware of her mistake she *instantly knelt down*, and, groping with her hands for the block, laid her neck upon it, without the slightest mark of trembling or hesitation," and that two strokes of the axe sufficed.

But there was not vouchsafed to the last moments of poor Queen Mary's sufferings the same quiet dignity that invested the death-scene of her grandson, Charles I. Without the slightest disposition on her part to resist, or shrink from the blow, and with no probable intention on the part of her executioners (though the Catholics suspected it) to aggravate the death, nevertheless was the

dying prayer of the Catholic queen disturbed by an unseemly struggle with her executioners. One of them wounded her on the head with his axe, ere by two subsequent blows he severed it from her body. The queen was placed upon a low seat on the scaffold, expecting death, from a sword, in that sitting posture; and, keeping her person rigid, with outstretched neck and clasped hands, she was reciting from the Psalms, when the two executioners (probably mistaking her attitude for resistance) on either side, seized her by the shoulder, and endeavoured to bring her head to the block. At first they only succeeded in throwing her upon her knees. In that posture, and still awaiting the sword, with her neck outstretched for the blow, she continued to repeat the Psalms. The executioners also continued to exert force to place her body in a horizontal position, and at length succeeded in bringing her neck down to the billet of wood that had been provided for the purpose. Then she placed her hand under her chin, as if to enable her to give utterance to prayer; but the executioner seized it and drew it away, lest it should be cut off. A blow immediately followed from the axe, which the indignant narrator describes as a rude cleaver, altogether unsuited for the purpose. This first blow fell upon the back of her head, but without penetrating deeply. A second blow cut the neck half through; and the *third* severed the head from the body. These horrible details were omitted, naturally enough, in the official despatch which described the execution. But whoever reads the contemporary narrative will find no room to doubt that it is the faithful description of an eyewitness. The writer says of himself, "Prenez en bonne part, je vous supplie, la grande affection et juste regret d'un serviteur fidele, et de bonne volonté, qui ne peut endurer que l'honneur de sa maistresse soit foulé ou offensé." Nor is it at all unlikely that the interesting and melancholy record was penned by her physician Burgoin, who was permitted to be on the scaffold. See "La Mort de la Roynne d'Escosse," 1589; reprinted in Jebb's Collections, vol. ii. p. 609.

One affecting incident is thus shortly told by the same chronicler. When the blood was about to be removed from the scaffold, that no avenging spirit might steep a relic therein, "Fut trovée une petite chienne *dedans sa robe*, qu'il l'avoit *suivie en bas*, laquelle une grande princesse de France a voulut avoir pour l'amour de la defunte." No more is there recorded of that little dog. But another contemporary account has it thus: "There was one remarkable thing which happened at her execution, and which ought not to be omitted, and that is, the strange and surprising instinct of a little dog that she had, whom they could never separate from her, without doing violence to her majesty; sheltering himself always beneath her royal robes; and when the blood began to flow about him, he lap'd some of it, and would never afterwards be induced to taste meat or drink, but died for grief." The anecdote is so narrated in a note to Freebairn's Life of Queen Mary, 1725, quoting "A Relation writ by an Eyewitness, by Secretary Cecil's Command," of the execution of Queen Mary, from a copy in the Advocates Library.

Tytler says, "Her last words were, 'Into thy hands I commend my spirit, for thou hast redeemed me, O Lord God of truth.'" But it was not so. While the executioners were yet struggling with her, she had just uttered the three first words *In manus tuas* with a loud voice, when the first erring blow descended on the back of her head, and of course deprived her of speech.

It is not generally known that Barbara Mowbray, whose affectionate distress, at having been forgotten in the will of her royal mistress, is mentioned above, was the daughter of Sir John Mowbray of Barnbougle, a Scottish baron of ancient descent, whose residence in the neighbourhood of Edinburgh, now the property of the earl of Rosebery, has recently been called Dalmeny Park. The superseding of the ancient name, which signifies the point of land of the victory of strangers, is to be regretted. See a characteristic incident of the times, relating to the place of Barnbougle, and Robert Mowbray, the eldest brother of

Barbara, narrated in the notes to book v. p. 217. Barbara Mowbray had another brother of the name of Francis, who also became deeply involved in the troubles of the times. Francis Mowbray was the intimate companion of Sir Walter Scott of Branxholm and Buccleuch, warden of the Liddesdale marches. It was upon the 13th of April 1596, that Buccleuch performed his unparalleled feat of storming the castle of Carlisle, and rescuing "Kinmont Willie."

"Now sound out trumpets, quo' Buccleuch,
Let's waken Lord Scroope right merrilie ;'
Then loud the warden's trumpet blew,
'O wha dare meddle wi' me !'"

On the following day, Francis Mowbray, who had some hand in the above enterprise, *meddled* with one William Schaw, to the effect of running a rapier through his body, for which slaughter he was outlawed. Robert Birrel records in his diary the exploit of Buccleuch (so admirably narrated by our author at the commencement of this volume), and says, it was performed "with shouting and crying, and sound of trumpet, puttand the said toome and countrie in sic ane fray, that the lyk of sic ane wassaledge wes nevir done since the memorie of man, no in Wallace dayis." Thereafter the same quaint chronicler notes, "The 14th Apryle Mr William Schaw wes stricken throu the bodie with ane rapier, be Francis Mowbray, sone to the laird of Barabogle." All Scotland, including the monarch, were proud of the storming of Carlisle, which so deeply wounded the pride of Elizabeth ; but, in order to afford her some slight satisfaction, Buccleuch was confined in the castle of St Andrews, "under pretext of intercomoning with Francis Mowbray, fugitive for the hurting of William Schaw, and making him his seemd in a combat undertaken betwixt him and young Cesfuirde," (Moysie's Memoirs). Our author (Spottiswoode) has not noticed this special reason assigned for Buccleuch's durance in Scotland. From a letter to Anthony Bacon, dated Edinburgh 23d November 1596, it appears that the feud betwixt the Scotts and the Kerrs, which so greatly disturbed the peace of Edinburgh, had been stayed, and that the parties, including Francis Mowbray, joined themselves in a close league and contract with the popish lords and their confederates. The parties to the league (says the writer of the letter) were, "The Lords Hume and Sanquire, the lairds Cesford, Baelugh, Clasburn, and Kirkmighil, with all the rest of their assistants in those parts, who not only subscribed, but swore to follow all one course in whatever should be undertaken by any one of them. This contract, by a general consent, was given to Francis Mowbray to be kept, by whose means I had the sight of it ; for he would gladly have dealt with my lord ambassador concerning a plot that he had devised for alteration of the state of these Octavians ; the which, as I understood, should have been effected by those persons aforesaid : for, said he, these are wise men, and will seek their advantage, either by the queen's majesty of England, or else by the king of Spain. And if this offer of their service take not effect, or be not embraced of the English, they will take their vantage of the Spaniard. But because of a promise that my lord made to the king, *that he wold in no sort meddle with Francis*, he refused to deal any further with them, save only that he had the sight of the contract ; which I brought, because I was the traveller between them, requested thereto by Francis, with whom I have been in great friendship this great while, and am yet. Now, I understand, that he is a special doer for the earl of Huntly ; and my Lord Sanquire, who is the chief man in the foresaid league, hath had sundry meetings with the papists, and now is become a great courtier. So that this makes great appearance to affirm that which I say ; yea, more than this, my Lord Sanquire is to be excommunicated, because he can in no wise be brought to subscribe to the religion." (See Birch's Collections from the Lambeth MSS. vol. ii. p. 205.)

This high spirited but turbulent youth came to an untimely and tragical end.

It is the same Francis Mowbray whose sad fate our author, in this Book (p. 107), narrates shortly, but in his usual graphic manner. In justice, however, to the sufferer, the story requires some farther elucidation. There was no evidence of sufficient credit against Francis Mowbray; who, in the course of the proceedings, addressed this remarkable speech to his sovereign: "If ever I thought evil, or intended evil against my prince, God, that marketh the secrets of all hearts, *make me to fall at my enemies feet—make me a spectacle to all Edinburgh, and cast my soul in hell for ever.*" The king instantly required these words to be recorded, and subscribed by Francis Mowbray. This he did without hesitation, and, moreover, demanded the trial by combat, with his accuser, Daniel; a bold measure, as the latter was an Italian fencing master. The combat was allowed, and the 5th of January named as the day of mortal trial, to take place in lists, prepared for the occasion, in the great close of Holyroodhouse. The king himself, however, postponed the ceremony, under pretext of "confronting Francis with other two Scottish men sent out of England; *bot of light account*, because they had spent their moyen, and was forced to leave the country," (Calderwood). Meanwhile, Francis Mowbray was confined in the castle of Edinburgh, and the Italian in another chamber *immediately above him*. On the day after he had been confronted with the witnesses "of light account," whose evidence, however, only tended to absolve him, and longing as he had been for the mortal trial that was to test his honour, this unhappy youth, was found dead and mangled at the foot of the castle rock, as our author narrates. It was said, that endeavouring to escape by means of his sheets and blankets, they proved to be too short, and he was killed by the fall. But, adds our author, "his friends (for he was well born, and a proper young gentleman) gave out that he had been strangled, and his corpse thrown down at the window. But this carried no appearance, and was believed of few." (*Supra*, p. 107.)

It carried some appearance, nevertheless. In the first place, from the manner in which the Italian had been lodged in the castle, above the cell of him he accused, it might be said that Mowbray had *fallen at his enemy's feet*; and these words stood recorded against him, and signed by himself, according to the king's command. In the next place; it was upon Sunday the 30th of January that Mowbray was killed, and, upon Monday following, James and his counsellors subscribe a letter to the justice-clerk, (in which great stress is laid upon the evidence of guilt derived from the attempt to escape,) desiring him to condemn the dead man to be hanged and quartered, and his quarters to be exposed upon the most public places of Edinburgh. Accordingly, on *that same day*, the mangled body was placed at the bar of the High Court of Justiciary, having been dragged backwards through the streets. There it was pronounced against the corpse, for doom, "to be hangit be the Craig upon ane gibbet besyde the mercat croce of Edinburgh, and his body quarterit, and his heid, ane leg, and ane arm, to be put above the Netherbow, ane elne above the rest, and ane ather leg to be hung on the Westport of Edinburgh, and ane ather arm to be hangin upon the Petterraw-peir; and all his lands, &c. to be foirfalt and inbrocht to our soverane lordis use." (Records of the High Court of Justiciary.)

Francis Mowbray, as our author tells us, was "a proper young gentleman." In these few significant words we have, doubtless, the epitome of a romance in real life. He was a fiery youth, attached to the Catholic cause, and an active plotter. But there was no sufficient evidence that he harboured the base design of assassinating his sovereign; and the very peculiar manner in which his solemn denial of that accusation came to be applied as an evidence of his guilt, could only deceive a superstitious age. Thus, under a process most revolting, in all its features, to justice and humanity, perished a son of one of the finest old baronial houses in Scotland, and one to whom the noblest gallant of his age, Sir Walter Scott of Buccleuch, was attached, as a companion and a friend. (See Mr Pitcairn's Collection of Criminal Trials.)

The old baron of Barnbogle, Sir John Mowbray, besides his sons Robert and Francis, had five daughters, Agnes, Elizabeth, Marion, Barbara, and Gilles. Their fates were very various. Two of them became the *step-mothers*, respectively, of the two most remarkable men of their age, "the admirable Crichton," and "the marvellous Merchiston." For Agnes Mowbray became the second wife of the father of Crichton, by marriage-contract dated at Barnbogle 6th August 1572, "betwixt honorabill persones, Johne Mowbray of Barnbogle, and Agnes Mowbray, his docter, and Maister Robert Creychton of Eliok," &c.; and Elizabeth Mowbray, about the same period, became the second wife of Sir Archibald Napier. Charters were granted to Sir Archibald Napier of Merchiston and Edinbellie, Elizabeth Mowbray, his wife, and Alexander Napier, son and heir of that marriage, of the lands and meadow called the king's meadow 3th February 1583; and of half the lands of Lauraoustoun, &c., 16th November 1593, all in the parish of Cramond. Sir Archibald built thereon the castlo of Lauriston, which was inherited by his son Alexander, above named, who became a Lord of Session, by the title of Lord Lauriston. That castle still exists, though it has passed through a variety of hands, and undergone important changes. There is still to be seen, among the decorations of two of the windows, the initials *S. A. N.* (Sir Archibald Napier), and *D. E. M.* (Dame Elizabeth Mowbray), which no doubt have often puzzled the modern possessors. The original tower, a fine characteristic structure, was added to, and all the carved stones carefully preserved, in a manner that does equal credit to the taste and feeling of its then proprietor, the late Thomas Allan, Esq. It has recently been yet more sumptuously decorated, under the no less tasteful auspices of its present proprietor, her majesty's advocate for Scotland.

The fate of Barbara and Gilles Mowbray was not so fortunate as that of their elder sisters. In "La Mort de la Royne d'Escosse," which records the severity of the English government towards the domestics of Queen Mary, this sentence occurs: "*Le Baron de Barnestrudgal, gentilhomme Escossois, qui avoit deux de ses filles en prison, vint à Londres, ou, ayant commandement du Roy d'Escosse de parler pour les serviteurs de sa mere, poursuyvit leur deliverance.*" There can be no doubt that *Barnestrudgal* is a corruption of *Barnebougall*, and that the venerable Scottish baron had journeyed to London chiefly on account of his two daughters, Barbara and Gilles. The household of the queen of Scots were treated with great cruelty, immediately after her execution. Her forlorn domestics humbly prayed to be allowed to depart to their respective abodes. They were detained, however, as prisoners, and kept in constant dread of death or torture, with food barely sufficient to sustain them. None of them were suffered to take exercise, or to move without a guard. Barbara and Gilles Mowbray, whose affection for the queen is indicated by the anecdote already noted of the former, the daughters of an ancient house, young, and irreproachable in their conduct, were cast into prison. This inhuman step appears to have brought matters to a crisis. James VI. commissioned Sir John Mowbray himself, as an intercessor with the murderess of his mother, in behalf of her oppressed maidens and familiars. The result was their release; and, immediately afterwards, a very different scene arose out of some revulsion of feeling on the part of the tigress of England. About the period of the baron of Barnbogle's mission, information had been sent to Elizabeth, by those who were weary of watching the body of her victim, and of tyrannizing over those persecuted domestics, that the embalming had failed, and part of the leaden coffin given way. Some sinister policy of her own, added to the opportune arrival and strong remonstrance of Sir John Mowbray, at length determined Elizabeth to order the remains of the queen of Scots to be interred at St Peterborough, with the pomp suitable to royalty. The same curious contemporary account from which these details are gathered, informs us, that, in this high and solemn pageant, "*Les femmes de la Royne d'Escosse*" walked in the following order: "*Madamoyselles Barbe*

Maubray; Cristine Sog; *Gilles Maubray*; Elspeth Curle; Renee de Realy; Marie Pagets; Jaune Kennedy; Susanne Korkady." It is remarkable, after all that has been said and sung of the "Queen's Maries," to find only one, out of the eight who were present at her funeral, who bore the name of Mary. When the royal procession reached the chapel, and the service had commenced in English, the physician Borgoin, and all the others of the household, rushed out of the chapel, with the exception of Sir Andrew Melville and Barbara Mowbray.

Amid such scenes, and from this soil of blood, and tears, and desolation, it seems that love was springing. Very shortly afterwards, Jane Kennedy was married to Sir Andrew Melville, and Barbara Mowbray to William Curle. This last had acted as secretary to Mary for more than twenty years,—that is, since before the commencement of her captivity in England. His extorted evidence had been made conducive to her murder, which greatly afflicted him. Repeatedly his sister, Elspeth or Elizabeth Curle, used to fall on her knees before the queen, and in an agony of tears implore forgiveness for her brother. Mary always exonerated William Curle, whom she loved; and accused Nau, the French secretary, of misleading him, and being instrumental in her death. One of her latest requests to the earl of Kent, rendered more earnest, perhaps, by her knowledge of the affection that subsisted between her Secretary and Barbara Mowbray, was, that William Curle should be suffered to depart in peace. The earl pledged himself for his safety, and, accordingly, not long after the solemn pageantry at St Peterborough, William Curle with his spouse Barbara Mowbray, and his sister Elspeth Curle, sought security and consolation in a Catholic country.

I know not what became of Gilles Mowbray, who probably returned to Scotland with her father. As for Barbara, her remaining history is no less curious than interesting. Some time in the last century, a Flemish gentleman of talent and consideration in the Low Countries, possessed an ancient Flemish manuscript, which narrated that William Curle, accompanied by *two ladies of the same name* (his wife and sister no doubt) came over to Antwerp after the execution of the queen of Scots, carrying with them a portrait of that unhappy princess, and *her head*, which they had contrived to abstract; that, in the little church of St Andrew there, these pilgrims buried their fearful relic at the foot of one of the pillars, where they resolved that their own tombs were eventually to be; that to this pillar they attached the portrait of their idol, and placed near it a marble slab recording her fate. Thus far the Flemish manuscript. This wild legend is, in some respects, singularly confirmed. To this day (or within a recent period) a portrait of Queen Mary decorates a pillar of the church of St Andrew in Antwerp. Whoever visits that little church now may read the inscription that records the martyrdom of Queen Mary. Moreover, they may peruse, graven upon the slabs that cover their dust, the sad story of two females buried there, *Barbara Mowbray* and *Elizabeth Curle*. Barbara's tomb at Antwerp records her fidelity to Queen Mary, and also the fact, that she was the daughter of *Sir John Mowbray, a Scottish baron*. It also states, that she was married to William Curle, who for twenty years had been secretary to Queen Mary; and that as man and wife they lived together for four and twenty years "*sine querela*," and reared a family of eight children. But this happy union had not been without its distresses. For the Latin inscription proceeds to tell, that of their eight children, six were called to heaven before their parents, and two sons only were spared, upon whom they bestowed a liberal education; that James, becoming a member of the society of Jesus, settled in Madrid; and that Hypolitus, the younger, was attached to the same society in Belgic Gaul, being resolved to enrol himself under the banners of Christ, and with sad tears had closed the tomb of his widowed mother, the best of parents. She died, it is further stated, a widow, upon the 31st of July 1617, aged fifty-seven. As her mistress was beheaded in the month of February 1587, Barbara Mowbray must then have

been about twenty-seven years of age. The same stone narrates, that under it also reposes the body of Elizabeth Curle (she who had been on the scaffold with Queen Mary), "*semper caelebs*," who died upon the 29th of May 1620, aged sixty. It thus appears that she and Barbara Mowbray were of the same age. The inscription bears to have been placed by Hypolitus Curle, the brother of Elizabeth. It refers to the monument of their beloved mistress placed above them on the pillar, but affords no confirmation of the story of the abstracted head. There are few obituaries so touching as this tomb in the Church of St Andrew at Antwerp.

The fate of Jane Kennedy (who bound the embroidered kerchief upon the eyes of Mary on the scaffold), if less romantic, was more melancholy. After her union to Melville, they were both in the highest favour with James VI.; and when that monarch was arranging the preliminaries of his marriage, in 1589, Sir Andrew was the master of his household; and the lady whom he selected to attend his queen was Sir Andrew's spouse. But she who had shrouded the eyes of Mary at the block, was not destined to wait on the mother of Charles I. When Jane Kennedy received this high and well earned mark of her sovereign's confidence, she was residing in Fife. Though the storms were so great as to be considered the effect of a combination of witches against the royal alliance, nothing could deter her from instantly crossing the water. The result we shall give in the words of her brother-in-law, Sir James Melville:

"The stormes wer also sa gret heir, that ane boit perissit between Brunteland and Leith, wherein was a gentilwoman callit Jane Kenete, wha had been lang in England with the queen his majestee's mother; and was, sensyn, married upon my brother, the maister houshald to his majestie, Sir Andro Melville of Garvok. Quhilk gentilwoman, being discret and grave, was sent for be his majestie to be about the queen his bed-fallow. Sche, being willing to mak deligence, wald not stay, for the storm, to sail the ferry; when the vehement storm drave a schip forceably upon the said boit, and drownit the gentilwoman, and all the persons except twa. This the Scotis witches confessit, unto his majestie, to have done."]

NOTE II. Vol. II. p. 441.

THE SPANISH BLANKS—PROCEEDINGS OF THE KIRK—NAPIER OF-MERCHISTON AND KING JAMES—PROGRESS OF SCIENCE.

[Our author narrates the history of that popish plot, which is known by the name of the conspiracy of the "Spanish Blanks," in his usual minute and interesting style. But he has not recorded all the circumstances attending the fate of the unfortunate sufferers. "Mr George Kerr," says the archbishop (p. 425, vol. ii.), "at his examination, did *ingenuously* confess all that he knew of the business." Dr Robertson, in his History of Scotland, comes a point nearer the truth. He says, "But Ker's resolution shrinking *when torture was threatened*, he confessed that he was employed by these noblemen to carry on a negotiation with the king of Spain." Dr McCrie, in his life of Andrew Melville, has it, that, "Graham of Fintry, and Ker, being both *examined* before the Privy Council, *testified*," &c. Even Mr Tytler has not recorded the circumstances, although he mentions, in a cursory manner, that Ker's confession had been extorted by torture under the superintendence of the king himself. But David Moysie, in his contemporary memoirs, says, "It wes thoct meit, because of Mr George Kerris *denjell*, that he *shuld be batted*; and the Justice-clerk (Bellenden), and Mr William Hairte, being bosted be his freindis, darst not doe the sam untill the tyme *his majesty*, taking the maister liechly, *wold have the same*

donne; and, after the second streak, he cryed for mercie, and confest all," (p. 100.) This record affords an important commentary upon that sentence of our author, Spottiswoode, where he says, (p. 426), "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." The confessions, with the intercepted blanks and letters, were all published at the express command of the king, and with an admonitory preface, like a sermon on the occasion, drawn up by a minister. The treatise issued from the press of the king's printer, Robert Waldegrave, 1593. Mr Pitcairn has reprinted the confessions in his *Criminal Trials*, and considers the tract almost unique. There is one copy in that gentleman's possession, and another in the Advocates Library. The king's own violent and cruel conduct, in the investigation of the affair of the Spanish blanks, of course encouraged the excitement of the Kirk against the popish lords; nor is it to be wondered at, that the commissioners should have reminded him of his own demeanour and expressions, upon the fearful occasion which our author so simply records as "the hearing of Mr George Kerr his confession," (p. 441).

It is somewhat singular, that no historian of the period, from Spottiswoode to Tytler, should have noticed, that the leading commissioner from the Kirk, at this eventful crisis, was the most remarkable man of his day, John Napier of Merchiston, who at the very time was brooding over the wonderful conception which so completely revolutionized science in the seventeenth century. It is difficult to say whether he himself regarded that laborious and immortal work, or his no less laborious but mortal antipathy to the Popedom, as the principal mission of his genius upon earth. Certainly his mind was about equally divided between the mysteries of Numbers and the mysteries of the Apocalypse; and while calculating the *Canon Mirificus Logarithmorum*, he was at the same time miscalculating the day of judgment. The affair of the Spanish blanks had greatly excited him; so much so, that upon this occasion only, during all his life, he emerged from the deep shadow of his mysterious studies, to become a public agitator. The whole circumstances connected with his intervention, for the Kirk, with the king at this crisis, are so curiously illustrative of the times as to occasion regret that the narrative had not found its proper place in the pages of Spottiswoode.

It was known that the eldest son of the master of the mint was highly and rarely gifted. Mr Robert Pont, particularly mentioned by our author as a leader of the Kirk, was the parish minister of the barony of Merchiston, and the intimate friend of the "fear of Merchiston," or young laird; who, by the way, was only fifteen years younger than his venerable father. His very learned minister Pont, at once an accomplished mathematician and a profound theologian, in one of his abstruse works refers to Napier as "honoratum et apprime eruditum amicum nostrum fidelem Christi servum, Joannem Naperum, cujus extant in Apocalypsin ὑπομνηματα," (De Sabbaticorum Annorum Periodis, 1619.) Sir John Skene of Curriehill, clerk-register, to whom we owe the first collection of the Scottish Acts of parliament, the *Regiam Majestatem*, the *Quoniam Attachamenta*, and the *De Verborum Significatione*, being puzzled with an article in the last mentioned treatise, tells us that, in order to extricate himself, "I thought gud to propone certaine questions to John Naper, fear of Merchistoun, ane gentleman of singular judgment and learning, especially in the mathematicke sciences." As that work was only published in 1597 (seventeen years before the publication of the Logarithmic Canon), Skene's estimate of Napier was contemporaneous with his taking up the cause of the Kirk against the plots of Spain. There is evidence, however, not a little curious and interesting, that even before this time the King of Numbers felt perfectly assured in his own mind of his great discovery, as will appear in the sequel.

Speaking of the destruction of the Spanish Armada in 1588, our author, Spottiswoode, says, "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," (vol. ii. p. 339.) The other remarkable events of the period were, the death of Catherine de Medicis, ("bludie Jezabell to the sanets of God," as James Melville, the minister, calls her in his diary), the murders of the Duke and Cardinal of Guise, at the instigation of Henry III., and the assassination of that monarch himself. These events are thus succinctly recorded by Melville. "The Duc and Cardinale wer slean in December 1588; the quein, for *hartseariness*, followit in Januar; and the king was *stickit* the August following," (Diary, p. 177). If even in the nineteenth century, when superstition is understood to be banished from civilized life, the scripture mysteries are continually supposed to be revealed by political events, we must not wonder that in the year 1588 such events were regarded as the fulfilment of ancient prophecy. The mind of Napier was particularly agitated at that alarming crisis. He had been long brooding over the depths of the Apocalypse. Before he had completed his fourteenth year, and when at the college of St Andrews, he had held disputations on the subject, of which he gives this very graphic account: "In my tender years and bairnage in Sanct Androis, at the schooles, having on the one part contracted a *loving familiarity* with a certain gentleman, a papist, and, on the other part, being attentive to the sermons of that worthy man of God, Maister Christopher Goodman, teaching upon the Apocalyps, I was so moved in admiration against the blindness of papists, that could not most evidently see their seven-hilled city, Rome, painted out there so lively by Saint John, as the mother of all spiritual whoredom, that not only *burstit I out in continual reasoning*, against my said familiar, but also from thenceforth I determined with myself, by the assistance of God's Spirit, to employ my study and diligence to search out the remanent mysteries of that holy book: as, to this hour, praised be the Lord, I have been doing at all such times as conveniently I might have occasion." Galileo, when a few years older, was also roused to powerful mental exertion, in the house of God. But it was his eye, not his ear that was attracted,—a characteristic difference between the practical and the speculative philosopher which continued throughout their respective careers. In the cathedral of Pisa, to which city the young Italian had been sent for the benefit of an university education, he fixed his gaze upon the vibrations of a lamp. Amid the pageantry of that worship against which Napier warred, and of which Galileo was the victim, he watched with the eye of an eaglet the isochronal movements of the chain, and measured them by the beatings of his pulse. The result was the pendulum.

But to return to Napier and the "marvellous year;" he also tells us himself, that after many doubts and despairings, at length a light from above seemed suddenly to burst upon his hitherto obscure and painful lucubrations. "Then," says he, "greatly rejoicing in the Lord, I began to write thereof in Latin, yet I purposed not to have set out the same suddenly, and far less to have written the same also in English; till that of late, this new insolency of papists, arising about the 1588 year of God, and daily increasing within this island, *doth so pity our hearts*, seeing them put more trust in Jesuits and seminary priests than in the true Scriptures of God, and in the Pope and *king of Spain* than in the King of Kings, that, *to prevent the same*, I was constrained of compassion, leaving the Latin, to haste out in English this present work, almost unripe, that thereby the simple of this island may be instructed, the godly confirmed, and the proud and foolish expectations of the wicked beaten down; purposing hereafter, God willing, to publish shortly the other Latin edition hereof, to the publick utility of the whole Church."

This was written with a direct reference to the exciting circumstances under which Napier was commissioned from the Kirk to the king, in the year 1593.

For a time his mind was completely engrossed with these stormy politics, which were coincident with his labours to demonstrate, by means of a scientific analysis of the Scriptures, that the end of all things was not far distant. Yet it can be proved that even in the "marvellous year," 1583, he alone of all the world, and in the days of Tycho, Galileo, and Kepler, was laboriously working out the discovery of the Logarithms, although he did not present that powerful lever to science until the year 1614. The risk was, that his literary crusade against the Popedom, and his devotion to the affairs of the Kirk, might have buried the secret in his grave. And, indeed, his own ardent anticipations, which he announces in the preface to his great mathematical work, of the mighty impetus thus about to be afforded to human investigation in its highest departments, must have been somewhat checked and mortified by the persuasion, that, in the course of a very few generations, the dominion of man upon earth was to cease, and the heavens to pass away like a scroll.

The circumstances under which Napier was placed at the head of the commission from the Kirk are somewhat curious. He had now for a long time been married to his second wife, Agnes Chisholm, the daughter of Sir James Chisholm of Cromlix, by whom he had a numerous family of sons. His only son by his first marriage to Elizabeth Stirling of Keir, was at this time attached to the household of the king; and served him faithfully afterwards in England, for fifteen years, as gentleman of his bed-chamber. James, when on his deathbed, recommended Archibald Napier to Charles I.; and, accordingly, he was the first Scotchman whom that monarch raised to the peerage. While on the one hand there was this link between John Napier and the Court, on the other a yet closer tie existed between him and the persecuted party of the popish lords. In the confession extorted by the king from poor Ker, (who was the brother of Lord Newbottle,) by that infernal instrument the iron boot, he states, "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 (Ker) subscribed in the beginning of October, he being then in Edinburgh," (p. 426.) Napier's *father-in-law* had thus escaped the iron boot, but was not allowed to rest by the Kirk. "The ministers of the synod of Fife," says Spottiswoode, "meeting at St Andrews in the beginning of October 1593, did summarily excommunicate the earls of Angus, Huntly, and Erroil, 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, and *well-affected barons*, to advise what course was fittest to take for defence of religion, and repressing the practices of enemies," (p. 437.) This rabid synod was very violent against the delinquents, declaring them "*ipso facto* cut off from Christ and his Kirk, and so become most worthy to be declared excommunicated, and cut off from the fellowship of Christ and his Kirk, and to be given over to the hands of Satan, whose slaves they are, that they may learn, if it so please God, not to blaspheme Christ or his Gospel." They added that, "the said Sir James Chisholm being one of the principal complices and devisers of their most malicious plots, the said synod found that they had good interest and occasion to excommunicate and cut him off," &c. (Calderwood.) If John Napier's numerous family attended their parish church on the day appointed, they must have heard pronounced from the pulpit their grandfather's doom, to be excluded from the social comforts of life, the blessings of the Church, and delivered into the hands of Satan; and this under the auspices of their own father.

As Spottiswoode narrates (vol. ii. p. 433), this violent proceeding on the part of the Kirk greatly incensed the king, although his own treatment of the brother of the Abbot of Newbottle set the highest example to such tyrannical oppression. But our author has passed over in a very cursory manner the graphic

incident of the popish lords' appeal to the king on the highway, which accelerated the violent proceedings of the Kirk against them.

On the 12th October 1593, King James, harassed by his clergy and haunted by witches, now dreading the king of Spain, and now in terror for the wild earl of Bothwell, was trotting at the head of his retinue to the borders, with the temper of a goaded ox. Suddenly a most unwelcome apparition arrested his progress at Fala. The earls of Angus, Huntly, and Erroll, and Sir James Chisholme, had been hiding themselves among the mountains. Aware of the royal progress, they determined to extort some favourable expressions from the king himself, and most unexpectedly started up in his path, at the foot of Soutra hill. Falling on their knees before him, they earnestly implored a fair trial, and that they should not be condemned unheard. James, though favourable to the supplicants, was very much alarmed for the interpretation that might be put on this audience, and refused to treat with them. But, instead of ordering them into custody, he dismissed them without committing himself, and immediately sent a report of the whole affair, by the master of Glammis and the abbot of Lindores, to Queen Elizabeth's ambassador and the clergy in Edinburgh. "It was," says the minister Melville, in his diary, "verie greivus to the Breathirin to heir that the saids excommunicat lords haid reparit to his majestie, and spoken him at Faley, even immediately before the meeting of the Kirk. This was given in commission to be regratit."

Upon this it was, that the excommunication of these persecuted noblemen and gentlemen of the popish persuasion, was ratified in a very excited convention of the Kirk, on the 17th October 1593, and public proclamation of the same ordained to be made from all the pulpits. The same convention appointed a select committee to follow the king wherever he was bound, and to lay before him, in a personal interview, certain instructions for the punishment of the rebels, the safety of the Kirk, and the quieting of the public mind. This mission was considered so perilous, that the ministers, not usually backward in the political storms of their religion, declined it very nearly to a man. Their sturdy moderator, however, James Melville, then stepped forward to assert the courage of the school of Knox. The two barons selected for the adventure must have been considered among the most able and courageous of the convention. And certainly it affords a curious trait of the times, that the leading commissioner, and who no doubt must have been the spokesman with the king, was the son-in-law of Sir James Chisholme, a principal delinquent; namely, John Napier younger of Merchiston. James Melville, in his diary (p. 208), says, "It behoved me (all uther refusing except Mr Patrick Galloway, the kingis ordinar minister, who was to go thither) to tak jorney to Jedwart, accompanied with twa barrones, the lairds of Merchiston and Caderwoode, and twa burgesses of Edinbruche; whar finding the king, were bot *bauchlie lookit upon*." That the leading commissioner was the philosopher, and not his father, is distinctly proved by the following record:

"17 October 1593. *Petitiones per commissarios Ecclesiæ Scoticanæ Regi exhibitæ.*" [Here follows the petition.] "These foresaid petitionis and conclusions being read and considered by the commissioners of the Kirk, barons and burghs present, the said commissioners agreed to the same, and promised to stand by them; and, for this purpose, hath directed in commission these brethren, the laird of Merkinston *younger*, the laird of Calderwood, the commissioners of Edenburghe and Dundee, Mr Patrick Galloway, and Mr James Melville, to present these humblo petitionis to the kingis majestie, and to retourne his majestie's answer back with all diligence. Ordains the excommunications of the earls of Huntly, Angusse, and Erroll, the laird of Auchindowne, and Sir James Chesholme, to be intimate in all the kirkes of Lowthian, the next Sabbothe." (*Bibl. Cotton. Caligula*, d. 2, fol. 190; *Fadera*, xvi. p. 222.)

The reception of these commissioners by his majesty at Jedburgh, and what

passed upon the occasion, is narrated by our author (vol. ii. pp. 440, 441), who adds, "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." James Melville, however, expressly says, that they got their answers in writing next morning. Upon the 20th of October, the convention received the commissioners, "their brethren, and good frendes, the larde of Marchiston *younger*," &c., who delivered the king's answers. (*Fadera*, xvi.)

It is also remarkable that Spottiswoode should have been ignorant, or have omitted to record, that the leading commissioner for the Kirk at this desperate crisis followed up his unsatisfactory interviews with a severe lecture to his Majesty; and this in the form of a published letter, framed in the most uncompromising and dictatorial spirit of the Kirk, though tempered with the language and manner of a gentleman. This bold and somewhat rash remonstrance, was ere long translated into all the languages of Europe. It was in the month of October 1593, that the commissioners met the king at Jedburgh, and afterwards at Lidlithgow. A third deputation laid the same petition before him in December following; because, in the intermediate month of November, the act of abolition had been proclaimed, to the great dismay and dissatisfaction of the protestant party. Now, the following letter (prefixed by way of *dedication* to Napier's "Plain Discovery,") is dated at Merchiston the 29th of January 1593,—that is to say, the month of January *following* the audiences with his Majesty, the 25th of March being, at that period, reckoned New Year's Day.

"To the Right Excellent, High and Mightie Prince, James the Sixt,
King of Scottes, Grace and Peace, &c.

"Forsomuch (right highe and mightie Prince) as both this our divine prophet St John, intreating here most speciallie of the destruction of the Anti-christian seate, citie, and kingdome, doth direct the execution of that great worke of God's justice and just judgement to the kings of the earth: as also, the whole prophets of al ages have for the most part directed al their admonitions generally to kings, princes, and governors, to the effect that they (as Heads-men) being by holy admonitions forewarned, might (according thereto) holde all the whole body of their common wealth in good order,—for certaine it is that the heade, being well affected, will of necessitie ministrat health and wholesome humors to the whole body,—Therefore it is likewise the dutie of God's servants in this age, interpreters of prophecies, as well (according to the example of the prophets) to encourage and inanimate princes to be ready against that greate day of the Lord's revenge, as also to exhort them generally to remove all such impediments in their cuntries and common wealths as may hinder that work and procure God's plagues. For the which causes wee, also all your Majesties subjects that any waies (how litle soever) have addicted our studies unto these propheticall mysteries, do not onely crave your Highness to abide constant and courageous against that day of the destruction of that Apostatik seate and citie, in case (God willing) it fall in your time, but also in the meantime, untill the reformation of that idolatrous seate, to be preparing and purging your Majesties own seat and kingdom from all the enemies of that cause: yea, and from all others any waies enemies or abusers of justice. For verely and in truth, such is the injury of this our present time, against both the Church of God and your Majesties true lieges, that Religion is despised, and Justice utterly neglected: for what by Atheists, Papists, and cold professors, the religion of God is mocked in al estates: Again, for partialitie, prolixitie, dearth, and deceitfulness of lawes, the poore parishe, the proud triumphe, and justice is no where to be found. Praying your Majestie to attend your self unto these enormities, and (without casting over the credite thereof to wrong wresters of justice) your Majesties self to wit certainly that justice be dono to these your true and godly lieges, against the enemies of God's church, and their most cruell oppressors:

Assuring your Majesty, be concordance of al Scriptures, that if your Majestic ministrate justice to them, God the supreme judge shal ministrate justice to you against al your enemies, and contrarily if otherwise. Therefore Sir, let it be your Majesties continuall study (as called and charged thereunto by God) to reforme the universall enormities of your country; and first (taking example of the princely prophet David) to begin at your Majesties owne house, familie and court, and purge the same of all suspicion of Papists and Atheists or Newtrals, whereof this Revelation foretelleth that the number shall greatly increase in these latter daies. For shall any Prince be able to be one of the destroyers of that great seat, and a purger of the world from Anti-christianisme, who purgeth not his own countrie? shal he purge his whole country, who purgeth not his owne house? or shal hee purge his house, who is not purged himselfe by private meditations with his God? I say therefore, as God hath mercifully begunne the first degree of that great worke in your inward miude by purging the same from all apparant spot of Antichristianisme, (as that fruitfull meditation upon the 7. 8. 9. and 10. verses of the 20. Chapter of the Revelation, which your Highness hath both godly and learnedly set forth, doth beare plaine testimony, to your Majesties high praise and honour,) so also wee beseeche your Majesty (having consideration of the treasonable practises in these present daies, attempted both against God's truth, your authoritie, and the common wealth of this countrie,) to proceede to the other degrees of that reformation, even orderly from your Majesties owne persone til your highnes familie, and from your family to your court; til, at last, your Majesties whole country stand reformed in the feare of God, ready waiting for that great day in the which it shall please God to call your Majesty, or yours after you, among other reformed princes, to that great and universall reformation, and destruction of that Antichristian seat and citie Rome, according to the wordes prophecied, Apoc. 17. saying,—The ten horns are ten Kings, &c. these are they that shall hate that harlot, and shall make her desolate and naked, and shall eate up her flesh and burne herselfe with fire;—beside also a warrant and commaund generally given to all men, Apoc. 18, saying,—Reward her even as shee hath rewarded you, and give her double according to her workes, and in the cup that she hath filled to you, fill her the double. And now, because the spirit of God, both by all his prophets generally, and by St John particularly commends and directs the execution of justice to kings and rulers, I trust no man shall thinke that this our Discovery (wherein is contained God's justice and severe judgment against the Antichristian seate) can more justly be dedicate unto any man than unto these ten Christian kings, sometimes maintainers of that seate, whome or whose successors now both the prophet promises to be executers of that judgment, as also in whose kingdomes reformation is already begunne; but, because of these kingdomes, sometimes maintainers of that seate and nowe desisting therefro, this your Majesties realme is undoubtedly one, as also this present treatise, both being written by your Highnes subject and in your Majesties native language,—were unproper to be directed to any of the other princes. Therefore, of necessitie I am led (as by the eare) to direct and dedicate these primices and first fruites of my study unto your highnes; wherein, if perchance I should seme any waies more presumptuous then acceptable, I doubt not but your Majesties clemencie will pardone that presumption that comes of necessitie: But contrarily, if I herein shall be found acceptable, (as verely I look for of your Majesties humanitie) then certainly, not onely conjoyne I unto the former necessitie a voluntary heart, and so do offer these presents both gladly and necessarily unto your Highnes, but also it shall encourage both me and others your Majesties lieges, to proceede, every man in his own calling, to all kinde of godly workes and good exercises, to the honour of God, edification of his Church, your Highness renowne, and welfare to your Majesties realme, when they shall finde your clemencie to become the patrone and protector of all zealous students, and an

allower and accepter of their godly exercises. For let not your Majestic doubt but that there are within your realme (als wel as in other countries) godly and good ingynes, versed and exercised in al maner of honest science and godly discipline, who by your Majesties instigation *might yeelde foorth workes and frutes, worthie of memory*, which otherwise (lacking some mightie Mæceenas to encourage them) *may perchance be buried with eternall silence*. Hoping, therefore that your Highnes will be a protector of us and our godly exercises, wee pray and humble beseech the Almighty to be also unto your Highnes selfe, and most honourable bedfellowe the queenes Majestic, a perpetuall protector of your honourable estates and welfare of persones, both in body and soule, to the quieting of your Majesties lieges, increase of the true Church, and honour of God; to whome, in Trinitie and Unitie, bee praise for ever. At Marchistoun the 29 daye of Januar. 1593.

“Your highnes most humble and obedient subject,

“JOHN NAPIER, *Fear of Marchistoun.*”

As a frontispiece to this epistle, the philosopher selected the arms matrimonial of Scotland and Denmark, in compliment to the King's recent alliance. But underneath the heraldic conjunction, he caused to be printed, in capital letters, this solemn warning: “In vaine are al earthlie conjunctions, unles we be heires together, and of one bodie, and fellow partakers of the promises of God in Christ, as the Evangell.”

In this very characteristic production, which rates the king for not “purging his house” of such Masters of the Household as the excellent Sir James Chisholme, Napier's own father-in-law, a sentence occurs that is well worth noting. It was little heeded or understood by those to whom it was addressed, and has scarcely been noticed or understood since. At a time when the elements of civil and religious sanity were all in a state of solution, and violent conflict, during the most vicious age of a semi-barbarous nation, one man, himself an agitator of this unpromising chaos, announces the advent of the great era of science, in the glory of which Scotland, through his solitary means, was to be a proud partaker.

“In the desert a fountain is springing,
In the wide waste there yet is a tree.”

Abstracting his mind for a moment from the turbulent arena, so little congenial to his habits and his destiny, forgetting alike the mystical terrors of the beast with ten horns, and the near approach of the day of judgment, he tells the king, “Let not your Majesty doubt but that there are within your realm, as well as in other countries, godly and good ingynes (geniuses) versed and exercised in all manner of honest science and godly discipline, who by your Majesty's instigation *might yield forth workes and frutes worthy of memory*, which otherwise, lacking some mighty Mæceenas to encourage them, *may perchance be buried with eternal silence.*”

This might easily pass, and no doubt has generally done so, for a natural invocation in favour of science, from one more or less devoted to its interests. But it had a deeper and more precise signification. The writer of that sentence, while parading in the midst of a barbarous age his imaginary key to the Apocalypse, which, in weaker and weaker hands, has been constantly and vainly applied ever since, had in his pocket a key to science, so true, and so powerful, as to change the face of it in a few years. The Logarithms is a power in Numbers that bears the same relation to mathematical operations as the telescope to physical research, and steam to mechanical forces. Indeed, without the first of these three mighty impulses, science was not ripe for the other two. To this secret it was that Napier principally alluded in that solemn sentence to his sovereign. The fact can be distinctly proved, and is not deduced

merely from the circumstance of his great discovery having appeared many years afterwards. He communicated the discovery to TYCHO BRAHE immediately after the date of his letter to James VI. Tycho, however, died in ignorance of the value of the hint, and perhaps of its meaning. KEPLER, the pupil and associate of the King of Astronomy, only remembered the neglected communication when, more than twenty years thereafter, his first inspection of the CANON MIRIFICUS impelled him to write a most elaborate and enthusiastic epistle to its honoured author. These latent events were co-extensive with the rudest and most turbulent times of our church history; and the curious but abstruse evidence by which they can be distinctly proved, is well worthy of being added to the pages of Spottiswoode.

Not long before the date of Napier's letter to James VI. the monarch had returned from his matrimonial adventure in Denmark. In that expedition he was accompanied by his physician, Dr John Craig, who was an old and valued friend of John Napier. Their fathers, Sir Archibald Napier of Merchiston, and Sir Thomas Craig of Riccarton, (the great Feudist,) had been colleagues together in the office of Justice-depute. The sons became intimate from the congeniality of their pursuits. John Craig was the third son of the Feudist, and highly distinguished as a mathematician. A rare and little known record of his fame in that respect is extant in a small volume of Latin epistles, printed at Brunswick in the year 1737, and dedicated, by the collector *Rud. Aug. Nottenius*, to the duke of Brunswick. The three first letters in this collection are from Dr John Craig to Tycho Brahe, and prove the former to have been upon the most friendly and confidential footing with the illustrious Dane. He addresses Tycho as his "honoured friend," and signs himself, "your most affectionate John Craig, doctor of philosophy and medicine." The first letter commences thus: "About the beginning of last winter, that distinguished personage, Sir William Stuart, delivered to me your letter, and *the book* which you sent." The date of this letter is not given, but is thus curiously ascertained. I have had in my hand a mathematical work of Tycho's, belonging to the library of the Edinburgh University, upon the first blank leaf of which there is written, in Latin, a sentence to the following effect: "To Doctor John Craig of Edinburgh, in Scotland, a most illustrious man, and highly gifted with varied and excellent learning, professor of medicine, and exceedingly skilled in mathematics, *Tycho Brahe hath sent this gift*, and, *with his own hand*, hath written this at Uraniburg, 2 November 1588." Now it appears, from contemporary chronicles, that *Sir William Stewart*, who was captain of the king's guard, had been sent to Denmark, in the month of August 1588 (the "marvellous year"), to arrange the preliminaries of the royal marriage, and that he returned to Edinburgh on the 15th of November in that same year. It cannot be doubted, that the old book in the College Library, the inscription on which bears date 2d November 1588, when *Sir William Stewart* was actually in Denmark, is the identical one the receipt of which, from the same distinguished emissary, is acknowledged in Craig's letter to Tycho, preserved in the little rare volume printed at Brunswick. That letter, then, must have been written in the year 1588. Moreover, Dr John Craig was physician in ordinary to King James.

Our author has narrated (*supra*, vol. ii. p. 405,) the royal progress to the Court of Denmark, in the first month of the year 1590, after his majesty's romantic expedition to meet his bride in Norway. But he has omitted to record the fact, that, among the festivities and amusements which the king then enjoyed, was a visit to Tycho Brahe, at Uraniburg. Here was then planted the throne of science; nor can we doubt that the visit was suggested by Dr John Craig, who accompanied his majesty in the capacity of royal physician. Craig had long desiderated an opportunity of visiting Tycho. In his letter of 1588, above referred to, he states that five years before the date of that letter, he had made an attempt to reach Uraniburg, but had been driven back by tempests; and that ever since, being

more and more attracted by the reports of Tycho's fame, and of the magnificent scale and appointments of his observatory, he had been ardently longing to satisfy at once his friendship and his curiosity. The storm which baffled him in 1584 was scarcely to be regretted, since he now accomplished his desire in the train of a monarch. It is also remarkable that our historians of a more modern date than Spottiswoode should have passed in silence this graphic incident in the one romantic chapter of the life of King James. We might have expected it to have been admirably told in the *Tales of a Grandfather*; where, however, the king's adventurous gallantry is not recorded at all; the fact merely being stated that "King James VI. of Scotland married the daughter of the king of Denmark, called Ann of Denmark." Nor has Scott mentioned the visit to Uraniburg in his notice of the Danish match, which occurs in the history of Scotland written for Lardner's *Cyclopadia*. Tytler slightly alludes to the fact. Yet not only was it the most curious adventure in the domestic life of the monarch, but, as will appear in the sequel, it had encouraged and accelerated the unexpected impulse which the progress of science derived from savage Scotland.

In the island of Huen, at the mouth of the Baltic, Frederick II. of Denmark had seated the great astronomer on a prouder throne than his own; bestowing upon him honours and revenues, and every aid and encouragement which Tycho's soaring genius could desire. Arabia had been lavish of her stores to renovated science; and now the most romantic tales of eastern magic and splendour seemed realized in the north. Upon the 8th of August 1576, the first stone of the far-famed castle of Uraniburg was laid in the island with which the munificent patronage of Frederick had gifted the philosopher. Huen, about eight miles in circumference, rises from the sea by a gentle elevation, so as to command the horizon on all sides; and the edifice with which it was honoured was no less royal than the gift. The form was quadrangular, the dimensions being sixty feet on every face. It was flanked with lofty towers, thirty-two feet in diameter, the observatories of this palace of science. The whole establishment was in keeping. Certain mysterious tubes, and other telegraphic contrivances (not mysteries now), enabled the great man to communicate with his domestics as if by magic, and to obtain secret intelligence regarding his many visitors long before their arrival. And here it was that Tycho catalogued the stars with an accuracy, and to an extent, which threw the labours of Hipparchus and Ptolemy for ever in the shade. No instruments of power or nicety approximating to his had hitherto been applied to physical research. Tycho in his youth was wild, fanciful, quarrelsome, and romantic. A dispute with a friend on the subject of mathematics was instantly brought to the arbitrement of the sword. The combat took place at seven o'clock of a dark evening in December. The stars refused to be accomplices in this unnatural demonstration of a mathematical truth. Tycho lost his nose. But the future king of Uraniburg was nothing daunted thereby; and the ingenuity by which he supplied it is characteristic of the magnificence of his mind. He would have disclaimed that barbarous borrowing from the forehead, of which modern surgery is so vain; and he rather gloried in an opportunity of obtaining a finer proboscis than any other mortal. Accordingly, with his own hands he fashioned a nose of gold, silver, and ivory, exquisitely mingled, and thus restored he feared not to look either heaven or woman in the face. An old French author, M. Saverien, who has sketched some biographies of eminent philosophers, says of this precious nose, "*Qu'il étoit si bien fait, et si bien ajusté, que tout le monde le croiroit naturel. Cela peut être; mais on ne conçoit pas comment l'or et l'argent pouvoient imiter la chair; ces deux métaux étoient apparemment cachés.*" Perhaps this aided to fascinate the beautiful peasant girl of whom Tycho was enamoured, and whom he shortly afterwards married. This mis-alliance brought upon him such rigorous treatment from his noble family, that the king of Denmark thought it

necessary to interpose his good offices. And hence the astronomer himself became a sovereign on the island of Huen. To complete the picture of the man whom kings delighted to honour, by his side, the prime minister of his glorious toils, was the great Longomontanus; and at his feet lolled his gifted idiot Lep, whom he fed from his own hand, and who repaid his master with prophecies and second-sight. But with all his natural powers and artificial appliances, in the essential department of mathematical calculation Tycho was comparatively feeble. He wasted his genius in weaving systems out of his own imagination, and fortifying them with his ingenuity. And thus it was that this great mind actually retrograded from the truths of Copernicus. The gigantic genius of his pupil Kepler subsequently towered above that difficulty. But the herculean task of unravelling the orbit of Mars, and determining the relative position of that planet with the sun and the earth, had nearly killed him. "The industry and patience of Kepler in this investigation," says Professor Playfair, "were not less remarkable than his ingenuity and invention. *Logarithms were not yet known*; so that arithmetical computation, when pushed to great accuracy, was carried on at a vast expense of time and labour. In the calculation of every opposition to Mars, the work filled *ten folio pages*, and Kepler repeated each calculation *ten times*; so that the whole work for each opposition extended to one hundred such pages; seven oppositions thus calculated produced a large folio volume."

From the exciting scenes of Uraniburg James VI. returned, with his bride and his retinue, in the month of May 1590, to bell the cat with his clergy in Scotland. The wonders which Dr John Craig had beheld in the Palace of Science, he could not fail to unfold to his friend in the old fortalice of Merchiston. To Napier was detailed his discussions with Tycho, and all the splendours, resources, triumphs, and difficulties, of the regal astronomer. A fresh impulse was thus given to the one original genius in Scotland. Amid the turbulence that immediately followed the return of the king; the storm of the Spanish Blanks; the escape of Francis earl of Bothwell, and of the hunted popish lords; the solemn consignation of Napier's own father-in-law to the devil; thunders from the pulpit, and yells from "the buits," science still occupied the mind of Napier, and he still thought of Uraniburg and Tycho Brahe. And hence those expressions to his own sovereign, darkly intimating a power no less worthy of royal patronage than the achievements of the Dane.

Unquestionably before this time, Napier, and he alone, had conceived the Logarithms. This is placed beyond all doubt by the fact that, at the very time when he addressed his epistle against papacy to James VI., he sent Tycho Brahe a promise of the new impulse to science. For this we have the authority of Kepler himself, who succeeded Longomontanus as the assistant and associate of Tycho. In a letter to his friend *Petrus Cugerus*, a mathematician of Dantzick, after revelling in a sea of calculations, and naming and commenting upon some of the most distinguished improvers of trigonometrical power, he ardently exclaims: "Nihil, autem, supra *Neperianam rationem* esse puto: etsi, quidem, *Scotus quidam*, literis ad Tychohem anno 1594 scriptis, jam spem fecit *Canonis illius Mirifici*." "But nothing in my opinion can surpass the numerical ratios of Napier; and yet so early as in the year 1594 a certain Scotchman had conveyed by letter to Tycho a hope of that same *Canon Mirificus*." (*Kepleri Epistole*, a very rare folio.) Can the meaning of this be doubted? Dr Craig was the "*Scotus quidam*" who corresponded with Tycho; and "*Canon Mirificus Logarithmorum*" was the title given by Napier to his great work, first published in 1614. Conversations with his friend relating to the royal reception at Uraniburg, and the narration of the difficulties in calculation by which the genius of the Danish astronomer was nearly overpowered, had induced Napier to transmit through Craig to Tycho a hint and a promise of the Logarithms. And Kepler had called this to mind, years afterwards, when he became so excited by

the discovery as to write an enthusiastic and most laudatory epistle to Napier himself, giving him all the glory, who by that time was in his grave.

But the evidence that it was Napier's friend Craig who transmitted this hint to Tycho in 1594, though irresistible as it stands, is more positively confirmed by the following anecdote, told by Anthony Wood in the *Athenæ Oxonienses*.

"It must be now known, that *one Dr Craig*, a Scotchman, coming out of Denmark into his own country, called upon John Neper, baron of Merchiston, near Edinburgh, and told him, among other discourses, of a new invention in Denmark, by *Longomontanus*, as 'tis said, to save the tedious multiplication and division in astronomical calculations. Neper being solicitous to know further of him concerning this matter, he could give no other account of it than that it was by proportional numbers. Which hint Neper taking, he desired him at his return to call upon him again. Craig, after some weeks had passed, did so, and Neper then showed him a rude draught of what he called *Canon Mirabilis Logarithmorum*. Which draught, with some alteration, he printing in 1614, it came forth into the hands of our author Briggs, and into those of Will Oughtred, from whom the relation of this matter came."

This anecdote, combined with the circumstance of Craig's visit to Tycho in 1590, and the subsequent statement by Kepler, that, in 1594, a certain Scotchman communicated to the Dane by letter a promise of the Logarithms, places beyond all doubt or question the fact, that it was Napier who had transmitted the promise through his friend Craig, after his return from Denmark. But in other respects the anecdote is inaccurately and ignorantly told. It is impossible, as every mathematician will know, that Napier could have caught the hint from a reported conversation with Longomontanus, and in "some weeks" thereafter have produced the Canon of the Logarithms. He himself tells us, in his publication, that the system was by him "*longo elaboratum*," and that a vast undertaking had been completed by his solitary toils, which ought, he says, to have been the work of many heads and hands. But if even the germ of this great discovery had come to Napier from Denmark, and had immediately thereafter been re-transmitted by him in blossom, from *that moment* the world must have been in possession of the Logarithms. On the contrary, however, for twenty years after the promise had been sent to Tycho (who lived not to see it fulfilled), down to the time when Napier published the discovery in 1614, Kepler and the world remained as ignorant of this revolution in science as if Napier had never breathed a syllable on the subject. This is most ardently declared by Kepler himself in his letter to Napier, written in 1619.

No doubt the stormy state of Scotland, and the exciting affairs of the Kirk, upon which rude arena Napier unfortunately had come forth, must have retarded the advent of his great discovery. The mere practical arrangement of the system, for the use of science, involved the necessity of continual abstraction and toil, and to an extent which only accomplished mathematicians can accurately estimate. Moreover, however precious the gift of the Logarithms at the very dawn of the great era of applicative science, it was of little use to dethrone the Beast, or to repel his ally the invading Spaniard. In such times the mind of Napier could not rest satisfied with unravelling the mysteries of the Apocalypse, and of Numbers. The Spanish Armada in 1588, and the constant expectation of a fresh invasion from that quarter in behalf of the Popedom, had caused him to apply his genius, as Archimedes had done of old, in defence of his country. A very curious indication of this is yet preserved in the library of Lambeth Palace, the history of which is not generally known, and connects with the history of the Church.

Our author Spottiswoode, tells us (*supra*, p. 5.), that in the month of March 1596, "The Assembly of the Church convened at Edinburgh, for consulting upon the dangers threatened to religion by the invasion of the Spaniard, which was

then generally noised. Some brethren directed to lay open the perils to his majesty, returned with this answer, 'That albeit there was no great cause to fear any such invasion at that time, yet they should do well to give their advice as if the danger were at hand, which would serve when necessity did require.' The Assembly upon this thought meet to enter into consideration both of the dangers and remedies; and first to inquire upon the causes that had provoked God to threaten the realm with that tyrannous nation, to the end the same might be removed; then to deliberate, *how by ordinary lawful means the enemy should be resisted.*" This last clause refers to the deliberations of the Kirk militant; and, *inter alia*, it was advised, "that, in every parish, captains should be chosen for the mustering and training of men in arms." Such was the state of matters that impelled the leading commissioner from these conventions, to bring the stores of his scientific genius to bear practically upon the defence of his religion and his country, as the following very curious manuscript, preserved in the Lambeth collection, sufficiently proves.

"Anno Domini 1596, the 7 of June, Secrett Inventionis, proffitabil and necessary in theis dayes for defence of this Iland, and withstanding of strangers, enemies of God's truth and religion.

"FIRST, the invention, prooffe and perfect demonstration, geometrical and allegebricall, of a burning mirrour, which, receiving the dispersed beames of the sonne, doth reflex the same beames altogether united and concurring priselie [precisely] in one mathematicall point, in the which point most necessarelie it ingendroth fire, with an evident demonstration of their error who affirmeth this to be made a parabolik section.

"The use of this invention serveth for burning of the enemies shippes at whatsoever appointed distance.

"SECONDLIE, The invention and sure demonstration of another mirrour which receiving the dispersed beames of any materiall fier or flame yealdeth allsoe the former effect, and serveth for the like use.

"THIRDLIE, The invention and visible demonstration of a piece of artillery, which, shott, passeth not linallie through the enemy, destroying onlie those that stand on the randon thereof, and fra them forth flying idly, as utheris do; but passeth superficially, raunging abroad within the whole appointed place, and not departing furth of the place till it hath executed his whole strength, by destroying those that be within the boundes of the said place.

"The use hereof not onlie serveth greatlie against the armie of the enemy on land, but alsoe by sea it serveth to destroy, and cut downe, and on-shott the whole mastes and tackling of so many shippes as be within the appointed boundes, as well abrie.l as in large, so long as any strength at all remayneth.

"FOURTHLIE, The invention of a round chariot of mettelle made of the prooffe of dooble muskett, whose motion shall be by those that be within the same, more easie, more light, and more spedie by much then so manie armed men would be otherwayes.

"The use hereof, as well, in moving serveth to breake the array of the enemies battle and to make passage, as also, in staying and abiding within the enemies battle, it serveth to destroy the environed enemy by continuall charge and shott of harqubush through small hoalles; the enemy in the meantime being abased and altogether uncertaine what defence or pursuit to use against a moving mouth of mettelle.

"These inventiones, besides devises of sayling under the water, with divers other devises and stratagemes for harming of the enemies, by the grace of God and worke of expert craftsmen I hope to perform.

"JO. NEPER, *Fear of Marchistoun.*"

[Endorsed] "Mr Steward, secretes inventiones de la guerre, le mois de Juillet, 1596."

The indorsation of this document affords a key to the transmission of it, and tends to explain how it came to be preserved among the papers of Anthony Bacon, in Lambeth Palace.

In the beginning of the year 1596, James VI., impelled by the agitations of his clergy, sent emissaries abroad, with offers of co-operation to all christian kings against the enemies of the Gospel. Colonel Stewart, commendator of Pittenweem, and captain of the king's guard, (the same who brought the book from Tycho to the king's physician,) was accredited for this purpose. In the month of April 1596, the news reached Scotland that a Spanish army of 25,000 men had taken Calais, and that an English army of 30,000 had entered Spain, and attacked the city of Cadiz by sea and land. This was the glorious expedition under Essex, Howard, and Raleigh. Anthony Bacon, (son of the famous Bacon,) among whose papers Napier's propositions are found, and which appear to have been delivered to him, by Stewart, in the month of July 1596, was secretary to Essex.

The accidental conflagration of a country seat, during the last century, destroyed a large collection of Napier's papers, possessed by a branch of his family. Thus perished all hope of illustrating, from his own manuscripts, these curious *scantlings* of inventions; which, fortunately instead of the Logarithms, "lacking some mighty Mæcenas to encourage them, have been buried with eternal silence." His third proposition, however, seems so curiously corroborative of a passage in the works of Sir Thomas Urquhart of Cromarty, (who does not appear to have been aware of the paper in the Lambeth collection,) that in conclusion we must add the story told by that strange author, who was born in the lifetime of Napier.

In a tract which he entitled, "The discovery of a most Exquisite Jewel, more precious than diamonds inclosed in gold," Sir Thomas speaks of a Colonel Douglas, who, he says, was very serviceable to the States of Holland, and presented them with a paper, containing "twelve articles and heads of such wonderful feats for the use of the wars both by sea and land, to be performed by him, flowing from the remotest springs of mathematical secrets, and those of natural philosophy, that none of this age saw, nor any of our forefathers ever heard the like, save what out of Cicero, Livy, Plutarch, and other old Greek and Latin writers we have couched, of the admirable inventions made use of by Archimedes in defence of the city of Syracuse, against the continual assaults of the Roman forces both by sea and land, under the conduct of Marcellus." The knight of Cromarty then introduces his celebrated episode about Napier of Merchiston and Crichton of Eillock, whom he classes together as the Castor and Pollux of Scottish letters. "To speak really," says he, "I think there hath not been any in this age of the Scottish nation, save Neper and Crichton, who, for abilities of the mind in matter of practical inventions useful for men of industry, merit to be compared with him: and yet of these two (notwithstanding their precellency in learning) I would be altogether silent (because I made account to mention no other Scottish men here, but such as have been famous for souldiery, and brought up at the school of Mars) were it not, that besides their profoundness in literature, they were enriched with military qualifications beyond expression. As for Neper, (otherways designed Lord Marchiston,) he is for his logarithmical device so completely praised in that preface of the author's, which ushers a trigonometrical book of his, intituled, *The Trissotetras*, that to add any more thereunto, would but obscure with an empty sound the clearness of what is already said: therefore I will allow him no share in this discourse, but in so far as concerneth an almost incomprehensible device, which being in the mouths of the most of Scotland, and yet unknown to any that ever was in the world but himself, deserveth very well to be taken notice of in this place; and it is this: he had the skill (as is commonly reported) to frame an engine (for invention not much unlike that of Architas Dove) which, by vertue of some secret springs,

inward resorts, with other implements and materials fit for the purpose, inclosed within the bowels thereof, had the power (if proportionable in bulk to the action required of it, for he could have made it of all sizes) to clear a field of four miles circumference, of all the living creatures exceeding a foot of height, that should be found thereon, how near soever they might be to one another ; by which means he made it appear, that he was able, with the help of this machine alone, to kill thirty thousand Turks, without the hazard of one Christian. Of this it is said, that (upon a wager) he gave proof upon a large plain in Scotland, to the destruction of a great many herds of cattel, and flocks of sheep, whereof some were distant from other half a mile on all sides, and some a whole mile. To continue the thread of the story, as I have it, I must not forget, that, when he was most earnestly desired by an old acquaintance, and professed friend of his, even about the time of his contracting that disease whereof he dyed, he would be pleased, for the honour of his family, and his own everlasting memory to posterity, to reveal unto him the manner of the contrivance of so ingenious a mystery ; subjoining thereto, for the better perswading of him, that it were a thousand pities, that so excellent an invention should be buried with him in the grave, and that after his decease nothing should be known thereof : his answer was, That for the ruin and overthrow of man, there were too many devices already framed, which if he could make to be fewer, he would with all his might endeavour to do ; and that therefore seeing the malice and rancor rooted in the heart of mankind will not suffer them to diminish, by any new conceit of his the number of them should never be increased. Divinely spoken, truly.”—Sir Thomas Urquhart’s Works.]

THE
HISTORY
OF THE
CHURCH OF SCOTLAND,

THE SEVENTH BOOK.

THE CONTENTS.

THE PROCEEDINGS AFTER HIS MAJESTY'S GOING INTO ENGLAND,
UNTO HIS DEATH.



HE news of the queen's death were brought the third day after by Sir Robert Cary, a son of the Lord Hunsdon; after whom Sir Charles Percy, brother to the earl of Northumberland, and Thomas Somerset, son to the earl of Worcester, were directed from the council of England with the letter following.

“RIGHT high, right excellent and mighty Prince, and our dread sovereign Lord—As we cannot but confess unto your majesty, that the grief we have conceived by the loss of our late sovereign lady, whose soul in your palace of Richmond passed from her earthly body to the joys of heaven, betwixt two and three of the clock this morning, was nothing less than our loyalty and love to her whilst she lived, being a princess adorned with virtues meet for government, prosperous in the success of her affairs, and under whose obedience we have lived in greater tranquillity these many years than commonly happeneth to princes; so we must acknowledge that our sorrow is extinguished by the impression we have of those heroical virtues of wisdom, piety, and magnanimity,

which we know to be in your majesty's person, to whose right the lineal and lawful succession of all our late sovereign's dominions doth justly and only appertain; wherein we presume to profess this much, as well for the honour which will thereby remain to our posterity, as for your majesty's security of a peaceable possession of your kingdoms, that we have never found, either of those of the nobility, or of any other of the estates of this realm, any divided humour about the receiving and acknowledging your majesty to be the only head that must give life to the present maimed body of this great kingdom, which is so happy, as with an universal consent to have received one sole, uniform, and constant impression of right of blood, as next of kin to our sovereign deceased, and consequently by the laws of this realm true and next heir to her kingdoms and dominions: whereof we have made outward demonstration by public proclamation this very day afore noon, first in the city of Westminster, at your majesty's palace-gate of Whitehall, and next at the cross of Cheapside, within your majesty's city of London, with an infinite applause of your people, and with such solemnity as the shortness of time would permit. Of all which we have thought it our duty immediately to advertise your majesty by these two gentlemen, Sir Charles Percy, brother to the earl of Northumberland, and Thomas Somerset, Esq., son to the earl of Worcester, of whom we have made choice to be the bearers of our letters; humbly beseeching your highness to accept the same as the first-fruits and offering of our tender and loyal affections towards you our gracious sovereign, and to rest assured that the same shall be ever hereafter seconded with all faith, obedience, and humble service, which shall be in our power to perform, for maintaining that which we have begun, with the sacrifice of our lives, lands, and goods, which we with all our other means do here humbly present at your majesty's feet; craving of your highness, that seeing hereby you may perceive in what estate we remain, as a body without a head, or rather without that spirit here amongst us, which from the head might give vigour to every member to exercise the duty to it belonging, thereby to keep the whole body from confusion, you will be pleased to enter into consideration, how soon and in what manner it shall seem best to your majesty's excellent wisdom,

to inspire a new life into this languishing body, the circumstances whereof are wholly to be left to your majesty, holding it enough for us humbly to acknowledge ourselves your true subjects, ready to obey all your commandments; assuring you withal, that as we have hereby, as many of us as have underwritten this letter, declared our recognition and humble submission to your majesty's sovereign power and right, so we do know by all good proofs, that the mind of the rest of the nobility, and all others who are absent, in their several qualities, places, and charges, whom the time permitted not without the prejudice of your affairs to assemble so soon as we were desirous this should be performed, are wholly and resolutely concurring with us in all zeal and duty for all things that shall be imposed upon them by your royal will and pleasure.

“Farther we have thought meet and necessary to advertise your highness, that Sir Robert Cary this morning departed from hence towards your majesty, not only without the consent of any of us who were present at Richmond at the time of our late sovereign's decease, but also contrary to such commandment as we had power to lay upon him, and to all decency, good manners, and respect, which he owed to so many persons of our degree, whereby it may be that your highness hearing by a bare report only of the death of the late queen, and not of our care and diligence in establishing your majesty's right here, in such manner as is above specified, may conceive doubts of other nature than (God be thanked) there is cause you should; which we would have clearly prevented, if he had borne so much respect to us as to have stayed for a common relation of our proceedings, and not thought it better to anticipate the same; for we would have been loath that any person of quality should have gone from hence, who should not with the report of her death have been able to declare the first effects of our assured loyalties.

“And lastly, it may please your majesty to receive this advertisement, that of late there was made ready, by the commandment of the queen our mistress, a good fleet of eight or ten of her ships well manned and furnished under the charge of Sir Richard Lawson, knight, to have been employed upon the coast of Spain; which employment by her

decease is ceased for want of commission to exercise the same, and now is kept together in the narrow seas to prevent any sudden attempt from the Low Countries. And that now there is nothing either of land or sea that is not yours, it may please your majesty to signify your pleasure concerning that fleet, and whether you will have it or any part thereof resort to your coast of Scotland, where it may serve you, either for the safe convoy of your person to this realm, if there shall be cause to use it in this manner, or to transport any of yours, whilst you come by land, or any other service. In which point we humbly beseech you to make known under whose charge it shall be your pleasure the whole fleet or any part thereof shall come unto you. And this being all that for the present doth occur to be advertised unto your majesty by us whose minds are occupied about the conservation of this your realm in peace, as far forth as, by any power for your majesty's service only assumed, the interruption thereof may be prevented, saving that we have sent a copy of the proclamation made here to your majesty's deputy of Ireland, to be published in that kingdom, we will, and with our humble prayers to Almighty God, that we may be so happy as speedily to enjoy the comfortable presence of your highness's royal person amongst us, the only object of that glory and those felicities which in the earth we have proponed to ourselves. Written in your majesty's city of London, the twenty-fourth of March 1603, at ten hours of the clock at night."

This letter was subscribed by

Robert Leigh, <i>Mayor</i> .	Pembroke.	R. Riche.
John Canterbury.	Clanrickard.	Lumley.
Thomas Egerton.	G. Hunsdon.	Chandois.
Thomas Buckhurst.	Tho. Howard.	W. Compton.
Nottingham.	Richard London.	W. Knolles.
Northumberland.	Robert Hartford.	Edward Wootton.
Gilbert Shrewsbury.	John Norwich.	John Stanhop.
William Darby.	Morley.	Raleigh.
Edward Worcester.	Henry Cobham.	John Fortescue.
Geo. Cumberland.	Thomas Laware.	John Popham.
R. Sussex.	Gray.	
Henry Lincoln.	Edward Cromwell.	

The king having imparted this letter to the council, it was thought meet that the contents thereof should be published, for begetting a greater kindness betwixt the people of the two kingdoms; whereupon a proclamation was made, showing, "That the queen before her death, continuing in that loving affection which she professed to his majesty all the course of her life, had declared him her only true heir and successor in the imperial crowns of England, France, and Ireland, and that the lords spiritual and temporal, assisted by the Lord Mayor of London, and others of the gentry of good quality, had upon the twenty-fourth of March last proclaimed him their only liege lord and undoubted sovereign; which being the most clear demonstration that a people could give of their affection, and a sure pledge of their future obedience, ought to move all true-hearted subjects to account of them no otherwise than as their brethren and friends, and to forget and bury all quarrels and grounds of former dissensions. That therefore none should pretend ignorance, nor carry themselves in any unkind sort towards the inhabitants of England, his majesty, with the advice of the lords of council, had ordained proclamation to be made of the premises, assuring them that should so apply themselves, of his gracious favour when occasion presented, and certifying such as did in the contrary, that they should incur his wrath and extreme displeasure."

This notwithstanding, the word no sooner came of the queen's death, than the loose and broken men in the borders assembling in companies made incursions upon England, doing what in them lay to divide the two kingdoms; which the year following was severely punished, the principals that were tried to have been partners in that business being all executed to the death.

The king in the meantime giving order for his journey, did appoint the queen to follow him some twenty days after; and for his children, ordained the prince to remain at Stirling, the duke of Albany his brother to abide with the Lord Fyvie, president of the Session, and the Princess Elizabeth their sister with Alexander earl of Linlithgow. To the lords of council an ample commission was given for the administration of all affairs; receiving resignations; hearing the accounts of the exchequer; continuing days of law;

adjoining assessors to the justice; granting of licences to depart forth of the realm; altering the place of their residence as they should find it convenient; repressing the troubles of the borders; and for creating lieutenants, one or more, upon occasions.

The persons he chose to attend him in the journey were, the duke of Lennox, the earls of Mar, Murray, and Argyle, the Lord Home, Sir George Home, treasurer, Mr James Elphingston, secretary, Sir David Murray, Comptroller, Sir Robert Ker of Cesford, with the ordinary gentlemen of the chamber; and of the clergy, David bishop of Ross, Peter bishop of Dunkeld, Mr Patrick Galloway, Mr Andrew Lamb, Mr John Spottiswoode, Mr Gawin Hamilton, and Mr Alexander Forbes, ministers.

Things thus ordered, the king went the next morning to St Giles to hear sermon; Mr John Hall (whose course it was) preaching, took occasion to remember the great mercies of God towards his majesty, reckoning the peaceable succession to the crown of England none of the least. This, he said, was God's own proper work, for who could else have directed the hearts of so numerous a people with such an unanime consent to follow the way of right? Thereupon he did exhort his majesty to thankfulness; to the maintenance of God's truth; and that he would send home some of those commendable orders he would find whither he was going.

The king, accepting his exhortation in good part, did upon the end of the sermon make a speech to the people, which at the time were frequently convened, and promising to have care of them and their good, gave them a most loving and kind farewell. This was followed with such a mourning and lamentation of all sorts, as cannot be well expressed. For albeit they joyed not a little at first to hear of that accession of honour to their king; yet considering they should be deprived of his presence, and have no more a resident king among them, they were grieved out of all measure. This affection of the people moved also the king greatly; therefore when the magistrates, ministers, and others of the better sort came to receive his commandments, he spake graciously unto them; willing them not to be troubled with his departing, for that they should find the fruits of his government as well afar off, as when he was near at hand; and as his power

was now increased and made greater, so his love towards them should not be a whit diminished.

In this sort did he part, and beginning his journey on Wednesday the fourth of April, came the second day to Berwick; there he was welcomed with a most eloquent sermon by Toby Matthew, bishop of Durham (for he went first to the church;) which finished, he was conveyed to the palace by the governor and garrison, the munition playing from the walls, and the citizens with shouts and acclamations testifying their gladness. The ninth of that month he went to Newcastle, where he abode some few days; and because multitudes of people from all quarters were daily coming to see the king, and offer their service, order was taken that no strangers should have access granted, till the chamberlain or master of the guard was acquainted with their business. At York he was met by the councillors, and from thence, by easy journeys, travelled to London. How his majesty was there received, and what other things happened in the time, I remit to the English history; my purpose being only to relate the things which passed in Scotland, or that had some reference to matters of that church and kingdom.

Being at Burleigh-house near unto Stamford, the king was advertised of the death of James Beaton, archbishop of Glasgow, who deceased at Paris in the same month. This man was descended of the house of Balfour in Fife, and consecrated bishop at Rome in the year 1552; at the time of the Reformation he forsook the country, out of the hatred he bare to those that had hand in that work, and carried with him all the writs and evidents of the see of Glasgow, with the vessels and ornaments of the cathedral church, things of exceeding great worth; for, besides those of ordinary use, there belonged to that church the image of our Saviour in beaten gold, and the portraits of the twelve apostles in silver. The queen returning from France did establish him ambassador in those parts for her affairs: Under the government of the regents he was forfeited, and deprived of his living, which, as we showed before, was conferred upon Mr James Boyd of Trochnig, and after him went through divers hands, till the king at his majority did restore him to his dignity, honour, and living, employing him likewise for his ambassador in France. A man honourably disposed, faithful to

the queen while she lived, and to the king her son, a lover of his country, and liberal according to his means to all his countrymen. In his last will he bequeathed all his means to pious uses, leaving, as was said, ten thousand crowns for the education of poor scholars, being Scotchmen born. The evidents, vessels, and ornaments of the see of Glasgow he consigned in the hands of the Carthusians of Paris, appointing the same to be re-delivered how soon Glasgow should become catholic; and this year, being the eighty-sixth of his age, departed peaceably this life.

The king having destinated Mr John Spottiswoode for his successor, sent him back to attend the queen in her journey, and serve her for eleemosynar. Soon after his coming, her majesty went to Stirling, of mind to bring away the prince her son, and carry him along with herself to England; but being denied by the friends of the house of Mar, she became so incensed as falling into a fever she made a pitiful abortion.

Advertisement of this being sent unto the king, he caused the earl of Mar to return; and after him sending the duke of Lennox with a warrant to receive the prince, and deliver him to the queen, he was brought unto her at Halyrudhouse, about the end of May. Yet she, not satisfied herewith, complained bitterly of the dishonour she had received, and by a letter written to the king, full of passion and anger, which she gave her eleemosynar to carry, required a public reparation, by the punishment of the earl of Mar and his servants. The king, who knew the earl himself to be blameless, and desired not to be troubled with such business, especially at that time, returned this answer, "That she should do wisely to forget the grudges she carried to the earl of Mar, and thank God of the peaceable possession they had obtained of these kingdoms, which next unto God his goodness he ascribed to the last negotiation of the earl of Mar in England." This reported to the queen (for the messenger was commanded to speak so much), she in a great choler replied, "That she would rather have wished never to see England, than to be in any sort beholding to him for the same." Yet as she was a most mild princess, and very careful to please the king in every thing, at her coming to Windsor, which was about the end of June, she was reconciled to the earl of Mar, and he, by act of council, declared to have done

nothing in that accident at Stirling that might touch her in honour.

At the same time was the Princess Elizabeth, who was brought alongst with the queen, taken from the earl of Linlithgow, and given to the custody of the Lady Harrington; the earl his service in her education being by act of council approved.

All this summer the sickness was reigning at London, which made the coronation to be deferred unto July, on the twenty-seventh day whereof the king and queen were solemnly inaugurated in the church of Westminster, John Whitgift, archbishop of Canterbury, performing the ceremonies. There had been some few days before a conspiracy detected against the king, plotted by two priests, the one called William Watson, the other William Grey, and George Brook, esquire.

There joined with them upon some discontents the Lord Cobham, the Lord Gray, Sir Griffin Marcham, and Sir Walter Raleigh. This last had served the late queen a long time, as captain of her guard; and being put from the place, and the same bestowed upon Sir Thomas Erskine, Lord Fenton in Scotland, he grudged exceedingly. The treason being discovered, (which came by this occasion; Raleigh parting with his sister at London had commended himself to her prayers, saying, "That he was going whence he thought not to return;" which she did interpret of some combat he had undertaken, and breaking the same to her neighbours, the words were carried to court, where they received another construction), they were all apprehended, and committed to several prisons. Being brought to their trial in Winchester about the beginning of December, they were found guilty, and condemned to die. George Brook and the two priests were executed as traitors; the rest, whilst they expected nothing but death, (for they were brought all, one after another, to the place of execution, and their heads laid under the axe to be cut off,) were spared, and the execution of the sentence pronounced against them suspended.

The people that were assembled in great numbers hearing the mandate read, (which was published by the Sheriff, and was to this effect, "That his majesty, unwilling to have the beginning of his reign stained with the blood of noblemen,

though convicted of a most heinous crime, was pleased to extend his clemency towards them ; and having spared the Lords Cobham and Gray, because in the dispensing of mercy regard must be taken likewise of inferiors, had bestowed the same favour on the other two,") did greatly extol his majesty's clemency, promising to themselves much happiness under his government, that could so temper his justice with mercy. Cobham and Gray, lifting up their hands to heaven, "did thank God, who had thus inclined his majesty's heart, professing they were unworthy of life, and that they should be ashamed ever to show their faces amongst men, having wronged so good and gracious a king."

The next year began with a conference of the clergy at Hampton Court. Divers petitions had been exhibited to his majesty for reformation of abuses in the Church ; whereupon he took purpose to call certain of the bishops, deans, and doctors together, and with them some of the most grave and modest amongst the complainers. The bishops were, the archbishop of Canterbury, the bishops of London, Durham, Winchester, Worcester, St Davids, Chichester, Carlisle, and Peterborough ; the deans of the Chapel, Christ-church, Worcester, Westminster, Paul's, Chester, Windsor, Dr Field, and Dr King. For the petitioners, Dr Reynolds, Dr Spark, Mr Knewstubb, and Mr Chatterton were present.

These being called into the privy-chamber, the king spake unto them to this effect : " That following the example of all Christian princes, who, in the commencement of their reign, do usually begin with the establishment of the Church, he had now at his entrance to the Crown taken course to assemble them, for settling an uniform order in the same, for planting unity, removing dissensions, and reforming abuses, which (he said) were naturally incident to all politic bodies. And yet that he should not be mistaken, and his purpose in assembling them misconstrued, he declared that his meaning was not to make any innovation of the government established, which he knew was approved of God, but to hear and examine the complaints that were made, and remove the occasions thereof ; whereof he willed the petitioners to begin, and show what the things were that grieved them."

Doctor Reynolds with the other three, falling upon their knees, after a short gratulatory preamble, reduced the matters

questioned to two heads ; some, he said, concerned the doctrine of the Church, and others the government.

Touching the doctrine, that in the book of articles of religion some things were obscure, and some things defective, which they wished to be supplied and explained. Being desired to name the particulars, he condescended upon some articles ; whereof after they had conferred a while, and he professed to have received satisfaction, the king said, “ that if these were the greatest matters that grieved them, such importunity needed not as was used to him, and that a more private course had been better.” Then falling to speak of the government of the Church, the want and scarcity of sufficient ministers in every parish was much complained of, with the subscription urged to the communion-book ; the censures inflicted by lay chancellors ; and other more points, which are to be seen in the conference imprinted. After some three hours debating, they were commanded to meet again in the same place the eighteenth of January, at which time they should know his majesty’s pleasure in these matters.

At the day the bishops, deans, and doctors of the arches being first called, the archbishop presented certain notes of explanation of the liturgy, which the king had commended to the bishop’s care ; and thereafter his majesty questioning them touching the exercise of the high commission, the oath *ex officio*, the censure of excommunication, and the matter of subscription ; when as they had answered in all these points to his majesty’s content, Doctor Reynolds and the others were desired to come into the chamber, and the foresaid explanations read unto them, wherewith they professed to be satisfied. The king upon this, expressing a great contentment with that which had passed among them, did seriously exhort them to the preservation of unity, willing the bishops to use their inferiors with all lenity, and take the fairest ways for reclaiming those that were otherwise minded ; warning these others also to beware of obstinacy in their opinions, and disobedience to the orders of the Church. “ Obedience,” said he, “ and humility are the marks of good and honest men ; such I believe you to be, but it feareth me that many of your sort are humorous, and too busy in the perverting of others. The exceptions taken against the communion-book, as I perceive, are matters of mere weakness, and they who are dis-

creet will be gained with time, by gentle persuasions ; or if they be indiscreet, better it is to remove them than to have the Church troubled with their contentions. For the bishops I will answer, that it is not their purpose presently and out of hand to enforce obedience, but by fatherly admonitions and conferences to induce such as are disaffected. But if any be of an opposite and turbulent spirit, I will have them enforced to a conformity. Neither tell me, that the wearing of a surplice or using the cross in baptism will diminish the credit of ministers that have formerly disallowed the same ; for this is just the Scottish argument, when any thing was concluded that sorted not with their humour, the only reason why they would not obey was, that it stood not with their credit to yield, having been so long of a contrary opinion. I will none of that ; but let a time be limited by the bishops of every diocese to such, and they that will not yield, whosoever they are, let them be removed ; for we must not prefer the credit of a few private men to the general peace of the Church."

Throughout all this conference in every point that was moved, or came to be talked of, the king did show such knowledge and readiness, as bred not a small admiration in the hearers. Chancellor Egerton, wondering to see him so expedite and perfect in all sort of divinity, said, " That he had often heard and read that *Rev est miata persona cum sacerdote* ; but that he saw never the truth of it until that day." Let me add that which I was afterwards told by Richard Bancroft, archbishop of Canterbury, (for Whitgift died the next month after the conference, one of the great glories of the English Church,) that when the rolls were brought in of those that stood out and were deposed, which was some years after, they were found to be forty-nine in all England, whenas the ministers of that kingdom are reckoned nine thousand and above. Such a noise will a few disturbers cause in any society where they are tolerated !

In the March thereafter a parliament was kept in England, where the king, after he had given thanks to the state for the general applause they showed in receiving him to the place which God by birthright and lineal descent had provided for him, did earnestly move the union of the two kingdoms, that as they were made one in the head, so among

themselves they might be inseparably conjoined, and all memory of by-past divisions extinguished: a motion that took well at first, and seemed to be generally desired of both nations, but did not succeed as was wished. The parliament always at his majesty's desire, and for a demonstration of their obedience, did nominate Thomas lord Ellesmere, lord chancellor of England, Thomas earl of Dorset, treasurer, Charles earl of Nottingham, lord high admiral, Henry earl of Southampton, William earl of Pembroke, Henry earl of Northampton, Richard bishop of London, Toby bishop of Durham, Anthony bishop of St Davids, Robert lord Cecil, principal secretary to his majesty, Edward lord Zouch, lord president of Wales, William lord Monteagle, Ralph lord Eure, Edmond lord Sheffield, lord president of the council of the north, lords of the higher house: and Thomas lord Clinton, Robert lord Buckhurst, Sir Francis Hastings, knight, Sir John Stanhope, knight, vice-chamberlain to the king's majesty, Sir George Carew, knight, vice-chamberlain to the queen's majesty, Sir John Herbert, knight, second secretary to his majesty, Sir Thomas Strickland, knight, Sir Edward Stafford, knight, Sir Henry Neville of Berkshire, knight, Sir Richard Buckley, knight, Sir Henry Billingsly, knight, Sir Daniel Dunn, knight, dean of the arches, Sir Edward Hobby, knight, Sir John Savile, knight, Sir Robert Wroth, knight, Sir Thomas Challoner, knight, Sir Robert Mansell, knight, Sir Thomas Ridgway, knight, Sir Thomas Holcroft, knight, Sir Thomas Hasketh, knight, his majesty's attorney of the court of wards and liveries, Sir Francis Bacon, knight, Sir Lawrence Cawfield, knight, serjeant-at-law, Sir Henry Hubart, knight, serjeant-at-law, Sir John Bennet, knight, doctor of the laws, Sir Henry Witherington, Sir Ralph Gray, and Sir Thomas Lake, knights, Robert Askwith, Thomas James, and Henry Chapman, merchants, knights and burgesses of the house of commons: " Giving them, or any eight or more of the said lords of the higher house, and any twenty of the said knights and burgesses of the said house of commons, full power, liberty, and commission to assemble and meet, at any time or times before the next session of parliament, for treating and consulting with certain selected commissioners, to be nominated and authorized by authority of the parliament of the realm of Scotland, of and concerning such an union of the said realms

of England and Scotland, and of and concerning such other matters, causes and things whatsoever, as upon mature deliberation and consideration the greatest part of the said lords, knights, citizens, and burgesses, being assembled with the commissioners to be nominated by the parliament of Scotland, shall in their wisdom think and deem convenient and necessary for the honour of his majesty, and the weal and common good of both the said realms, during his majesty's life, and under all his progeny and royal posterity for ever : which commissioners of both the said realms shall, according to the tenor of their said commissions, reduce their doings and proceedings into writings, or instruments tripartite, every part to be subscribed and sealed by them, to the end that one part thereof may in all humility be presented to his most excellent majesty ; the second part to be offered to the consideration of the next session of parliament for the realm of England, and the third to be offered to the consideration of the next parliament for the realm of Scotland ; that thereupon such farther proceeding may be had, as by both the said parliaments shall be thought fit and necessary for the weal and common good of both the said realms."

A parliament in Scotland for the same purpose was indicted to the tenth of April, and thereafter prorogated to the eleventh of July ; at which time the lords spiritual and temporal, assembled by virtue of his majesty's commission, did ordain the persons following : they are to say, John earl of Montrose, chancellor of Scotland, Francis earl of Erroll, high constable of Scotland, James earl of Glencarne, Alexander earl of Linlithgow, John archbishop of Glasgow, David bishop of Ross, George bishop of Caithness, Walter prior of Blantyre, Patrick lord Glamis, Alexander lord Elphinston, Alexander lord Fyvie, president of the session of Scotland, Robert lord Roxburgh, James lord Abercorn, James lord Balmerino, principal secretary of Scotland, David lord of Scone, Sir James Scrimgeour of Dudop, knight, Sir John Cockburn of Ormiston, knight, Sir John Home of Cowdenknows, knight, Sir David Carnegie of Kinnaird, knight, Sir Robert Melvill, elder of Murdocarnie, knight, Sir Thomas Hamilton of Binnie, knight, Sir John Lermonth of Balcony, knight, Sir Alexander Straiton of Lauriston, knight, Sir John Skeen of Curryhill, knight, Mr John Sharp

of Houston, lawyer, Mr Thomas Craig, lawyer, Henry Nisbet, George Bruce, Alexander Rutherford, and Mr Alexander Wedderburn, merchants, or any twenty of them, “to assemble and convene themselves, after the ending of the present session of parliament, and before the next session thereof, at such time and in such place as it should please his majesty to appoint, with certain selected commissioners, nominated and authorized by the parliament of England, according to the tenor of their commissions in that behalf, to confer, treat, and consult upon a perfect union of the realms of Scotland and England, and concerning such other matters, things and causes whatsoever, tending to his majesty’s honour and contentment, and to the weal and tranquillity of both the kingdoms, during his majesty’s life and his royal posterity for ever, as upon mature deliberation the greater part of the said commissioners, assembled, as is aforesaid, with the commissioners authorized by the parliament of England, shall in their wisdoms think most expedient and necessary, not derogating from any fundamental laws, ancient privileges, and rights, offices, dignities, and liberties of the kingdom.” This last clause was added because of the narrative of the English act, wherein it was said, “that it was not his majesty’s mind to alter or innovate the fundamental laws, privileges, and good customs of the kingdom of England; by the abolishing or alteration whereof it was impossible but that a present confusion should fall upon the whole state and frame of that kingdom.” In all other things the statute in substance was the same with the English.

Soon after this, the king resolving to have Westminster, at London, the place of the meeting, letters were directed to the noblemen and others nominated for Scotland, willing them to address themselves to the journey, and to be ready to meet with the other commissioners the twentieth of October; and lest any disorder should fall out in the absence of the chancellor and others of the council, the Lord Newbottle was appointed to attend and preside in council unto their return.

The day and place of meeting was precisely observed by the commissioners of both kingdoms, who after many days conferences agreed unto certain articles to be presented to his majesty and to the courts of parliament of both kingdoms,

there to receive such strength and approbation as in their wisdoms should seem expedient. The articles were as followeth :—

“ It is agreed by the commissioners of England and Scotland, to be mutually proponed to the parliament of both realms at the next sessions, that all hostile laws made and conceived expressly, either by England against Scotland, or Scotland against England, shall in the next sessions be abrogated and utterly extinguished.

“ It is also agreed, that all laws, customs, and treaties of the borders betwixt England and Scotland, shall be declared by a general act to be abrogated and abolished, and that the subjects on either part shall be governed by the laws and statutes of the kingdoms where they dwell, and the name of the borders extinguished.

“ And because by abolishing the border laws and customs it may be doubted that the executions shall cease upon those sentences that have heretofore been given by the opposite officers of those borders, upon wrongs committed before the death of the late queen of happy memory, it is thought fit that in case the commissioners or officers to be appointed by his majesty, before the time of the next sessions of parliament, shall not procure sufficient redress of such filed bills and sentences, that then the said parliaments may be moved to take such order as to their wisdoms shall seem convenient, for satisfaction of that which hath been decerned by some officers ; as also how disorders and insolencies may be hereafter repressed, and the country which was lately of the borders kept in peace and quietness in time to come. As likewise to prescribe some order, how the pursuits of former wrongs, preceding the death of the late queen, and since the last treaties of the borders in the years 1596 and 1597, which have never as yet been moved, may be continued and prosecuted to a definitive sentence.

“ And forasmuch as the next degree to the abolition of all memory of hostility is the participation of mutual commodities and commerce, it is agreed, first, concerning importation of merchandise into either realm from foreign parts, that whereas certain commodities are wholly prohibited by the several laws of both realms to be brought into either of them by the natives themselves or by any other, the said

prohibitions shall now be made mutual to both, and neither an Englishman bring into Scotland, nor a Scotchman into England, any of these prohibited wares and commodities: nevertheless if the said commodities be made in Scotland, it shall be lawful to bring them out of Scotland to England; and so reciprocally of the commodities made in England, and carried to Scotland.

“ Whereas a doubt hath been conceived against the equal communication of trade betwixt English and Scottish subjects in matter of importation, grounded upon some inequality of privileges which the Scots are supposed to have in foreign parts, and namely in France, above the English, whereby the English might be prejudged; and that, after a very deliberate consideration had of the said supposed inequalities, both private and public examination of divers merchants of either side, touching all libertics, immunities, privileges, imposts, and payments on the part of the English, and on the part of the Scottish, either at Bordeaux for their trade of wines, or in Normandy, or any other part of France for other commodities, it appeared that in the trade of Bordeaux there was and is so little difference, in any advantage of privileges or immunities, or in the imposts and payments, all being reckoned and well weighed on either side, as it could not justly hinder the communication of trade; in the trade of Normandy likewise, or any other parts of France, the advantage that the Scottish subjects by their privilege are acknowledged to have is such, as without much difficulty may be reconciled and reduced to an equality with the English, by such means as is after declared; it is agreed that the Scotchmen shall be free for the transporting of wine from Bordeaux into England, paying the same customs and duties that the Englishmen do pay, and the Englishmen shall be likewise free for transporting of wine or other commodities from Bordeaux into Scotland, paying the same customs and duties that the Scotchmen do pay there.

“ And likewise for clearing and resolving the doubts touching the advantage that the Scots are supposed to have above the English, in buying and transporting the commodities of Normandy, and of other parts of the kingdom of France, (excepting the buying of wine in Bordeaux, which is already determined,) it is agreed that there shall be sent some meet

and discreet persons into France, two for either side, there to take perfect notice of any such advantage as either the English have above the Scots, or the Scots above the English, in the buying and transporting of any commodities of Normandy or any parts of France, (excepting the trade for wine at Bordeaux,) and as the said persons shall find the advantage to be, so for making the trade equal, the customs shall be advanced to the king in England and Scotland. And for the part of those that have the advantage, and according to the proportion of the said advantage, the advancement of the customs to continue no longer than the privilege having such advantage shall continue; and that generally for all other trade from any parts, the English and Scottish subjects, each in other's country, shall have liberty of importation as freely as any of the native subjects themselves having special privilege.

“ Next concerning exportation, it is agreed that all such goods as are prohibited and forbidden to Englishmen themselves to be transported forth of England to any foreign part, the same shall be unlawful for any Scotchmen or any other to transport to any foreign nation beyond sea, under the same penalties and forfeitures that the English are subject unto; and reciprocally, that forth of Scotland no Englishmen shall transport to any foreign part the goods or commodities that are prohibited in Scotland to Scotchmen themselves. Nevertheless such goods, and commodities, and merchandises as are licensed to Englishmen to transport out of England to any foreign part, the same may be likewise transported by Scotchmen thither, they certifying their going into foreign parts, and taking a cocquet accordingly and paying the ordinary custom that Englishmen do pay themselves at the exporting of such wares: the like liberty to be for Englishmen in Scotland.

“ As for the native commodities which either of the countries do yield, and may serve for the use and benefit of the other, it is agreed that mutually there may be transported forth of England to Scotland, and forth of Scotland to England, all such wares as are either of the growth or handiwork of either of the said realms, without payment of any impost, custom, or exaction, and as freely in all respects as any wares may be transported either in England from port

to port, or in Scotland from port to port; excepting such particular sorts of goods and merchandises as are hereafter mentioned, being restrained for the proper and inward use of each country. And for that purpose it is declared, that both in this communication of benefit and participation of the native commodities of the one country with the other, there shall be specially reserved and excepted the sorts hereafter specified: That is to say, wool, sheep, sheepfell, cattle, leather, hides, and linen-yarn, which are specially restrained within each country, not to be transported from the one to the other; excepting also and reserving to the Scotchmen their trade of fishing within their lochs, firths, and bays within land, and in the seas within fourteen miles of the coasts of the realm of Scotland, where neither Englishmen nor any strangers have used to fish; and so reciprocally in the point of fishing on the behalf of England. All which exceptions and restrictions are not to be understood or meant in any sort for a mark or note of separation or disunion, but only as matters of policy and conveniency for the several estate of each country.

“ Furthermore, it is agreed that all foreign wares to be transported forth of Scotland to England, or out of England to Scotland, by any of the king’s subjects of either kingdom, having at their first entry once paid custom in either of the kingdoms, shall not pay outward custom therein afterwards, save only inward custom at that port whereunto they shall be transported: but the owner of the goods, or the factor or master of the ship, shall give bond not to transport the same into any foreign part.

“ It is also agreed that Scotchmen shall not be debarred from being associates unto any English company of merchants, as merchant-venturers or others, upon such conditions as any native Englishman may be admitted; and so reciprocally for Englishmen in Scotland.

“ It is nevertheless agreed by mutual consent, and so to be understood, that the mutual liberty aforesaid of exportation and trade in each part from the one to the other, shall serve for the inward use only of either realm; and order taken for restraining and prohibiting the transportation of the said commodities into foreign parts, and for due punishment of those that shall transgress in that behalf.

“ And for the better assurance and caution herein, it is agreed that every merchant so offending shall forfeit his whole goods; the ships wherein the said goods shall be transported, confiscated; the customers, searchers, and other officers of the custom whatsoever, in case of consent or knowledge on their part, to lose their offices and goods, and their bodies to be imprisoned at his majesty’s pleasure. Of which escheats and forfeitures two parts shall appertain to his majesty, if the customs be unfarmed, and the third to the informer: and if the customs be farmed, one third of the forfeiture shall belong to his majesty, a third to the farmers of the customs, and the other third to the informer. The trial of the offence to be summary in either country in the exchequer chamber by writ, sufficient witnesses, or oath of party, or before the justice by jury or assize; and his majesty’s officers in either country to convene with the complainers that have interest in the pursuit.

“ As also for the more surety that there shall be no transportation of such goods, it is agreed that at the shipping of all such native commodities there be taken by the customer of the port where the goods or wares are embarked, a bond or obligation subscribed by the owner of the said goods, and master of the ship; by the owner, if he be present, and in case of his absence, by the master of the ship, and factor or party that ladeth the same; which bond shall contain a sum of money answerable to the value of the goods, with condition of relieving the party obliged, and discharging him of the said bond in case return be made of a due certificate to the customer where the goods were laden, from any part within England or Scotland: the certificate to be subscribed and sealed by the officers of the customs of the port where the said goods shall arrive, and be unladen; or if there be no such officers there, by the chief magistrate and town-clerk of that harbour-town, under their hand and seal.

“ It is farther agreed touching the indifferent shipping of commodities either in English or Scotch bottoms, that Englishmen and Scotchmen freight and laden their goods each in other’s ships and bottoms indifferently, paying only English and Scotch custom, notwithstanding any contrary laws or prohibitions. And that a proposition be made to the parliament of England for establishing some good orders for

upholding and maintaining the great fishing of England; as likewise that a proposition be made to the parliament of Scotland for the making of their shipping more proportionable in burthen to the shipping of England, the better to serve for equality of trade, and a common defence for the whole isle.

“ And because it is requisite that the mutual communication aforesaid be not only extended to matter of commerce, but to all other benefits and privileges of natural born subjects, it is agreed that an act be proponed to be passed in manner following: That all the subjects of both realms born since the decease of the late queen, and that shall be born hereafter under the obedience of his majesty and of his royal progeny, are by the common laws of both realms, and shall be for ever enabled to obtain, succeed, inherit, and possess all goods, lands and chattels, honours, dignities, offices, liberties, privileges and benefices, ecclesiastical or civil, in parliament and all other places of the said kingdoms, and every one of the same, in all respects and without any exception whatsoever, as fully and amply as the subjects of either realm respectively might have done, or may do in any sort within the kingdom where they are born.

“ Farther, whereas his majesty out of his great judgment and providence hath not only professed in public and private speech to his nobility and council of both, but hath also vouchsafed to be contented that, for a more full satisfaction and comfort of all his loving subjects, it may be comprised in the said act, that his majesty meaneth not to confer any office of the crown, any office of judicatory, place, voice, or office in parliament of either kingdom upon the subjects of the other, born before the decease of the late queen, until time and conversation have increased and accomplished an union of the said kingdoms, as well in the hearts of all the people, and in the conformity of laws and policies in these kingdoms, as in the knowledge and sufficiency of particular men, who being untimely employed in such authorities could no way be able, much less acceptable, to discharge such duties belonging to them; it is therefore resolved by us the commissioners aforesaid, not only in regard of our desires and endeavours to farther the speedy conclusion of this happy work intended, but also as a testimony of our love

and thankfulness to his majesty for his gracious promise, on whose sincerity and benignity we build our full assurance, even according to the inward sense and feeling of our own loyal and hearty affections, to obey and please him in all things worthy the subjects of so worthy a sovereign, that it shall be desired of both the parliaments, to be enacted by their authority, that all the subjects of both realms, born before the decease of the late queen, may be enabled and made capable to acquire, purchase, inherit, succeed, use, and dispose of all lands, goods, inheritances, offices, honours, dignities, liberties, privileges, immunities, benefices, and preferments whatsoever, each subject in either kingdom, with the same freedom and as lawfully and peaceably as the very natural and born subjects of either realm, where the said rights, estates, or profits are established, notwithstanding whatsoever law, statute, or former constitutions heretofore in force to the contrary, other than to acquire, possess, succeed or inherit any office of the crown, office of judicatory, or any voice, place, or office in parliament, all which shall remain free from being claimed, held, or enjoyed by the subjects of the one kingdom within the other, born before the decease of the late queen, notwithstanding any words, sense, or interpretation of the act, or any circumstance thereupon depending, until there be such a perfect and full accomplishment of the union as is desired mutually by both the realms. In all which points of reservation, either in recital of the words of his majesty's sacred promise, or in any clause or sentence before specified, from enabling them to any of the aforesaid places or dignities, it hath been and ever shall be so far from the thoughts of any of us, to presume to alter or impair his majesty's prerogative royal, (who contrariwise do all with comfort and confidence depend herein upon the gracious assurance which his majesty is pleased to give in the declaration of his so just and princely care and favour to all his people,) as for a farther laying open of our clear and dutiful intentions towards his majesty in this and in all things else which may concern his prerogative, we do also herein profess and declare, that we think it fit there be inserted in the act to be proponed and passed, in express terms, a sufficient reservation of his majesty's prerogative royal to denizate, enable, and prefer to such offices, honours,

dignities, and benefices whatsoever in both the said kingdoms, and either of them, as are heretofore excepted in the preceding reservation of all English and Scotch subjects born before the decease of the late queen, as freely, sovereignly, and absolutely, as any of his majesty's most noble progenitors or predecessors, kings of England or Scotland, might have done at any time heretofore, and to all other intents and purposes in as ample manner as if no such act had ever been thought of or mentioned.

“ And forasmuch as the several jurisdictions and administrations of either realm may be abused by malefactors, for their own impunity, if they shall commit any offence in the one realm, and afterwards remove their person and abode unto the other, it is agreed, that there may be some fit course advised of, by the wisdoms of the parliaments, for trial and proceeding against the persons of offenders remaining in the one realm, for and concerning the crimes and faults committed in the other realm : And yet nevertheless that it may be lawful for the justice of the realm where the fact is committed, to remand the offender remaining in the other realm to be answerable unto justice in the same realm where the fact was committed, and that, upon such remand made, the offender shall be accordingly delivered, and all farther proceeding, if any be, in the other realm shall cease, so as it may be done without prejudice to his majesty or other lords in their escheats and forfeitures : With provision, nevertheless, that this be not thought necessary to be made for all criminal offences, but in special cases only ; as namely, in the cases of wilful murder, falsifying of moneys, and forging of deeds, instruments, and writings, and such other like cases as upon farther advice in the said parliaments may be thought fit to be added.”

These were the articles then agreed upon, which written in their several scrolls of parchment were subscribed and sealed at Westminster the sixth of December by the commissioners of both parliaments, and one thereof presented the same evening to his majesty by the earl of Salisbury, who, in name of the whole number there present, having showed what pains they had taken in that business, and how after many conferences they were grown to the resolution contained in that scroll, besought his majesty to accept graci-

ously that which was done, and made offer of their best service in perfecting that work as they should be employed.

The king professing a great content did specially thank them for reserving his prerogative in the preferment of men to offices and honours, in either kingdom; "for inequality," said he, "of liberties and privileges is not the way to effect the union I desire; capacity of offices ought to be equal to both people, but the moderation of that equality must be left to me; neither need you to suspect that I will offer any manner of grievance to either of the countries, or do any thing that may kindle emulation among them, considering the desire I have to see you united in a fast and indissoluble amity." This said, he recommended the prosecution of that business in the several parliaments to their fidelity and trust; wishing them to lay aside all jealousies, needless fears, and other worse passions, in a matter that so nearly concerned the good and benefit of both kingdoms.

Some months before, the king had assumed, by virtue of his prerogative, the title of **THE KING OF GREAT BRITAIN**, commanding the same to be used from thenceforth in all proclamations, missives, assurances, and treaties, and the names of England and Scotland to be discontinued, except in instruments of private parties, and where legality of process would not admit the same. This, some in both kingdoms took ill; but his majesty, esteeming those names whereby they had been called no better then names of hostility, would needs have the ancient name of Britain received, and these of Scotland and England abolished. In like manner he did prohibit the name of the borders to be used, and ordained all places of strength in those parts (the houses of noblemen and barons excepted) to be demolished, their iron gates to be turned into plough-irons, and the inhabitants to betake themselves to labour and the exercises of peace. For the same purpose he did break the garrisons of Berwick and Carlisle. And, in memory of the union so happily begun, made divers pieces of gold and silver to be coined, upon some whereof were engraven these inscriptions: *Que Deus conjunxit, nemo separet*; and, *Tueatur unita Deus*: on others, *Faciam eos ingentem unam*; and, *Henricus rosas, Regna Jacobus*.¹

¹ *Junxit* must be here understood.

During this conference the Lord Fyvie, president of the session, supplied the place of the Scotch chancellor, and was shortly after preferred to the same office by the earl of Montrose his dismissal, who instead thereof was made commissioner and deputy of Scotland during life. Secretary Elphinston was chosen president of the session, and all affairs trusted by his majesty to the chancellor and him; with a special direction, that they should be assisting to the Church, and maintain those whom his majesty had preferred to the places of bishops in the same. How they answered the trust committed to them in this particular, we shall hear.

But leaving the matter of State, let us now see how things went at that time in the Church. The General Assembly, that should have kept at Aberdeen in July 1604, was continued, because of the business of the union, to the same month in the year following. The king being informed of a great preparation that the ministers made for keeping that meeting, and that they intended to call in question all the conclusions taken in former Assemblies for the episcopal government, directed the commissioners of the Church to desert the diet, and make no indiction of another till he should be advertised. They accordingly did intimate his majesty's pleasure to all the presbyteries, and therewith, as they were desired, declared that his majesty did purpose to call a number of the bishops and disaffected ministers to court, and, for preventing such a disordered meeting, hear the differences that were among them debated in his own person.

The greater part resolved to obey. Nine presbyteries only of fifty (so many there are reckoned in the whole kingdom) sent their commissioners to keep the meeting. The chief leaders of this stir were Mr John Forbes, minister of Alford, and Mr John Welch, minister at Ayr. These two having encouragement given them in private by some principally in the state, used all means to bring the ministers together, and were in expectation of a frequent Assembly; yet, when the day appointed came, there convened thirteen only, and after some two or three days seven or eight more.

The names of the ministers that convened were, Mr Charles Farum, minister at Fraserburgh, Mr Robert Young-

son, minister at Clat, Mr James Mill, minister at Inverury, Mr Alexander Strachan, minister at Creich, Mr David Robertson, minister at Fetterangus, Mr Robert Rid, minister at , Mr James Irvine, minister at Touch, Mr John Munro, subdean of Ross, Mr William Forbes, minister at Kinbethock, Mr William Davidson, minister at Ruthven, Mr Thomas Abernethy, minister at Hawick, Mr James Greig, minister at Loudon, Mr Nathaniel Inglis, minister at Craigie, Mr James Ross and Mr Archibald Blackburn, ministers at Aberdeen, Mr John Ross, minister at Blair, Mr John Sharp, minister at Kilmany, Mr Andrew Duncan, minister at Crail, Mr Robert Dury, minister at Anstruther, with the said Mr John Forbes and Mr John Welch. Sir Alexander Straiton of Lauriston, commissioner for his majesty in Church affairs, upon a rumour he heard of a meeting to be kept, lest any imputation of negligence should be laid on him, prevented the same, and by letters he had obtained from the secret council caused discharge the Assembly at the market-cross of Aberdeen. They nevertheless convened the next day, which being reported to the commissioner, he went to the place, and in his majesty's name commanded them to dissolve. They replying, "that they were warranted to meet by the laws of the country, and that they could not betray the liberties of the Church by giving way to such unlawful prohibitions," he showed them "that the liberty granted for keeping Assemblies could not annul his majesty's power, nor denude him of his prerogative in the continuing or discharging these meetings, when he should find cause; for even the parliament, which is the highest court of the kingdom, said he, is disposed of as the king thinketh meet; at his pleasure it is called, prorogued, dismissed, and deserted, as he judgeth most convenient: and you will not, I trust, equal your Assemblies to the parliament of the three estates. Besides, you are not a number; you want the ordinary clerk; neither is the moderator of the last Assembly present, and can do nothing orderly." After a little debating they request him to remove, till they should deliberate among themselves what were best for them to do; but he was no sooner gone than they did choose Mr John Forbes moderator, and that done, continued the Assembly to the last Tuesday of September, thinking by this means to preserve their liberty.

Lauriston finding himself in this sort abused, caused execute the letters, and denounced them rebels. And, lest they should make a new business in September, complained to the council of the disobedience given to their charge. Order was taken hereupon to summon them before the council, and a beginning made with the two leaders of the rest, Mr Forbes and Mr Welch being charged to a certain day of the same month. They appeared, and standing to the defence of that which they had done, were committed to the castle of Blackness; direction was likewise given for citing the rest to the third of October.

At the day all compeared, and being charged for disobeying his majesty's letter, thirteen of the number acknowledging their offence, and protesting that what they did was not out of disobedience, entreated the lords to intercede with his majesty for their pardon. The rest taking a contrary course, and maintaining their proceedings, were committed to several prisons. Their names were, Mr Charles Farum, Mr John Munro, Mr James Irvine, Mr William Forbes, Mr Nathaniel Inglis, Mr Andrew Duncan, Mr James Greig, and Mr John Sharp. Some of these being sent to Dumbarton, others to Blackness, and some to the castle of Doune, the others that had confessed their offence were dimitted, and suffered to return to their charges.

These proceedings of the council were openly condemned by divers preachers; and to make them more odious, it was every where given out that the suppressing of Assemblies and present discipline, with the introduction of the rites of England, were the matters intended to be established; whereupon the declaration following was by his majesty's command published:—

“ Whereas we have ever since it pleased God to establish us in the imperial crown of Great Britain equally regarded the good of both kingdoms, now happily united in our royal person in one monarchy, ever minding to maintain and continue the good and laudable customs and laws whereby each of them hath been these many ages so worthily governed; nevertheless some malicious spirits, enemies to common tranquillity, have laboured to possess the minds of our well-affected subjects with an opinion that we do presently intend

a change of the authorized discipline of the Church, and by a sudden and unseasonable laying on of the rites, ceremonies, and whole ecclesiastical order established in this part of our kingdom of Britain, to overturn the former government received in these parts; which none of our good subjects we trust will be so credulous as to believe, knowing how careful we have been to maintain both religion and justice, and to reform the evils that did in any sort prejudice the integrity of either of the two, whereby justice hath attained under our government to a greater perfection and splendour than in any of our predecessors' times, and many abuses and corruptions in the discipline of the Church amended, that otherwise might have brought the purity of religion into extreme danger, neither of which was done by our sovereign and absolute authority (although we enjoy the same as freely as any king or monarch of the world); but as the disease of the civil body ever was cured by the advice of our three estates, so were the defects of the Church by the help and counsel of those that had greatest interest therein.

“ And, however, in rule of policy we cannot but judge it convenient that two estates so inseparably conjoined should be drawn to as great conformity in all things as the good of both may permit; and that no monarchy either in civil or ecclesiastical policy hath yet attained to that perfection that it needs no reformation, or that infinite occasions may not arise whereupon wise princes will foresee for the benefit of their estates just cause of alteration; yet are we, and have ever been, resolved not to make any sudden and hasty change in the government of that part of our kingdom either civil or ecclesiastical, but with grave advice and consent of our estates, and the wisest and best sort of them whom it most properly concerns, much less to trouble them with an unnecessary alteration of indifferent and ceremonial matters, but to do it upon such foreseen advantages and prevention of confusion and evil to come, as the greatest enemies of peace and obedience to princes shall not obtrude any inconvenient to the contrary. And as by God's holy assistance we have drawn that part of our kingdom out of infinite troubles, factions, and barbarities, reducing the utmost borders and confines thereof to God's obedience and acknowledging of our laws; (a condition never heard of since this isle was

first inhabited); so by the same divine providence and our fatherly care over the whole island, we intend to transmit the same in good order, happy quietness, and flourishing policy, to the posterity wherewith God hath blessed us, and after them to the world's end. Likeas for the more verification of this our honourable intention, and to stop the mouths of those unquiet spirits, raisers of that false scandal of alteration, we have appointed a General Assembly to be holden at Dundee the last Tuesday of July, wherent we expect a reparation of these disorders in as far as belongeth to their censure, and to be freed in time coming of all such calumnies. Given at our honour of Hampton Court the twenty-sixth of September 1605, and in the third year of our reign of Great Britain, France, and Ireland."

The copies of this declaration were sent to the ministers remaining in ward, that they might see the vanity of these rumours, and be induced to acknowledge their offence; but they still continuing in their obstinacy, and showing no tokens of penitency, were again called before the council the twenty-fourth of October, to receive their censure for the disobedience of his majesty's commandments. At which time, being inquired what they had to say for themselves, and how they could excuse the contempt of his majesty's directions, after some speeches tending to justify their doings, they presented in writing a declaration formed in this sort:—

"Please your Lordships, the approbation or disallowance of a General Assembly hath been, and should be, a matter spiritual, and always cognosed and judged by the Church as judges competent within this realm: and seeing we are called before your lordships to hear and see it found and declared, that we have contemptuously and seditiously convened and assembled ourselves in a General Assembly at Aberdeen the first Tuesday of July last, and the said Assembly to be declared unlawful, as at more length is contained in the summons executed against us, We, in consideration of the premises, and other reasons to be given by us, have just cause to decline your lordships' judgment as no way competent in the cause above specified, and by these presents we simpliciter decline the same, seeing we are most willing to submit ourselves to the trial of a General Assem-

bly, that is the only judge competent. Subscribed with our hands the twenty-fourth of October 1605."

The subscribers were, Mr John Forbes, Mr John Welch, Mr John Monro, Mr Andrew Duncan, Mr Alexander Strachan, Mr James Greig, Mr William Forbes, Mr Nathaniel Inglis, Mr Charles Farum, Mr James Irvine, Mr John Sharp, Mr Robert Dury, Mr John Ross, and Mr Robert Youngson.

The last of these was one that had acknowledged his offence, and craved pardon, yet at this diet compeared with these others, professing, "That he was troubled in conscience for the confession he had made, and that he would now take part with the brethren who stood to the defence of the good cause," as he termed it. The council repelling the declinator, declared the Assembly to have been unlawful, and those that met in the same, contrary to his majesty's command, punishable. But because they had added to their former fault the crime of treason, it was thought meet to defer the censure till the king should be acquainted therewith, and his pleasure known.

No sooner was his majesty advertised of the declinator, than direction was sent to the council for proceeding against them according to the laws: whereupon the six that were imprisoned in Blackness, they are to say, Mr John Forbes, Mr John Welch, Mr Andrew Duncan, Mr John Sharp, Mr Robert Dury, and Mr Alexander Strachan, were upon the tenth of January thereafter brought to the town of Linlithgow, and there presented upon pannel before the justice, who was assisted by a number of noblemen and others of the privy council.

The indictment made, which was grounded upon the statute of parliament holden in May 1584, touching his majesty's royal power over all estates, and the presumptuous fact committed by them in declining the judgment of the council, certain of their brethren did supplicate the justice for license to confer with them apart, that they might persuade them to an humble submission and acknowledgment of their offence. This obtained, they were most earnestly dealt with (as well by their brethren as by the advocates that came to plead for them) to relinquish their wilfulness, and not to exasperate the king by standing to the defence of

their declinator; but no persuasions could avail. So returning to the bar they were desired to answer, and show a reason (if any they had) why the matter should not pass to the trial of a jury. The advocates that stayed with them (for the two principals refused to plead because of their obstinacy) excepting against the indictment, and saying, that the statute 1592, whereby it was declared, "That the act made against declining of the council's judgment should not derogate any thing from the privileges which God had given to the spiritual office-bearers in the Church, concerning heads of religion, matters of heresy, excommunication, collation, and deprivation of ministers, or any such essential censures, having warrant of the word of God," they thereupon inferred that their meeting at the time libelled in Aberdeen being an essential censure warranted by God's word, they might lawfully have declined the council's judgment from taking cognition therein.

It was answered by his majesty's advocate, "That the exception was naught, because the keeping of an Assembly at a certain time and place, and the appointing of another contrary to his majesty's direction and the charge of the council, was neither a head of religion, nor matter of heresy, nor excommunication, nor an essential censure; and so being no ways comprehended under that limitation, their declining of the council, whenas they were called to answer for the keeping of that conventicle in the town of Aberdeen, must of necessity come under the generality of the statute 1584, and bring them under the punishment of treason."

The matter after some dispute being put to trial of an assize, all the six were found guilty of treason, and returned to their several prisons, till his majesty's pleasure concerning their punishment should be certified; what this was, in the story of the next year shall be declared. Meanwhile a proclamation went out, "discharging all the subjects, of what rank, place, calling, function, or condition soever, either in public or private, to call in question his majesty's authority royal, or the lawfulness of proceeding against the said ministers, or to make any other construction of the statute concerning the declining of his majesty's and the council's judgment than was made in that decision of the justice; with certification to those that contravened, that they should be

called and severely punished as seditious persons and wilful contemners of his majesty's most just and lawful government."

Before these stirs in the Church, a convention of the estates was kept the sixth of June at Edinburgh, where a letter was presented, sent by his majesty to the estates full of affection. The letter was to this effect: "That his majesty's love being nothing diminished through his absence towards that his native and ancient kingdom, he did wish them to contend in a laudable emulation who should live most virtuously, and be most obedient to the laws: that the nobility should give assistance to the execution of justice, and be in all things a good example to their inferiors; the barons should set themselves to procure the good of the kingdom; and the burgesses apply their minds to the increase of trade, especially the trade of fishing, which had been long neglected, and to the working of cloth, that had made their neighbour country so famous. To them all he recommended the rooting forth of barbarity, the planting of colonies in the Isles, and peopling the same with civil and industrious persons; assuring them that, they so behaving themselves, their liberty should be as dear to him as either his life or estate."

This was the substance of the letter, which the chancellor having resumed, and thereunto added many persuasions for the following of those wholesome and profitable counsels, the estates did express a great forwardness that way, and after a long deliberation condescended upon divers good acts, which if they had been all carefully put in practice, as they were wisely devised, the kingdom had long before this time tried the benefit thereof. Amongst other directions, the removing of the barbarous feuds was recommended to the council, whereof they were desired to make a roll, and urge the parties to reconcile; and if they refused, then to assure them to the peace, and commit them to ward till the same was secured. And whereas the custom had been to cause parties assure one another, the king did prohibit the same as a thing dishonourable, and arguing too great presumption in the subject, seeing the law should be to every man a sufficient assurance. The council, reverencing his majesty's direction, did ordain that course from thenceforth to be

observed, and all assurances to be taken for the peace thereafter, and not of one party to another: beginning being made with the Lord Maxwell and the laird of Johnston, they were moved to join hands and reconcile in presence of the council.

This summer the enterprize of the Lewis was again set on foot by Robert Lumsdale of Ardrrie and Sir George Hay of Netherliffe, to whom some of the first undertakers had made over their right. In August they took journey thither, and by the assistance of Mackey Mackenzie and Donald Gorum forced the inhabitants to remove forth of the isle, and give surety not to return.

Ardrrie and his copartners thinking all made sure, and that there was no more danger, returned south about Martinmas, leaving some companies to maintain their possession; which they made good all that winter, though now and then they were assaulted by the islesmen. In the spring Ardrrie went back, taking with him fresh provision, and fell to build and manure the lands. But this continued not long; for money failing, the workmen went away, and the companies diminishing daily, the natives having associated a number of islesmen made a new invasion about the end of harvest, and by continual incursions so outwearied the new possessors, as they gave over the enterprize, and were contented for a little sum of money to make away their rights to the laird of Mackenzie. This turned to the ruin of divers of the undertakers, who were exhausted in means before they took the enterprize in hand, and had not the power which was required in a business of that importance.

In the end of the year a horrible conspiracy was detected against the king and whole body of the state of England. The names of the conspirators were, Robert Catesby, Thomas Percy, Thomas Winter, John Wright, and Guido Faux, Englishmen all, and papists by profession. These five meeting together, and consulting by what mean they might best relieve the catholic cause (so they spake), Thomas Percy proponed the killing of the king, and at his own peril made offer to perform the same. Catesby, who had another plot in his head, answered, "That they would not hazard him so; and that albeit it should succeed, the ease of the catholic cause would be no better, the prince and duke of

York being left alive; yea, if both these were made away, yet the councillors, nobility, judges, knights, and a great many others addicted to religion, would be remaining, who should be able enough to restore the estate, and cross all their purposes; that therefore he had bethought himself of a better and more safe way, which was at one time, and with one blow, to cut off all their enemies. This (he said) was by blowing up the parliament-house with gunpowder at the time when the king and estates were assembled." The advice pleased them all; but first it was thought meet to ask the opinion of their ghostly fathers, and be informed of the lawfulness of the fact; as of Henry Garnet, Oswald Tesmond *alias* Greenwell, and John Gerard, Jesuits; who being consulted commended the enterprise, assuring them they might go on with a good conscience and perform the deed, seeing they were heretics, and persons *ipso jure* excommunicated against whom they were set.

This resolution satisfying their consciences, for their greater security they took an oath of secrecy, "swearing each to another by the sacred Trinity and the blessed sacrament they were at that time to receive, that neither directly nor indirectly, by word or circumstances, they should discover the purpose they had taken to any whomsoever, nor should they desist from performing the same without license of their associates." This oath was given upon a primer in the presence of Gerard the Jesuit; and having heard mass and received the sacrament, Thomas Percy was appointed to hire a house nigh adjoining to the parliament, for the more safe and secret working of the mine.

This being obtained, yet with difficulty enough, they entered to work, and after divers intermissions, because of proroguing the parliament, when that they had brought the mine to the midst of the wall, they found the opportunity of a cellar under the parliament-house to be let, and leaving the mine, for that the wall was hard to be digged through, they hired the cellar, and put in it thirty-six barrells of powder, a number of billets, faggots, and a great quantity of coals, wherewith they covered the barrells. They had called in Christopher Wright, Robert Winter, John Grant, and Thomas Bates, Catesby's servant, and communicated the matter to them. This last was much troubled at first with

the cruelty of the plot, and had forsaken them, if he had not been confirmed and encouraged by Tesmond the Jesuit to go on with the rest. After these Ambrose Rockwood and Robert Keyes were made of the counsel, all taking the oath of secrecy, and receiving the sacrament upon the same. And because the charge in buying powder, billets, and hiring of houses had been a burden heavy for Thomas Percy, it was thought meet to bring in some more; whereupon Sir Everard Digby and Mr Francis Tresham were assumed.

All things being now, as they judged, made sure, they began to think what course was fittest to take after the deed was performed. The first doubt they made was touching the prince and surprise of his person; or if he should accompany his father to the parliament, how they might seize upon the duke of York his brother. But this Percy undertook to do by reason of his acquaintance in the house, into which he could enter without suspicion, and how soon the blow was given carry him away by the help of such as he should have in a readiness to assist. Of the Lady Elizabeth they made small question, for that she was kept in the country by the Lady Harrington near to Ashby, Catesby's dwelling-house.

The next doubt they proponed was, where they should have money and horses: and for this Digby made offer of fifteen hundred pounds English, Tresham two thousand, and Percy promised to bring all he could gather of Northumberland's rents, which he thought would extend to four thousand pounds, and to provide ten horses for his part. Neither doubted they but, having the heir-apparent in their hands, they should find means sufficient.

A third question they made, what lords they should save from going to the parliament; which they agreed to be as many catholics as conveniently they might.

Fourthly, it was moved among them what foreign princes they should acquaint with the purpose, and whose aid they should seek. Concerning which it was agreed, that none of them should be made privy to the plot, seeing they could not enjoin secrecy to princes; and for aid, after the deed performed, there would be time enough to entreat the same either of Spain or France, or the country of Flanders.

Lastly, because they saw no way to assure the duke of York his person, (for Percy his undertaking they held un-

sure), they resolved to serve their turn with the Lady Elizabeth, and to proclaim her queen; to which purpose they had a proclamation formed, wherein no mention was made of altering religion, because they had not forces sufficient, and till they might make good their party, they would not avow the deed to be theirs, but lay it so far as they could upon the Puritans.

Now there remained nothing, all dangers being foreseen, and every thing provided, but the last act of the intended tragedy to be performed, whenas that which was so secretly hatched came to be discovered after a wonderful manner. The Lord Monteagle, son and heir to the Lord Morley, being in his lodging at seven of the clock at night, had a letter given him by one of his footmen, who received the same upon the street from a person unknown, with a charge to put it in his master's hand. The tenor whereof was as followeth:—

“ My Lord,

Out of the love I bear to some of your friends, I have a care of your preservation; therefore would I advise you, as you tender your life, to devise some excuse to shift off your attendance at this parliament; for God and man have concurred to punish the wickedness of this time. Think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety: for though there be no appearance of any stir, yet I say they shall receive a terrible blow in this parliament, and shall not see who hurteth them. This counsel is not to be contemned, because it may do you good, and can do you no harm; for the danger is passed as soon as you have burnt the letter; and I hope God will give you the grace to make good use of it, to whose holy protection I commit you.”

It was some ten days only before the parliament that Monteagle received this letter, and but twelve hours before the meeting of the estates that the plot was found out. Where it is a sort of wonder to think that so many being made privy to the conspiracy, the same should not have burst out one way or other in so long a time; for it was the eleventh of December 1604 when they began to work at the

mine, and so the space of a year and more the conspiracy went concealed. Some advertisements were sent to the king and divers of his majesty's council from beyond sea, "That the papists were preparing to present a petition for toleration of religion at the meeting of the parliament, which should be so well backed as the king would be loth to refuse it." But these advertisements were contemned, and thought to be invented for putting the king in fear.

Yea, and the nobleman, when he received the letter, not knowing what construction to make thereof, doubted much that it had been a device to scare him from attending the parliament. Not the less out of his care of the king's preservation, he resolved to communicate the same with the earl of Salisbury, his majesty's principal secretary, and going the same night to Whitehall, delivered the letter to him. The secretary acquainting the chamberlain, admiral, and some others of the council therewith, and examining every line thereof, resolved to show the same to the king at his return, (for he was then at hunting at Royston), and not to search farther in the matter till they should hear what was his judgment.

The king returning to London the Thursday after, which was Allhallows evening, the letter was showed him the next day in the afternoon; who having read the same once or twice, said, "That it was not to be contemned, and that the style seemed more quick and pithy than is usual in libels, pasquils, and the like." The secretary perceiving the king to apprehend the matter more deeply than he expected, told him "that the letter seemed to be written by a fool or madman; and pointing at the passage, 'the danger is past as soon as you have burnt the letter,' said, that the warning was to little purpose, if the burning of the letter might make the danger eschewed."

But the king willed him to consider the former sentence, wherein it was said that "they should receive a terrible blow at the parliament, and not see who did hurt them," and when he should join that with the other, he should find it to be sudden danger, as the blowing up by powder, that was thereby meant. Therefore willed all the rooms in the parliament-house to be searched, both above and below, to prevent the danger, if any there was.

This belonging to the chamberlain his office, he was desired to make the search, and for staying idle rumours, to delay his going to Monday in the afternoon, the day before the first session of parliament. At which time the chamberlain taking with him the Lord Monteagle, who was careful to see what the warning given would prove, went and viewed all the rooms, where he perceived in the vault under the upper house great store of fagots, billets, and coal; and asking the keeper of the guardrobe named Whinyard, to what use he had put those low cellars, (for they appertained to him,) he answered, that Thomas Percy had hired the house and cellar, and the billets and coal were the gentleman's provision for winter. The chamberlain casting his eye aside, and espying a fellow in the corner of the vault, asked who he was, and received answer that he was Percy's man, who kept the house for his master.

Thus having looked upon all things in a careless manner as it appeared, he returned to the king, and made report of that he had seen, which increased his majesty's first apprehension; and thereupon was order given for turning up those billets and coals even to the bottom. If nothing should be found, it was devised, that Whinyard should pretend the stealing of some of the king's stuff which he had in keeping, and that made the colour of the search. Sir Thomas Knevet, gentleman of his majesty's privy chamber and justice of peace within Westminster, being appointed for this business, went thither with some few in company about midnight, and finding a man standing without doors in his clothes and boots, caused him to be apprehended. This was Guido Faux, whose hand should have fired the train, and gave himself out for Percy's man. Thereafter entering into the house he made the coals and billets to be turned up, under which they found thirty-six barrels of powder more or less. Then turning to the fellow they had apprehended, and questioning him touching the powder, he did instantly confess, swearing, "That if he had been within the house when they took him, he should have blown them up with the house and all."

Sir Thomas taking the man along went immediately to the palace, and showed the chamberlain and secretary how he had sped. They making themselves ready, and warning the councillors that lay within the palace, went all together to

his majesty's bed-chamber. The king awake, the chamberlain, not able to conceal his joy, cried aloud, that the treason was discovered, and the traitor in hands. Then command was given to call the council to examine the prisoner touching his partakers. He, nothing dejected nor moved a whit with so honourable a presence, did boldly avow the fact, repenting only that he had failed in the execution, and saying, "The devil envying the success of so good a work had discovered the same." All that day nothing could be drawn from him touching his complices, taking all the blame upon himself, and professing he had done it for religion and conscience' sake. Speaking of the king, he denied him to be his sovereign, or anointed of God, in regard he was a heretic, and that it was no sin to cut him off. This was his behaviour at first; but being conveyed to the Tower, and the rack presented, he laid open the whole conspiracy, and confessed the truth.

There were in the city at the time Catesby, Percy, Thomas Winter, Francis Tresham, and the younger Wright, who hearing that all was disclosed made away to the country, appointing to meet the next morning at Dunchurch in Warwickshire, Digby's lodging. John Grant, with some recusants that he had associated to himself, had broke up the same night a stable of Benoch, a rider of great horses, and carried away seven or eight belonging to certain noblemen of the country; for he did think the conspiracy had taken effect, and was preparing to surprise the Lady Elizabeth, whose residence was not far from the place. But within a few hours Catesby, Percy, and the others that were fled from London, bringing assurance that all was failed, they resolved upon a public rebellion, and pretending the quarrel of religion, laboured to draw some companies together; yet when they had gathered all their forces, they did not exceed fourscore in all.

Sir Fulk Grevill, lieutenant-deputy of Warwickshire, hearing of the riot that Grant had committed, and apprehending it to be the beginning of a rebellion, sent to advertise the towns about, and warned them to be on their guard. The sheriffs of the county convening, the people likewise in arms, pursued them from shire to shire. Sir Richard Walsh, the sheriff of Worcester, having tried where they had taken

harbour, sent a trumpet and messenger to command them to render unto him in his majesty's name, promising to intercede for their lives. But they, hearing their fault to be unpardonable, returned answer, that he had need of better assistants than the numbers that accompanied him, before he could either command or compel them. The sheriff, provoked by this arrogant answer, prepared to assail the house; and they making for defence, it happened that a spark of fire falling among some powder, which they were drying, did kindle and blow up the same, wherewith their hands, faces, and sides were so scorched and burnt, as they lost courage, and opening the gate exposed themselves to the people's fury. Catesby, Percy, and Thomas Winter, joining backs, and resolving rather to die than to be taken, the two first were killed with one shot, and the other after some wounds made prisoner; the two Wrights were killed, Rockwood, Grant, Digby, and Bates were taken. Tresham had stayed at London, and changing his lodging thought to lurk till he should find occasion to escape by sea, but was in end found out; so were Robert Winter and one Littleton, and all of them committed to the Tower of London.

Being examined, Thomas Winter ingenuously confessed all, setting down the particulars under his hand, and acknowledging the offence to be greater than could be forgiven. Digby excused the crime by the despair they were driven unto, having hopes given them at the king's first coming to the crown, that the catholics should have the exercise of their religion permitted, which being denied they had taken those wicked courses. Tresham in his confession named Garnet the Jesuit as privy to the conspiracy; but afterwards by his wife's instigation did deny it, affirming that he had wronged him, and not seen him once these last sixteen years. Yet Garnet being apprehended some months after, confessed that they met divers times within the last half-year. Tresham died in the prison; the rest were put to the trial of a jury, and condemned. Digby, Grant, Robert Winter, and Thomas Bates were executed at the western gate of St Paul's in the end of January; Thomas Winter, Ambrose Rockwood, Robert Keyes, and Guido Faux, who had wrought at the mine, suffered in like sort in the court nigh to the parliament-house.

This was the end of that conspiracy, the like whereof in no man's memory hath been heard. We have heard of kings treacherously killed, of practices against estates and commonwealths; but such a monster of conspiracies (as Thuanus calls it) no country nor age did ever produce. The king, queen, with their posterity, the nobility, clergy, judges, barons, knights, gentry, and in a manner the whole kingdom to be in one moment all destroyed, was a wickedness beyond all expression; but, blessed be God, this monster, which was long in breeding, in the very birth was choked and smothered.

The king, giving order for the meeting of the parliament the same day that the conspiracy was discovered, made a long speech to the estates, wherewith having aggravated the danger by many circumstances, and greatly magnified the mercies of God in the discovery, when he came to speak of the trial and punishment, was observed to keep a marvellous temper in his discourse, wishing no innocent person either foreign or domestic should receive blame or harm thereby. "For, however," said he, "the blind superstition of their errors in religion hath been the only motive of this desperate attempt, it must not be thought that all who profess the Roman religion are guilty of the same; for as it is true (I keep his majesty's own words) that no other sect of heretics (not excepting Turk, Jew, or Pagan, nay not those of Calicut that adore the devil) did ever maintain by the grounds of their religion, that it was lawful and meritorious to murder princes or people for the quarrel of religion, yet it is as true on the other side, that many honest men, blinded peradventure with some opinions of popery, as if they be not found in questions of real presence, the number of the sacraments, and some such school questions, do either not know, or not believe at least, all the true grounds of popery, which is indeed the mystery of iniquity: and therefore do we justly confess that many papists, especially our forefathers, laying their only trust upon Christ and his merits, may be saved; detesting in that point, and thinking the cruelty of the Puritans worthy of fire, that will admit no salvation to any papists." And so concluding that part of his discourse, said, "As upon the one part many honest men, seduced with some errors of popery, may yet remain good and faithful subjects; so upon

the other part, none of those that truly know and believe the whole grounds of popery, can prove either good Christians or faithful subjects." The speech is to be seen amongst his majesty's works, and is worthy the reading, for the wise directions given in that business.

The news of this conspiracy were speedily advertised to the council of Scotland, and a command given for a public thanksgiving in all the churches for his majesty's deliverance; but the cause was left to every man's conjecture, albeit the advertisement did bear expressly, that the contrivers were papists, and their only quarrel religion. This being told to the king, and that one of the privy-councillors had said, "that the conspiracy proceeded of a mere discontent the people had conceived at his majesty's government," he was mightily offended, and from that time forth held his affection to his service continually suspected.

Information was made at the same time, that some of the ministers imprisoned at Blackness did blame the chancellor for their meeting at Aberdeen, offering "that they had warrant from him to meet, and his promise that they should incur no danger for the same." The king, to understand the truth thereof, directed his servant Sir William Irvine to inquire of the imprisoned ministers what dealing they had with the chancellor in that business. Their answer was, "That a little before their meeting at Aberdeen, Mr John Forbes and Mr John Welch had sought his advice touching their convening; and that he asking them what they intended to do, they had answered, that fearing the establishment of bishops, they were to do their best for withstanding the same; and that he to encourage them did promise all the assistance he could give that way, which they took to be an allowance of their meeting." A letter hereupon was directed to certain of the council to call the ministers, and if they stood to their saying, to hear what the chancellor would answer. They maintaining that which they had said, and the chancellor called to his answer, affirmed that he was entreated by them to oppose the restitution of bishops' temporalities, which then was in working, promising that he should not be questioned for his religion, which they understood to be popish. This denied by the ministers, they fell in a sharp contest; which continued some space with words not

very seemly on either part. The ministers, for clearing his approbation of their Assembly, did farther allege that he had uttered so much to Mr Walter Balcanquel and Mr James Balfour, ministers at Edinburgh; who being examined touching their knowledge, Mr Walter Balcanquel did affirm, "that the chancellor in private to himself had commended them for maintaining the liberty of the Church, which was not a little prejudiced, as he said, by the continuation of Assemblies from year to year." The same he was said to have spoken to Mr James Balfour; but he excused himself by forgetfulness, saying he did not remember any such speeches. This report made to the king, he said, "That none of the two deserved credit; and that he saw the ministers would betray religion rather than submit themselves to government; and that the chancellor would betray the king for the malice he carried to the bishops."

By this contest always the chancellor was made more tractable in the restitution of the bishops' temporalities, which he had strongly resisted unto that time; and in the parliament kept at Perth in the beginning of July showed a great desire to promote the same. This parliament had been indicted to keep at Edinburgh in June preceding, and the earl of Dunbar employed to see all matters carried therein to his majesty's mind. The chancellor (whether out of emulation to show his greatness, or that he feared some affront by the earl of Dunbar) went on the streets accompanied with the burgesses in great numbers, who, otherwise than was their custom, did walk with their swords. Dunbar taking this in ill part, yet dissembling his offence, caused adjourn the parliament to the first of July, and therewith presented a warrant for removing the same to the town of Perth, which, coming unlooked for, made the burgesses forthink their doing.

At Perth, the very first day it happened the Lord Scaton and Alexander his brother to encounter the earl of Glenearne, in the Bridgegate, where, drawing their weapons against each other, a great tumult was raised, which continued a certain space, and disturbed the council that as then was sitting. The Lord Scaton being tried to have invaded the other, which he did for revenge of his uncle's slaughter, he was cited before the council for troubling the parliament;

but leaving the town he went home, and for his not appearing was denounced rebel. It was held an ominous beginning, and gave many to think that matters would not succeed well; but the earl of Dunbar did so wisely and with so great care prevent every thing that was like to breed trouble, as all things were carried from that time forth in a most peaceable sort.

There were attending in the town a number of ministers, labouring all they could secretly to make some perturbation. The earl calling them to his lodging did rebuke them sharply, saying, "That it seemed strange to him, that they who had so often petitioned to have the act of annexation dissolved, should go about to hinder the same, now when the king was to do it in part, specially considering there was nothing to be moved in prejudice of their discipline. And that for removing the differences that were amongst them in that point, his majesty had resolved, as they knew by the letters some of them had received, to call the most learned and discreet of both sides before himself, and have matters composed so far as might be to their content. More fitting, he said, it were for you, to whom his majesty hath addressed his letters, to have been preparing yourselves for the journey. And I should advise you, for your own good and the peace of the Church, not to irritate the king any more, but rather study by your peaceable behaviour to procure favour to your brethren that are in trouble." With these speeches he did quiet them, and so the parliament went on, and after some few days ended in great peace.

In this parliament divers good constitutions were made. But the two principal were the acts of his majesty's prerogative, and the act intituled, "The restitution of the estate of bishops;" which title giveth many to mistake the truth of things, and think that before this time the estate of bishops was overthrown and cast down, whereas the same was never so much as intended. Only by this act the temporalities of bishopries, which by the act of annexation were made to belong to the crown, were restored, in regard it was seen that the bishops were disabled to attend their service in the church and state by the want thereof.

Soon after the parliament dissolved, such of the clergy as his majesty had called to court went thither. Of the one

side were the archbishops of St Andrews and Glasgow, the bishops of Orkney, Galloway, and Mr James Nicholson who was destined bishop of Dunkeld; on the other part were Mr Andrew Melvill, Mr James Melvill, Mr James Balfour, Mr William Watson, Mr William Scot, Mr John Carmichael, and Mr Adam Colt. All these arriving at London about the beginning of September, had warning given them to attend the twentieth of that month at Hampton Court.

The king had appointed some of the bishops of England to attend during that conference, and preach by course upon the subjects prescribed to them. Doctor Barlow, bishop of Ely, began, taking for his text the 28th verse of the twentieth chapter of the Acts, whereby he took occasion to prove out of the Scriptures and fathers the superiority of bishops above presbyters, and to show the inconveniences of parity in the Church, with the confusion arising from the same. Dr Buckridge, bishop of Rochester, took for his text the precept of the apostle, *omnis anima*, &c. Rom. xiii. 1, where falling to speak of the king's supremacy in causes ecclesiastical, he did handle that point both soundly and learnedly, to the satisfaction of all the hearers; only it grieved the Scotch minister to hear the pope and presbytery so often equalled in their opposition to sovereign princes. Dr Andrews, bishop of Chichester, followed, who choosed for his text the first verses of the tenth chapter of Numbers, confirming thereby the power of kings in convocating synods and councils. The fourth was Dr King, bishop of London: he took for his theme the 11th verse of the eighth chapter of the Canticles, and thereupon discoursing of the office of presbyters, did prove "lay-elders to have no place nor office in the Church, and the late device to be without all warrant of precept or example, either in Scripture or in antiquity." This course his majesty took, as conceiving that some of the ministers should be moved by force of reason to quit their opinions, and give place to the truth: but that seldom happeneth, especially where the mind is prepossessed with prejudice either against person or matter.

The first audience was in the privy-chamber at Hampton, the twenty-second of September; at which, besides the bishops and ministers from Scotland, were present the earls

of Dunbar, Argyle, Glencarne, Sir Thomas Hamilton, advocate, and Sir Alexander Straiton of Lauriston: of the English, Dr Montague, dean of the chapel, was only admitted to stay. There the king, declaring the purpose for which he had called them, spake a few words to this effect: "That having left the Church of Scotland in peace at his parting forth of it, he did now hear of great disturbances in the same; whereof he desired to understand the true cause, and to have their advice how the same might best be removed. This being," said he, "the errand in general for which I have called you, I should be glad to hear your opinions touching that meeting at Aberdeen, where an handful of ministers, in contempt of my authority, and against the discharge given them, did assemble; and though they were neither a sufficient number, nor the accustomed order kept, they would take upon them to call it a General Assembly, and have since proudly maintained it, by declining my council, and such other means as they pleased to use. The rather I would hear your minds, because, I am informed that divers ministers do justify that meeting, and in their public preachings commend these brethren as persons distressed, which in effect is to proclaim me a tyrant and persecutor."

Mr James Melvill answering first, said, "That there was no such discharge given to those ministers that met at Aberdeen as was alleged, adjuring Sir Alexander Straiton, who was said to have given this charge, to declare in his majesty's presence how that matter was carried. As to the absence of moderator and clerk, he said that none of those were essential parts of an Assembly; and that the moderator absenting himself of purpose, and the clerk refusing to serve, the brethren convened might lawfully create others in their places; so as these ministers having warrant to convene from the word of God, and from his majesty's laws, as also coming thither by direction of their presbyteries, he could not in his conscience condemn them."

"Well then," said the king, "I shall desire you to answer me three things that I will ask. *First*, If it be lawful to pray publicly for persons convicted by the sentence of a lawful judge as persons being in distress and afflicted. *2d*, Whether I may not, being a Christian king, by my authority royal, convocate, and prorogue, and desert, for just and neces-

sary causes known to myself, any assemblies or meetings within my dominions. 3d, Whether or not may I, by my authority, call and convene before me and my council whatsoever person or persons, civil or ecclesiastical, for whatsoever offences committed by them in whatsoever place within my dominions; and if I may not take cognition of the offence, and give sentence therein. And farther, Whether or not are all my subjects, being cited to answer before me and my council, obliged to compare, and acknowledge me or them for judges in these offences?"

Mr James answering, said, "that the questions were weighty, and craved a great deliberation; wherefore he would humbly entreat his majesty to grant them a time to confer and advise together, that they might all give one direct answer." This desire granted, they were commanded to advise and meet together that night, and be ready to answer the next day. At this meeting the earls of Salisbury and Northampton, with divers of the English clergy, were present. The ministers, desiring to have the meeting more private requested the earl of Dunbar to move the king therein, and that none but Scotchmen should be present; fearing (as they said) "that some unseemly words might escape them." But this was denied, and they warned to speak with that respect which became subjects. It was believed that the king should have begun with the questions proponed in the former meeting; but his majesty, taking another course, required them to declare one by one their judgments touching Aberdeen Assembly. The bishops (being first asked) did all condemn the meeting as turbulent, factious, and unlawful.

Mr Andrew Melvill then being inquired made answer, "That he could not condemn the Assembly, being a private man; that he came into England upon his majesty's letter, without any commission from the Church of Scotland; and though he had commission, *indicta causa*, and not hearing what they could say for themselves, he would not give his judgment. Sentence, he said, was given against them in a justice-court; how justly, he did remit that to the great Judge; but for himself he would say as our Saviour did in another case, *Quis me constituit judicem?*"

Mr James Balfour being next asked, "did pray his majesty not to press him with any answer, for that he knew

nothing would be well taken that proceeded from his mouth, and that Mr Andrew had answered to his mind sufficiently."

Mr James Melvill, without giving a direct answer, began to tell, "that since his coming to London he had received divers letters, and with them a petition that should have been presented to the late parliament in behalf of the warded ministers, which he was desired to offer unto his majesty, and, as he thought, the petition would make all their minds known."

The king taking the petition and falling to read the same, willed the advocate to go on and receive the answer of the rest. And as the advocate was questioning Mr William Scot, and urging him with a distinct answer, (for he used many circumlocutions, according to his custom,) Mr Andrew Melvill in a great passion said, "that he followed the instructions of Mr John Hamilton his uncle, who had poisoned the north with his papistry, and that he was now become *κατήγορος τῶν ἀδελφῶν*. Northampton asking what he meant by that speech; the king said, "he calleth him the mickle devil:" and then, folding up the petition, said, "I see you are all set for maintaining that base conventicle of Aberdeen. But what answers have you to give to the questions I moved?" It was answered, that "they had conferred together, and finding them to concern the whole Church, they would not by their particular voices prejudge the same." But you will not, I trust, said the king, "call my authority in question, and subject the determination of the same to your Assemblies?" "This they said was far from their thoughts; but if his majesty should be pleased to set down in writing what he required, they should labour to give him satisfaction."

Thus were they dismissed for that time, and being the next day called before the Scottish council, (for after this they were no more admitted to his majesty's presence,) they were inquired whether they had in their public prayers remembered the warded ministers as persons afflicted, and sufferers for the good cause. Some of them confessed that they had prayed for them as persons in trouble and distress; others, that they had commended them to God, but remembered not in what words.

The twentieth of October they were again brought before

the Scotch council, and had the three questions delivered to them in writing, which they were commanded to answer severally: meanwhile they were discharged to return into Scotland without his majesty's license, and prohibited to come towards the queen and prince's court. The bishops and others of the clergy that assisted them were permitted to return.

The conference breaking up in this sort, and matters made worse rather than better, his majesty's pleasure concerning the warded ministers, which to this time had been delayed, was signified by two several letters to the council and justice. The letter to the justice was as followeth: "Whereas in our justice-court holden at Linlithgow the tenth of January last, Mr John Forbes, minister of Alford, Mr John Welch, minister at Ayr, Mr Robert Dury, minister at Anstruther, Mr Andrew Duncan, minister at Crail, Mr Alexander Strachan, minister at Creich, and Mr John Sharp, minister at Kilmeny, were convicted of the crime of treason, for their contemptuous and treasonable declining the judgment of us and the lords our secret council, by a declinator subscribed with their hands and presented in judgment before the said lords; and that the pronounciation of the doom was upon grave and weighty respects continued till our pleasure was declared: we now, considering the great insolency committed by them, and how dangerous the example of such a fact may prove if it should go unpunished, specially since we, out of our accustomed lenity, have given to these declared traitors more than sufficient time to have acknowledged their offence, and made suit for our pardon, and that yet nothing hath appeared in them but an obdured obstinaey, without any token of resipiscence; albeit the greatness of the offence in men of their function, whose actions should be patterns of duty and obedience to others, hath demerited most justly the extremity of punishment appointed by law, yet, according to our wonted clemency, being willing to dispense with the rigour of law at this time, and not to inflict the punishment of death upon them, our will and pleasure is, that you affix a justice-court at Linlithgow, or any other place our council shall appoint, the twenty-third of October, and there cause doom of banishment forth of our dominions during their natural lives to be pronounced against the said traitors: after which you shall

return them to their wards, there to remain for the space of a month, till they have made their preparations to depart; before the expiring whereof, if they do not depart, wind and weather serving, or being departed shall return unto our dominions without our license, the ordinary death usually inflicted upon traitors shall be executed upon them. And because this our elemency extended towards these above named may perhaps move others to think, that for trespasses of this quality no greater rigour will hereafter be used; to remove all such conceits, and that notice may be taken of our full determination in the like case, you shall in open court make intimation to all our lieges, ‘that if any hereafter shall offend in such an high trespass, they shall be punished with all severity, and the death due unto traitors be inflicted upon them with all rigour, the example of this our present lenity notwithstanding;’ and this it is our will you cause to be recorded in your books of adjournal, and publication made thereof at the market-cross of Edinburgh, and all other places needful.”

By the letter directed to the council, Mr Charles Farum was ordained to be confined in the Isle of Bute, Mr John Munro in Kintyre, Mr Robert Youngson in the Isle of Arran, Mr James Irvine in Orkney, Mr William Forbes in Zetland, Mr James Greig in Caithness, Mr Nathaniel Inglis in Sutherland, and Mr John Ross in Lewis.

The justice, as he was commanded, did keep his court at Linlithgow, and pronounced the sentence and doom in the manner prescribed. Messengers were also directed to charge the other ministers to enter into the parts appointed for their confining, and not to exceed the same without license, under pain of death. After which a proclamation was made inhibiting all ministers to recommend either in their sermons or prayers the persons so sentenced.

And lest the Jesuits, seminary priests, and others of their faction, should presume of any oversight to be given to them because of these proceedings against the seditious ministers, they were in like sort commanded by proclamation to depart forth of the realm, and all the subjects inhibited to reset or entertain them, under the pain of his majesty’s displeasure.

Mr Andrew Melvill, that could not be idle, and was still speaking against the orders of the English church, having

dispersed some bitter and scornful verses against the rites used in his majesty's chapel, which were brought to the king by one of the chaplains, was called before the council of England, and charged with the injuring of the state and church: where, instead of acknowledging his offence, he behaved himself insolently, and more like a madman than divine, for which he was committed in the Tower of London. There he remained three years and more, and afterwards, upon the duke of Bulleine his request, was sent to Sedan, where he lived in no great respect, and contracting the gout lay almost bedfast to his death.

Whilst I am writing this, there cometh to my mind the hard and uncharitable dealing that he and his faction used towards Patrick, some time archbishop of St Andrews, who not content to have persecuted that worthy man in his life, made him a long time after his death the subject of their sermons, interpreting the miseries whereunto he was brought to be the judgment of God inflicted upon him for withstanding their courses of discipline. If now one should take the like liberty, and say, that God, to whom the bishop at his dying did commend his cause, had taken a revenge of him who was the chief instrument of his trouble, it might be as probably spoken, and with some more likelihood, than that which they blasted forth against the dead bishop. But away with such rash and bold conceits; the love of God either to causes or persons is not to be measured by these external and outward accidents.

But leaving this, the king being very desirous to have the Church quieted, and a solid and constant order established for preventing the like offences, did call a General Assembly to meet at Linlithgow the tenth of December; and, for the better ordering of business, directed the earl of Dunbar to attend the meeting. At the day many convened, both ministers and others. Of ministers there were reckoned one hundred thirty-six; of noblemen, barons, and others, thirty and three. Mr James Nicholson elected to preside, the earl of Dunbar presented a letter from his majesty to this effect: "That it was not unknown what pains he had taken, whilst he lived amongst them, as well to root out popery as to settle a good and perfect order in the Church; and that notwithstanding of his care bestowed that way, he had been con-

tinually vexed by the jealousies of some perverse ministers, who, traducing his best actions, gave out amongst the people, that all he went about was to thrall the liberty of the gospel. Neither content thus to have wronged him, they had in his absence factiously banded themselves against such of their brethren as had given their concurrence to the furtherance of his majesty's just intentions: upon the knowledge whereof he did lately call the most calm and moderate, as he esteemed, of both sides unto his court, thinking to have pacified matters, and removed the divisions arisen in the Church; but matters not succeeding as he wished, he had taken purpose to convene them, for setting down such rules as he hoped should prevent the like troubles in after-times, which he had intrusted to his commissioner the earl of Dunbar; willing them to consider what was most fitting for the peace of the Church, and to apply themselves to the obedience of his directions, as they did expect his favour."

After the reading of the letter the overture was presented, conceived in this form: "That his majesty, apprehending the greatest cause of the misgovernment of Church affairs to be that the same are often, and almost ordinarily, committed to such as for lack of wisdom and experience are no way able to keep things in a good frame; for remedying this inconvenient, thinketh meet that presently there be nominated in every presbytery one of the most grave, godly, and of greatest authority and experience, to have the care of the presbytery where he remaineth, till the present jars and fire of dissension which is among the ministry, and daily increaseth, to the hinderance of the gospel, be quenched and taken away; and the noblemen professing papistry within the kingdom be either reduced to the profession of the truth, or then repressed by justice and a due execution of the laws; and for encouragement of the said moderators, and the enabling them to the attendance of the Church affairs, his majesty is graciously pleased to allow every one of them one hundred pounds Scots, or two hundred marks, according to the quality of their charge; but where the bishops are resident, his majesty will have them to moderate and preside in these meetings. As likewise because it often falleth out that matters cannot be decided in presbyteries, by reason of the difficulties that arise, and that the custom is to remit the

decision thereof to the synod of the diocese, it is his majesty's advice, that the moderation of these Assemblies be committed to the bishops, who shall be burthened with the delation of papists, and solicitation of justice against those that will not be brought to obedience, in respect his majesty hath bestowed on them places, and means to bear out the charges and burthens of difficil and dangerous actions, which other ministers cannot so well sustain and undergo.'

This overture, seeming to import a great alteration in the discipline, was not well accepted of divers; but his majesty's commissioner having declared that it was so far from the king's purpose to make any change in the present discipline, as he did not long for any thing more than to have it rightly settled, and all those cyclists removed which had given him so just occasion of discontent, they desired a time to deliberate, and that a number of the most wise and learned might be selected to confer thereupon, and report their opinions to the Assembly.

The brethren named upon this conference having debated every point at length, and considered the inconveniences that might arise by the change, especially the usurpation that was feared these constant moderators should make upon their brethren, resolved that the overture proponed was not to be refused, so as certain cautions were added, which were condescended unto, in manner following:—

1. That the moderators of presbyteries and provincial Assemblies should not presume to do any thing of themselves, without the advice and consent of their brethren.
2. That they should use no farther jurisdiction nor power than moderators have been in use of by the constitutions of the Church.
3. If it should happen the moderators to be absent at any time from these meetings, it should be in the power of synods and presbyteries to nominate another for moderating in their absence.
4. When the place of a moderator in any presbytery should be void, the election of one to succeed should be made by the whole synod with consent of his majesty's commissioner.
5. If any of the moderators should depart this life betwixt

- Assemblies, it should be lawful to the presbyteries to nominate one of the most grave and worthy of their number for the place, unto the meeting of the next synod.
6. That the moderators of the presbyteries should be subject to the trial and censure of the synod; and in case they be found remiss in the discharge of their duties, or to have usurped any farther power over the brethren than is given them by the Assembly, the same should be a cause of deprivation from their office of moderation, and they deprived therefore by the said synods.
 7. In like manner the moderator of the provincial Assembly should be tried and censured by the General Assembly; and in case he was found remiss, or to have usurped any farther power than the simple place of a moderator, he should be deprived therefore by the General Assembly.
 8. That the moderators of every presbytery and synod with their scribes should be astricted to be present at the General Assembly, and be reputed members thereof, they bringing with them the registers of the acts and proceedings in their meetings to be seen, that so their diligence and fidelity in their charges might be known.
 9. That it should be lawful to each presbytery to send two or three commissioners to the General Assembly, by and besides the moderator and scribe, if they should think it expedient.
 10. That the moderator of the General Assembly should be chosen by the voices of the whole Assembly, lites being first made and proponed, as in times passed.
 11. That in the synods where there is not a bishop actually resident, the like lite should be made of the moderators of the presbyteries within these bounds, and one of them elected to moderate the same Assembly, so as his majesty's commissioners give their advice thereunto.
- And, lastly, That the rolls of moderators in every presbytery should be examined, to see if there was any other of the number more fit to use the said office; and that they whom this present Assembly should nominate, should be commanded to accept the said moderation upon them without making any shift or excuse.

These cautions being read in the full Assembly, were

approved of all, and the overture thereafter put to voices was allowed, and the same enacted as a conclusion of the whole Assembly, four only of the whole number disassenting; other four refusing to vote because they had no commission, as they pretended, from their presbyteries, and two answering, *non liquet*. This conclusion taken, the rolls of presbyteries were called, and none found more sufficient than they who did presently moderate these meetings; whereupon an ordinance was made, that they should continue in their charges, and not be altered, unless the synod did make another choice.

This business ended, a great complaint was made of the insolency of papists, chiefly in the north parts, and of the superstitions used at the burials of the Lord Ogilvy and laird of Gight, who had deceased a few months before. The marquis of Huntly being also returned lately from court, had given out that he brought a warrant from his majesty to stay all ecclesiastical proceedings against him, his lady, and family: by which reports those of the Roman profession were not a little encouraged, and were become open contemners of the censures of the Church.

These complaints being greatly taken to heart by the whole Assembly, it was concluded that a petition should be preferred to his majesty in all their names, for confining the marquis of Huntly, the earls of Angus and Erroll, with their ladies, in some cities and towns where they might, by the hearing of the word and conference with learned men, be reduced from their errors, at least kept from doing harm, and from the perverting of others. To present this petition and the act of constant moderators, choice was made of Mr James Law, bishop of Orkney, and he despatched to court; which done, the Assembly brake up and dissolved with the good satisfaction of all.

Nor was it long before the king's answer returned in these particulars: and first, concerning the marquis of Huntly, his majesty declared, "That he had obtained no warrant for impeding the Church discipline, neither against himself or any of his family; and that only (because he affirmed that he had kept all the injunctions prescribed, except that he had not communicated) the council was desired after trial of his obedience in the rest of the particulars enjoined, to com-

mand the presbyteries of the north to stay their proceedings against him for his not communicating; concerning which point he had certified the marquis, that howsoever some space was granted to him for his better resolution, if he did persist in his errors, and would not be reclaimed, he would make no other reckoning of him than of one that studied to make himself the head of a faction, and rather root him out than nourish him in his follies by a preposterous toleration."

As to the confining of him and the other noblemen in the cities and places set down in the Assembly's petition, "His majesty did think it too rigorous, unless they were tried to have committed some offence deserving the same. Wherefore he would have them called before the council, the bishop of the diocese, moderator of the presbytery, and the minister of the parish being present, and inquired concerning their behaviour, and whether they did resort or not ordinarily to sermon; wherein if they should be tried to have transgressed, his pleasure was they should be confined within so many miles compass as are distant betwixt the houses of their residence and the city wherein it was desired they should be confined, to the end they may repair to their houses when the necessity of their business requireth, and at other times resort to the city or town designed for their instruction, where they should be tied to stay ten days together, and during their stay hear sermons, admit conference, and forbear the company of Jesuits, seminary priests, and others of that profession. And if it should happen them to have any business in council or session, that license should be granted unto them for repairing thither during a certain space, providing they did resort to the Church, and gave no scandal by their behaviour."

For the superstitious rites used at the burial of the Lord Ogilvy and Gight, his majesty's pleasure was, "That their sons should be called before the council and committed; but no sentence should be given till the whole circumstances were tried and notified to him."

As touching the conclusion taken for the constant moderators, "His majesty did thank the Assembly for their travails: but whereas they were of opinion that the act should be universally received, (for so much the Assembly had written,) he said, that he knew them too well to expect any such

thing at their hands. Their conscientious zeal to maintain parity, and a desire to keep all things in a continual volubility, he said, was such as they would never agree to a settled form of government. Besides, he knew that divers of these who were nominated to the places of moderation would refuse to accept the same, lest they should be thought to affect superiority above their brethren. That therefore he would have the council to look to that business, and direct charges as well for those that were nominated to accept the moderation as to the ministers of every presbytery to acknowledge them that were nominated."

The event justified his majesty's opinion, for all the next year there was no matter that so troubled the council as that of the constant moderators. The synod of Perth, convening in March thereafter, did, in direct opposition of the act concluded at Linlithgow, inhibit all the presbyteries within their bounds to acknowledge the conclusion taken in that meeting, and discharged Mr Alexander Lindsay, parson of Simmedose¹, who was nominated by the Assembly moderator of Perth, to exercise the said office, under pain of the censures of the Church. The synod, being cited before the council for this presumption, was discharged to meet thereafter, and the presbyteries within these bounds commanded under pain of rebellion to accept their moderators.

In Fife the resistance was no less; for the synod being continued twice, first from April to June, then from June to September, meeting at that time in Dysart, and pressed by the Lords Lindsay, Scone, and Halvudhouse, commissioners from the council, to accept the archbishop of St Andrews for their moderator, did obstinately refuse, and dissolved without doing any thing. Hereupon was that synod likewise discharged, and all the burghs inhibited to receive them, if perhaps they should reassemble after the commissioners were gone. The presbyteries of Merse were also very troublesome, and the council so vexed with complaints of that kind, as not a day passed without some one or other. But all this opposition proved vain, and they in end forced to obey, did find by experience this settled course much better than their circular elections.

A commission came in this mean time for planting some

¹ St Madoes.

learned and worthy person in the place of Mr Andrew Melvill at St Andrews. The commission was directed to the archbishop of St Andrews, the bishops of Dunkeld, Ross, and Brechin, the Lord Balmerino, the advocate, the laird of Balcomie, and commissar of St Andrews; who meeting in the new college, the sixteenth of June, after the reading of his majesty's letter, (whereby it was declared, that the said Mr Andrew being judged by the council of England to have trespassed in the highest sort against his majesty, and for the same committed to the Tower till he should receive his just punishment, was no more to return to that charge,) they, according to the power given them, did proceed and make choice of Mr Robert Howie to be provost of the said college, ordaining him to be invested in the said office with all the immunities and privileges accustomed; which was accordingly performed in the July thereafter, and he entered to his charge the twenty-seventh of that month.

It remained that some course should be taken with the ministers that were staying at London, who, as it was once purposed, were to be provided with some livings in England; but that Church not liking to entertain such guests, they were all permitted to return home, upon their promise to live obedient and peaceable. Mr James Melvill was only retained, who, living a while confined at Newcastle, was after some months licensed to come to Berwick, where he deceased. A man of good learning, sober, and modest; but so addicted to the courses of Mr Andrew Melvill, his uncle, as by following him he lost the king's favour, which once he enjoyed in a good measure, and so made himself and his labours unprofitable to the Church.

Now let us see what happened in the kingdom during this time. The king was ever seriously commending to the council the removing of the barbarous feuds wherewith he had been so greatly troubled, divers whereof by their travails were this year agreed; yet new occasions daily arising, they were kept in a continual business. David Lindsay, younger of Edzell, seeking to revenge the slaughter of his uncle Mr Walter Lindsay, whom David, master of Crawford had killed, as he lay in wait of the said master (who was then by the decease of his father succeeded in the earldom), through a pitiful mistake did invade Alexander, lord Spynie, and killed

him instead of the other. The nobleman's death was much regretted for the many good parts he had, and the hopes his friends conceived that he should have raised again that noble and ancient house of Crawford to the former splendour and dignity, all which perished with him. He that was in place and escaped the peril, being a base unworthy prodigal, and the undoer of all that by the virtue of his ancestors had been long kept together.

Another business no less troublesome did also then happen betwixt the earl of Morton and the Lord Maxwell, for the holding of courts in Eskdale, unto which both did pretend right. The preparation on both sides was great, and like to have caused much unquietness, if the same had not been carefully prevented. Both parties being charged by the council to dissolve their forces, and not to come towards the bounds, the earl of Morton obeyed; Maxwell, contemning the charge, went on, and withal, by a cartel, did appeal Morton to the combat; whereupon he was committed in the castle of Edinburgh, and after some two months' stay made an escape. No sooner found he himself at liberty, than he fell a-plotting the laird of Johnston's murder, which he wrought in a most treacherous manner; for, pretending to use his friendship in obtaining his majesty's pardon, he employed Sir Robert Maxwell of Orchardtown, whose sister Johnston had married, to draw on a meeting betwixt them, as he did, at a little hill called Achnanhill. They did bring each of them one servant only, as was agreed, the said Sir Robert being present as a friend to both. At meeting, after they had courteously saluted one another, and conferred a little space very friendly, the two servants going aside, the one called Charles Maxwell, a brother of Kirkhouse, the other William Johnston of Lockerby, Charles, falleth in quarrelling the other, shooteth a pistol at him; the laird of Johnston making to part them, the Lord Maxwell shooteth him in the back with two bullets, whereupon he falleth, and for a while keeping off the Lord Maxwell, who made to strike him with his sword, expired in the place. It was the sixth of April in the year 1608 that this happened. The fact was detested by all honest men, and the gentleman's misfortune sore lamented; for he was a man full of wisdom and courage, and every way well inclined, and to have been

by his too much confidence in this sort treacherously cut off, was a thing most pitiful. Maxwell, ashamed of that he had done, forsook the country, and had his estate forfeited. Some years after, stealing quietly into the kingdom, he was apprehended in the country of Caithness, and beheaded at Edinburgh the twenty-first of May 1613.

The purpose of civilizing the Isles was this year again renewed, and a long treaty kept with the marquis of Huntly thereupon; but that breaking off by reason of the small duty he did offer for the north Isles, the earl of Argyle was made lieutenant thereof for the space of six months, in which time it was hoped that some good should be wrought, and the people reduced to good manners; yet nothing was done to any purpose, the great men of those parts studying only the increase of their own grandeur, and striving whose command should be greatest.

In the parliament of England that held in the November preceding, the matter of the union received many crossings, and of all the articles condescended among the commissioners only that was enacted which concerned the abolishing of hostile laws. The king grieved at this exceedingly, and conceiving that the work should more easily be effected if a beginning was made in Scotland, did call a parliament in August, which was kept by Lodowick, duke of Lennox, as commissioner for his majesty, the earl of Montrose being then deceased. The estates, to satisfy the king's desire, did allow all the articles concluded in the treaty, with a provision, "that the same should be in like manner ratified by the parliament of England, otherwise the conclusions taken should not have the strength of a law." It was also declared, "that if the union should happen to take effect, the kingdom notwithstanding should remain an absolute and free monarchy, and the fundamental laws receive no alteration." But the parliament of England either disliking the union, as fearing some prejudice by it to their estate, or upon some other hidden cause, did touch no more the business; and so that good work, tending to the advantage of both kingdoms, was left off and quite deserted.

In the Church a new trouble was moved by the revolt that Huntly and the two earls Angus and Erroll made; divers especially in the north parts falling away by their

example. This being represented to the king, he gave order for calling an Assembly, which convened at Linlithgow in the end of July. Therein the earls of Dunbar, Winton, and Lothian sat commissioners for the king. The bishop of Orkney, elected to preside, having showed the occasion of the present meeting to be the growth and increase of papists in all the quarters of the kingdom, it was thought meet to take up the names of those that made open profession of popery, as likewise of those that were suspected to favour the course, that their number and forces being known, the remedies might be the better advised and provided.

The number was found to be very great, chiefly in the north, and the marquis of Huntly delated by all as the only cause of the defection in those bounds. He being cited to appear before the Assembly under the pain of excommunication, and neither compeiring nor sending any excuse, was ordained to be excommunicated, and the sentence accordingly pronounced in the hearing of the whole Assembly. This was appointed to be intimated in all the churches, and no absolution given upon whatsoever offers, in regard of his manifold apostasies, without the advice of the general Church. The like course was concluded to be kept with Angus, Erroll, and the Lord Sempill, how soon the processes intended against them were brought to an end.

This done, the Assembly began to rip up the causes of the defection more narrowly; which they found to proceed from the ministers in a part, their negligence in teaching and catechising of people, the too sudden admission of young men into the ministry, and the distraction of minds among those that are admitted.

For remedy whereof it was ordained as followeth:—

First, That they should apply themselves to the exercise of their function with greater diligence than they were accustomed, and take a special care of young children, to see them instructed in the Belief, the Lord's Prayer, and Ten Commandments, whereof they should examine every child at the age of six years, and yearly inquire of their profiting and increase in knowledge.

2. That some longer time should be prescribed for the admission of men to the ministry, and the exceptions, con-

tained in the act of the age of ministers to be admitted, reserved to the cognition of the General Assembly.

3. That they should use a greater diligence in the processing of papists, and that none out of corrupt favour should grant them any oversight under the pain of deposition.

4. That all who carried office in the Church should be careful to eschew offences, and endeavour to keep love and peace among themselves.

5. And for the present distractions in the Church, seeing the same did arise partly from a diversity of opinions touching the external government of the Church, and partly from divided affections, the last of these two being the most dangerous, as not suffering the brethren to unite themselves against the common enemy, they were all in the fear of God exhorted to lay down whatsoever grudge or rancour they had conceived, and to be reconciled in heart and affection one to another; which all that were present did faithfully promise, by the holding up their hands.

But the fault not being in the ministers alone, and seen to proceed from other causes also; as from the oversight of Jesuits and priests, and their entertainment in the country; the preferment of men to public offices that were suspected in religion; the favour showed to papists by them in places of chief authority; mass priests admitted without his majesty's warrant, and no security taken for their not returning; licenses granted to noblemen's sons for going abroad, and their education trusted to men of contrary profession; advocations to the council of matters properly belonging to the ecclesiastical judicatories, and the lack of preachers in many parts of the land; it was concluded that certain petitions should be formed and presented to his majesty by some selected commissioners for remedying these evils, which were formed in this manner:—

First, That an humble supplication should be made by the whole Assembly, entreating his majesty not to permit any papist or suspected of popery to bear charge in council, session, or in any burgh or city; and where his majesty did know any such to occupy these places, humbly to crave that order might be taken for their removing.

2. That the laws made against papists should receive execution, and no favour be granted unto them by the officers of state; with a prohibition to the council to meddle in affairs ecclesiastical, or to discharge the processes led by ministers against papists and other contemners of Church discipline.

3. That papists abjuring their religion, in hope of preferment to offices of state, should not be admitted thereto till they had given five years' probation at least.

4. That the sons of noblemen professing popery should be committed to the custody of such of their friends as are sound in religion.

5. That a commission should be granted to every bishop within his diocese, and to such well-affected noblemen, barons, and gentlemen as the commissioners of the Assembly should nominate, for apprehending Jesuits, seminary priests, excommunicated papists, and traffickers against religion.

6. That the searchers of ships should seize upon all books that are brought unto the country, and present them to the ministers of the town where the ships shall happen to arrive.

7. That excommunicated papists be put in close prison, and none have access unto them but such as are known to be of sound religion.

8. That the deputies of excommunicates be not suffered to enjoy any office under them, and that some others be appointed by his majesty to serve in their places.

9. Finally, that his majesty should be humbly entreated to plant the unprovided churches, especially the churches of the chapel royal, with competent stipends.

The commissioners chosen to present these petitions were, the archbishop of Glasgow, the earl of Wigton, the Lord Kilsyth, Mr William Couper, minister at Perth, and James Nisbit, burgess of Edinburgh. Together with the petitions, they received a letter from the Assembly conceived in these terms:—

“ HAVING convened in this General Assembly by your majesty's favourable license and permission, and shadowed under your majesty's wings with the presence of your majesty's commissioners, we did set ourselves principally

to consider the cause of the late growth of papists among us, and found by a universal complaint the chief cause to be this, that where the Church in these parts was accustomed to be nourished by your majesty's fatherly affection, as the most kind parent of piety and religion, we have been left in the hands of unkind stepfathers, who esteeming us an uncouth birth to them have entreated us hardly, and cherished our adversaries by all means they could, as your majesty's highness will perceive more clearly by the overtures for remedy, which in all humble submission we present to your majesty by these honourable commissioners and brethren, humbly entreating your majesty to take compassion upon us, your majesty's loving children in this land, that we may be taken out of the hands of these who are more ready to deliver the heads of the king's sons to Jehu, if the time were answerable to their wishes, than to nourish and bring them up to perfection.

“ There is no cause, Sire, why the apostates who have lately grown up in this land should be feared, whatever they be in estate or number; for with them are the golden calves, which God will destroy; with them is Dagon, whose second fall shall be worse than the first: but with your majesty is the Lord your God to fight for you, and under your standard are the best of the nobility, the greatest number of barons, and all your majesty's burgesses, unspotted in religion, and resolute all of them, for God's honour and your majesty's preservation, to spend their goods and lives and whatever is dear to them. We also your majesty's humble servants, the bishops and ministers of the gospel in this land, now reconciled to others with a most hearty affection, by your majesty's only means and the careful labours of your majesty's trusty councillor and our very good lord, the earl of Dunbar, are for our parts most ready to all service in our callings to stir up your majesty's subjects by the word that God hath put into our mouths, to the performing of that obedience which God and nature doth oblige them unto, and by God's grace shall go before them in all good ensample. These things we leave to be delivered by our commissioners, whom we beseech your majesty to hear graciously, and after some favourable consideration of our case and present suits, to give such answer as in your highness's wisdom shall be

thought fittest. And now with our humble thanks to your majesty for the liberty granted to meet in this Assembly, and our most hearty prayers to God Almighty for your highness's long life and prosperous reign, we rest."

This letter was subscribed by the earls of Crawford, Glenearne, and Kinghorn, the Lords Lindsay, Buccleuch, Saltoun, Loudoun, Torphichen, Blantyre, Seone, Halyrudhouse, and a great number of the clergy and barons.

The chancellor hearing of the Assembly's proceedings, and supposing himself to be specially aimed at in all that business (wherein he was not mistaken), moved the secretary to take journey to court for obviating these courses so far as he might. But he at his coming did meet with a business that concerned himself more nearly; for about the same time Cardinal Bellarmine had published an answer to the king's apology, and therein charged him with inconstancy, objecting a letter that he had sent to Clement the Eighth whilst he lived in Scotland, in which he had recommended to his holiness the bishop of Vaison for obtaining the dignity of a cardinal, that so he might be the more able to advance his affairs in the court of Rome. The treatise coming to the king's hands, and he falling upon that passage, did presently conceive that he had been abused by his secretary, who, he remembered, had moved him on a time for such a letter, and thereupon began to think that among the letters sent to the dukes of Savoy and Florence, at the time such another might have been shuffled in to the pope, and his hand surreptitiously got thereto.

The king lay then at Royston, and the secretary coming thither, he inquired if any such letter had been sent to the pope at any time. The secretary apprehending no danger, and thinking that his policy in procuring the pope's favour to the king should not be ill interpreted, confessed, "that such a letter he had written by his majesty's own knowledge." But perceiving the king to wax angry, he fell on his knees and entreated mercy, "seeing that which he had done was out of a good mind, and desire to purchase the pope's favour, which might at the time have advanced his title to England."

The king then putting him in mind of the challenge made by the late queen in the year 1599 for writing the same

letter, and how being at that time questioned thereupon he had not only denied his own knowledge thereof, but likewise moved Sir Edward Drummond, who carried the letter to the pope, to come into Scotland and abjure the same; he answered, "That he did not think the matter would be brought again in hearing, and that fearing his majesty's offence he had denied the letter, and had moved his cousin Sir Edward to do the like; but now that he saw that which he had done in a politic course turned to the king's reproach, with many tears he besought his majesty to pardon his fault, and not to undo him who was his own creature, and willing to suffer what he thought meet for repairing the offence." The king replying, "that the fault was greater than he apprehended, and that it could not be so easily passed, enjoined him to go to London, and keep his chamber till he returned thither."

After some eight days the king returned to Whitehall, where the secretary was brought before the council, and charged with the fault; which the lords did aggravate in such manner, as they made the same to be the ground of all the conspiracies devised against the king since his coming into England, especially of the powder treason. "For the papists," said they, "finding themselves disappointed of the hopes which that letter did give them, had taken the desperate course which they followed, to the endangering of his majesty's person, posterity, and whole estates."

The secretary, having heard their discourses, kneeled to the ground, and fetching a deep sigh, spake to this effect: "*Cura leves loquuntur, ingentes stupent.* My Lords, I cannot speak nor find words to express the grief I have conceived for the offence committed by me against my gracious sovereign; for on the one side, when I call to mind his majesty's favours bestowed upon me, having raised me out of the dust to a fortune far exceeding my merit, and, on the other side, I look to my foul fault in abusing his majesty's trust, bringing thereby such an imputation upon his innocency as will hardly be taken away; I find no other way but with the forlorn child to say, *Peccavi in cælum et terram.* My offence is great, I confess, nor am I worthy to be reckoned any longer among his majesty's subjects or servants. His majesty's rare piety, singular wisdom, and unspotted sincerity

in all his actions, whereof I had so long experience, might have taught me, that when he refused to have any dealing with the pope, the event of the course I took could not be good; but I, unhappy man, would needs follow the way which to me seemed best, and whereof I find now the smart. If no other thing can liberate his majesty of this imputation caused by my folly, let neither my life nor estate nor credit be spared; but as I have all by his majesty's favour, so let all go, even to the last drop of my blood, before any reproach for my offence be brought upon his majesty."

Then rising up, he said, "It shall not be necessary to remit my trial to Scotland, which I hear your honours do intend, for I do simply submit myself to his majesty's will, and had much rather not live than lie any longer under his majesty's displeasure. Therefore my humble suit to your honours is, that in consideration of my miserable estate and ingenuous confession you would be pleased to move his majesty for accepting me in will, and that without delay whatsoever may be done for reparation of his honour may be performed, whereunto most willingly I submit myself."

The chancellor, Sir Thomas Egerton, without taking any notice of these last words, declared, that his majesty's pleasure was to remit the trial of his offence to the Judges in Scotland, and that he should be conveyed thither as a prisoner, the sheriffs attending him from shire to shire, till he was delivered in Scotland; in the meantime he did pronounce him deprived of all places, honours, dignities, and every thing else that he possessed in England.

Whether or not I should mention the arraignment and execution of George Sprot, notary in Eyemouth, who suffered at Edinburgh in the August preceding, I am doubtful; his confession, though voluntary and constant, carrying small probability. This man had deponed, "That he knew Robert Logan of Restalrig, who was dead two years before, to have been privy to Gowrie's conspiracy, and that he understood so much by a letter that fell in his hand, written by Restalrig to Gowrie, bearing that he would take part with him in the revenge of his father's death, and that his best course should be to bring the king by sea to Fast Castle, where he might be safely kept, till advertisement came from those with whom the earl kept intelligence." It seemed a very fiction, and to

be a mere conceit of the man's own brain; for neither did he show the letter, nor could any wise man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be. As ever it was, the man remained constant in his confession, and at his dying, when he was to be cast off the ladder (for he was hanged in the public street of Edinburgh), promised to give the beholders a sign for confirming them in the truth of what he had spoken; which also he performed, by clapping his hands three several times after he was cast off by the executioner.¹

To return to the commissioners of the Assembly. They had presence of the king in Hampton Court the tenth of September, where the archbishop of Glasgow having declared the occasion of their coming, did present the Assembly's letter, together with their petitions. The king having read both the one and the other, said, "That the difference between the lawful and unlawful meetings might be perceived by the fruits arising from both: for as that unlawful conventicle at Aberdeen had caused a schism in the Church, and given the enemies of religion a great advantage; so in this Assembly they had not only joined in love among themselves, which is the main point of religion, but also had taken a solid course for the repressing of popery and superstition; that he did allow all their petitions, and would give order for a convention which should ratify the conclusions of the Assembly; assuring them that the Church, keeping that course, should never lack his patrociny and protection."

Letters were immediately directed to publish his majesty's acceptance of the Assembly's proceedings, and the council joined to commit the marquis of Huntly in the Castle of Stirling, the earl of Angus in the Castle of Edinburgh, and the earl of Erroll in Dunbarton. A convention was likewise indicted at Edinburgh the sixth of December, which was afterward prorogued to the twenty-seventh of January. The archbishop of Glasgow was in the meantime sent home to inform the council concerning Balmerino his business, and how these matters had been carried in England.

This report made, the chancellor, who had been much ruled by the secretary, was greatly afraid, as suspecting the

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

next assault should have been made upon himself. But the king, who knew his disposition, and expected that the chancellor would carry himself more advisedly, especially in the matters of the Church, the secretary being gone, did haste the earl of Dunbar home with a warrant to receive the chancellor in the number of the councillors of England, and therewith appointed him commissioner together with Dunbar in the convention of estates: all which was done to make it seem that his credit was no way diminished with his majesty.

In this convention divers statutes were made in favours of the Church. As first, that noblemen, sending their sons forth of the country, should direct them to places where the reformed religion was professed, at least where the same was not restrained by the inquisition; and that the pedagogues sent to attend them should be chosen by the bishop of the diocese: wherein if they should happen to transgress, the nobleman, being an earl, should incur the pain of four thousand pounds; if he was a lord, five thousand marks, and if a baron, three thousand marks. And if their sons should happen to decline from the true religion, that their parents should withdraw all entertainment from them, and find surety to that effect.

That the bishop of the diocese should give up to the treasurer, controller, collector, and their deputies, the names of all persons excommunicated for religion, to the end they might be known; and that no confirmations, resignations, nor infestments should be granted to any contained in that roll.

That the Director of the Chancery should give forth no briefs, retours, precepts of retours, nor precepts upon compromise, till they produced the bishop's testificate of their absolution and obedience; and that it should be lawful to superiors and lords of regalities to refuse the entry of all such to their lands by precepts of *clare constat*, or any other way.

Lastly, that persons excommunicated for not conforming themselves to the religion presently professed, should neither in their own names, nor covertly in name of any other, enjoy their lands or rents, but that the same should be intromitted with and uplifted to his majesty's use.

These were the acts concluded touching religion. For

the punishment of rapes, which was grown as then too common, his majesty by a special letter did recommend to the estates some overtures for restraining such violences. As if any widow, woman, or maid should be forced and abused against her will, the crime should be capital, and not purged by the subsequent consent of the woman.

In like manner if any woman should be taken away, albeit no farther injury was done, and she relieved either by her friends or by the magistrate, or by whatsoever means, the only violence intended should be punished by death, in regard the party had endeavoured to do his worst.

And for those that did entice any woman to go away without their parent's or tutor's consent, that they should be secluded from any part of the goods or lands belonging to the woman so enticed. Some other acts for the public good of the kingdom were passed at the same time, neither was it remembered that in any one convention so much good of a long time was done as in this.

In the beginning of February the secretary was brought to Edinburgh and delivered to the magistrates, who received him at the Nether Port, and conveyed him as a prisoner to the lodging that was appointed. A great gazing there was of people, which troubled him not a little, as he showed by his countenance. The next day he was delivered to the Lord Seone, who with a guard of horse did convey him to the prison of Falkland: there he remained till the tenth of March, and was at that time taken to St Andrews to abide his trial. With the Justice there sat as assessors the earls of Dunbar, Montrose, and Lothian, the lord privy-seal, the collector, and clerk-register.

His indictment was to this effect; "That in the year 1598, by the instigation of his cousin Sir Edward Drummond, a professed papist, he had stolen and surreptitiously purchased his majesty's hand to a letter written by the said Sir Edward, and directed to Pope Clement the Eighth, in favour of the bishop of Vaison, for the said bishop's preferment to the dignity of a cardinal; and that, notwithstanding the many denials the king gave him in that business, he had treasonably conspired with the said Sir Edward to deceive and abuse his majesty, shuffling in a letter among others that were to be signed, and filling it up after it was signed, with

the styles and titles usually given to the pope, had sealed the letter with his majesty's signet, the keeping whereof was intrusted to him by virtue of his office; and in so doing had most undutifully and treasonably behaved himself, to the endangering of his majesty's honour, life, crown, and estate, and to the subversion of true religion and the whole professors thereof."

Upon the reading of the indictment he was inquired if he would use any friends or advocates to speak in his defence, as the order of the court did allow him. His answer was, "That he stood never in so great need of a prolocutor, the matter concerning his life, estate, and all that he possessed in this world; yet he had choosed to keep silence, and not to employ either friends or advocates, the offence he had committed being such as could admit no defence; for howsoever he conceived that the keeping of intelligence with the pope might advance his majesty's succession to the crown of England, yet knowing, as he did, his majesty's resolution never to use any such crooked course, but to rest upon God's providence and his own right, it did not become him to have meddled in a matter of that importance. Therefore did he entreat all gentlemen and others that were present to bear witness of his confession, and the true remorse he had for the offence committed, which he esteemed so great, as neither his lands, nor life, nay nor twenty thousand lives such as his could repair. Only two things he asked liberty to protest. One was, that he never intended to work an alteration of religion, or a toleration of the contrary, the thing he had done being a mere worldly course, whereby he judged some good might have been wrought at the time. Next he protested, that neither the love of gain nor hope of commodity had led him on, having never received nor expected benefit from any prince living (his master the king only excepted), but an opinion he foolishly conceived that he might that way promote his master's right." In end he said, "that he would not make the Judges any more business; that he had confessed the truth, and, as he wished God to be merciful to his soul in that great day, his majesty was most falsely and wrongfully charged with the writing of that letter to the pope, and that he never could move him to consent thereto."

The jury was then called, and the persons following sworn

in face of court : David earl of Crawford, George earl Marshal, John earl Wigton, Patrick earl of Kinghorn, John earl of Tullibardine, Alban lord Cathcart, John lord Saltoun, David lord Seone, Alexander lord Garlies, William master of Tullibardine, Sir James Douglas of Drumlanrig, Sir Robert Gordon of Lochinvar, Sir William Livingstone of Kilsyth, Sir John Houston of that Ilk, and Sir Patrick Home of Polwarth. These going apart, returned after a short space into the court, and by the mouth of the earl of Marshal pronounced “ James lord Balmerino to be guilty of treasonable, surreptitious, fraudulent, and false stealing of his majesty’s hand to the letter specified in the indictment, without his majesty’s knowledge and contrary to his will declared ; as also of the treasonable affixing of his majesty’s signet to the said letter ; and of assisting known and professed papists in their treasonable courses, to the danger of religion, the overthrow of the true professors thereof, and drawing of his majesty’s life, estate, and right of succession to the crown of England in most extreme peril ; besides the bringing of most false and scandalous imputations upon his majesty as well in religion as honour ; and of art and part of the whole treasonable crimes contained in the said indictment.”

The king being advertised of his conviction (for so he had commanded before any doom should be pronounced), by a warrant directed to the Justice he was brought again to Edinburgh, and in a justice court, kept the first of April, decerned to be taken to the place of execution, and there to have his head cut off, his lands, heritages, lordships, baronies, tacks, steadings, rooms, possessions, offices, benefices, corns, cattle, to be forfeited and escheated to his majesty’s use, as being convicted of the aforesaid treasonable crimes. His life, upon the queen’s intercession, was spared, and he returned to his prison in Falkland, where he abode some months : being thereafter licensed to go unto his house in Balmerino, he died, as was thought, of grief and sorrow. A man of abilities sufficient for the places he enjoyed in session and council ; but one that made small conscience of his doings, and measured all things according to the gain he made by them. The possessions he acquired of the Church kept him still an enemy unto it, for he feared a repetition should be made of those livings if ever the clergy did attain unto

credit. Not long before he fell in his trouble the king had employed him to deal with the lords of session, among whom he carried a great sway, for restoring the ecclesiastical jurisdiction to the bishops; but he taking ways, that he thought should not have been perceived, to disappoint the errand, drew upon himself the king's displeasure, and fared nothing the better because of his miscarriage in that business, when this occasion was offered. It is not for those that serve princes, and are trusted by them in the greatest affairs, to deal deceitfully with their masters; for seldom have any taken that course, and have not in the end found the smart thereof.

A parliament was this year kept at Edinburgh the twenty-fourth of June, the Earl Marshal being commissioner for the king; wherein the acts concluded in the preceding convention were ratified, the jurisdiction of commissariats restored to the Church, the justices of peace ordered to be settled in every shire, and a statute made for the apparel of judges, magistrates, and churchmen, which were all remitted to his majesty's appointment. Patterns accordingly were sent from London, not long after, for the apparel of the lords of sessions, the justice, other inferior judges, for advocates, lawyers, commissars, and all that lived by practice of law; and command given to every one whom the statutes concerned, to provide themselves of the habits prescribed, within a certain space, under the pain of rebellion. Such was the king's care to have those who were in public charge held in due respect, and dignosed whithersoever they came.

The king by his letters was now daily urging the bishops to take upon them the administration of all Church affairs; and they unwilling to make any change without the knowledge and approbation of the ministers, an Assembly to this effect was appointed to hold at Glasgow the sixth, *eighth*, of June. The earl of Dunbar, Sir John Preston, president of the session, and Sir Alexander Hay, secretary (which two had succeeded to Balmerino his places), being commissioners for the king, the archbishop of Glasgow was elected to preside. There a proposition was made by the commissioners of certain points of discipline which his majesty craved to be determined, "That all things might be done thereafter orderly in the Church, and with that consent and harmony

which was fitting among preachers." Some three days being spent in reasoning, at last the conclusions following were enacted:—

1. The Assembly did acknowledge the indiction of all such general meetings of the Church to belong to his majesty by the prerogative of his crown, and all convocations in that kind without his license to be merely unlawful, condemning the conventicle of Aberdeen made in the year 1605, as having no warrant from his majesty, and contrary to the prohibition he had given.

2. That synods should be kept in every diocese twice in the year, viz. in April and October, and be moderated by the archbishop or bishop of the diocese; or where the dioceses are so large as all the ministers cannot conveniently assemble at one place, that there be one or more had, and in the bishop's absence, the place of moderation supplied by the most worthy minister having charge in the bounds, such as the archbishop or bishop shall appoint.

3. That no sentence of excommunication, or absolution from the same, be pronounced against or in favour of any person, without the knowledge and approbation of the bishop of the diocese, who must be answerable unto God and his majesty for the formal and impartial proceeding thereof. And the process being found formal, that the sentence be pronounced at the bishop's direction by the minister of the parish where the offender hath his dwelling, and the process did first begin.

4. That all presentations in time coming be directed to the archbishop or bishop of the diocese, within which the benefice that is void lieth, with power to the archbishop or bishop to dispoise or confer the benefices that are void within the diocese after the lapse, *jure devoluto*.

5. That in the deposition of ministers upon any occasion, the bishop do associate to himself some of the ministers within the bounds where the delinquent serveth, and, after just trial of the fact and merit of it, pronounce the sentence of deprivation. The like order to be observed in the suspension of ministers from the exercise of their function.

6. That every minister at his admission swear obedience

to his majesty and to his ordinary, according to the form agreed upon *anno* 1571.

7. That the visitations of the diocese be made by the bishop himself, and if the bounds be greater than he can well overtake, by such a worthy man of the ministry, within the diocese, as he shall choose to visit in his place. And whatsoever minister without just cause or lawful excuse shall absent himself from the visitation or diocesan assembly, be suspended from his office and benefice; and if he do not amend, be deprived.

8. That the convention of ministers, for exercise, be moderated by the bishop being present, and in his absence by any minister that he shall nominate in his synod.

9. And last it was ordained, that no minister should speak against any of the foresaid conclusions in public, nor dispute the question of equality or inequality of ministry, as tending only to the entertainment of schism in the Church, and violation of the peace thereof.

These conclusions taken, it was complained in behalf of the moderators of presbyteries, who had served since the year 1606, "That notwithstanding of the promise made at their accepting of the charge, they had received no payment at all of the stipend allowed." Which the earl of Dunbar excused by his absence forth of the country, affirming, "That unto that time there was never any motion made thereof to him, and that before the dissolving of that Assembly he should cause satisfaction to be given to them for the time past," declaring withal, "That seeing order was taken for the moderation of presbyteries in time coming, his majesty's treasurer should not be any farther burdened with that payment." The ministers, therein remitting themselves to his majesty's good pleasure, gave his lordship thanks for that he had offered; which he did also see performed, some five thousand pounds Scots being distributed by the treasurer's servants among those that had borne the charge. Certain of the discontented did interpret it to be a sort of corruption, giving out, "That this was done for obtaining the ministers' voices;" howbeit the debt was known to be just, and that no motion was made of that business before the foresaid conclusions were enacted.

In this Assembly a supplication was presented in the names of the marquis of Huntly and the two earls of Angus and Erroll for their absolution, and a commission given to that effect upon their satisfaction, they subscribing the Confession of Faith, and swearing to continue in the profession of the religion presently established. The marquis of Huntly was at that time confined in Stirling, and to him were the archbishop of Glasgow, the bishops of Caithness and Orkney directed. They found him not unwilling to subscribe the Confession of Faith and make satisfaction for his apostasy, but in regard of his many relapses did not judge it fitting to absolve him; wherefore they gave order that he should confer with Mr Patrick Simpson, the minister of the town, a learned and moderate man, that so he might subscribe with knowledge, and resolution not to fall back. In the December following, having professed himself resolute in all points, he was liberated from his confinement at Stirling, and licensed to go home to Strathbogie.

With the earl of Erroll the difficulty was greater; for when, in a public meeting of the council within the Castle of Edinburgh, he had professed his conformity in every point of religion, and made offer to subscribe, the very night after he fell in such a trouble of mind as he went near to have killed himself. Early in the morning, the archbishop of Glasgow being called, he confessed his dissimulation with many tears; and beseeching them that were present to bear witness of his remorse, was hardly brought to any settling all that day. The nobleman was of a tender heart, and of all that I have known the most conscientious in his profession; and thereupon to his dying was used by the Church with greater lenity than were others of that sect.

The earl of Angus, who lived confined at Glasgow, took another course, and, upon license obtained from his majesty, went to France, where he might enjoy the exercise of his religion with liberty, and died at Paris in a voluntary banishment some years after.

Shortly after the Assembly dissolved, the archbishop of Glasgow was called to court, and commanded to bring with him two others such as he thought fitting. The archbishop, taking with him the bishops of Brechin and Galloway, came to court in the midst of September. At their first audience

the king declared what the business was for which he had called them, speaking to this purpose; "That he had to his great charge recovered the bishoprics forth of the hands of those that possessed them, and bestowed the same upon such as he hoped should prove worthy of their places: but since he could not make them bishops, nor could they assume that honour to themselves, and that in Scotland there was not a sufficient number to enter them to their charge by consecration, he had called them to England, that being consecrated themselves they might at their return give ordination to those at home, and so the adversaries' mouths be stopped, who said that he did take upon him to create bishops, and bestow spiritual offices, which he never did nor would he presume to do, acknowledging that authority to belong to Christ alone, and those whom he had authorized with his power."

The archbishop answering in the name of the rest, "That they were willing to obey his majesty's desire, and only feared that the church of Scotland, because of old usurpations, might take this for a sort of subjection to the church of England." The king said, "That he had provided sufficiently against that; for neither should the archbishop of Canterbury nor York, who were the only pretenders, have hand in the business, but consecration should be used by the bishops of London, Ely, and Bath." The Scotch bishops thanking his majesty for the care he had of their Church, and professing their willingness to obey what he would command, the twenty-first of October was appointed to be the time, and the chapel of London-house the place of consecration.

A question in the meantime was moved by Dr Andrews, bishop of Ely, touching the consecration of the Scottish bishops, who, as he said, "must first be ordained presbyters, as having received no ordination from a bishop." The archbishop of Canterbury, Dr Bancroft, who was by, maintained "that thereof there was no necessity, seeing where bishops could not be had, the ordination given by the presbyters must be esteemed lawful; otherwise that it might be doubted if there were any lawful vocation in most of the reformed Churches." This applauded to by the other bishops, Ely acquiesced, and at the day and in the place appointed the three Scottish bishops were consecrated.

At the same time did the king institute a high commission in Scotland for the ordering of causes ecclesiastical, and therewith sent to the clergy the directions following :—

1. That every particular matter should not be brought at first before the high commission, nor any thing moved unto it, except the same was appealed unto, or complained by one of the bishops as a thing that could not be rectified in their dioceses; or then some enormous offence in the trial, whereof the bishops should be found too remiss.
2. That every archbishop and bishop should make his residence at the cathedral church of his diocese, and labour so far as they could, and were able, to repair the same.
3. That all archbishops and bishops be careful in visitation of their dioceses, and every third year at least take inspection of the ministers, readers, and others serving cure within their bounds.
4. That every archbishop visit his province every seven years at least.
5. Whereas there be in sundry dioceses some churches belonging to other bishops, that care be taken to exchange the churches one with another, that all the dioceses may lie contiguous, if possibly the same may be performed. As likewise in regard some dioceses are too large, and others have a small number of churches, scarce deserving the title of a diocese, that a course be taken for enlarging the same in a reasonable proportion, by uniting the nearest churches of the greater diocese thereto.
6. That the convention of ministers for the exercise of doctrine exceed not the number of ten or twelve at most, and over them a moderator placed by the ordinary of the diocese where the said conventions are licensed, with power to call before them all scandalous persons within that precinct, and censure and correct offenders according to the canons of the Church: yet are not these moderators to proceed in any case either to excommunication or suspension, without the allowance of the ordinary. And if it shall be tried that these ministers do usurp any farther power than is permitted, or carry themselves unquietly either in teaching or otherwise at these meetings, in that

case the bishop shall discharge the meeting, and censure the offenders according to the quality of their fault.

7. Considering that laic elders have neither warrant in the word, nor example of the primitive Church, and that not the less it is expedient that some be appointed to assist the minister in repairing the fabric of the church, providing elements to the holy communion, and collecting the contributions for the poor, with other such necessary services; the minister is to make choice of the most wise and discreet persons in the parish to that effect, and present their names to the ordinary, that his approbation may be had thereto.
8. That the minister of the parish be authorized to call before him and his associates so allowed, all public and notorious offenders, and enjoin the satisfaction according to the canons of the Church; or, if they be obstinate and contumacious, delate their names to the bishop, that order may be taken with them.
9. That no minister be admitted without an exact trial preceding, and imposition of hands used in their ordination by the bishop and two or three ministers whom he shall call to assist the action: and to the end an uniform order may be kept in the admission of ministers, that a form thereof may be imprinted and precisely followed of every bishop.
10. That the election of bishops shall in time coming be made according to the conference *anno 1571*, and whilst the bishopric remaineth void, the dean of the chapter be *vicarius in omnibus ad episcopatum pertinentibus*, and have the custody of the living and rents, till the same be of new provided.
11. That the dean of every chapter convene the members thereof once at least in the year, and take order that nothing pass except they be *capitulariter congregati*; and that a register be made of every thing done by the archbishop or bishop in the administration of the rents, and kept safely in the chapter-house.
12. That when it shall be thought expedient to call a General Assembly, a supplication be put up to his majesty for license to convene; and that the said Assembly consist of bishops, deans, archdeacons, and such of the ministry as shall be selected by the rest.

13. And because there hath been a general abuse in that Church, that youths, having passed their course in philosophy, before they have attained to the years of discretion, or received lawful ordination by imposition of hands, do engire themselves to preach; that a strict order be taken for restraining all such persons, and none permitted but those that have received orders to preach ordinarily and in public.

These directions, being exhibited to the bishops and some principals of the clergy convened with them at Edinburgh in February next, were approved of all; and at the same time was the high commission published, to the great discontent of those that ruled the estate; for that they took it to be a restraint of their authority in matters ecclesiastical, nor did they like to see clergymen invested with such a power.

The king, no less careful to have all things ordered rightly in the estate, did prescribe the number, attendants, and manner of proceeding which the council should keep in their meetings. As, "that the number should not exceed thirty, and seven at least be present in every meeting. That at their admission they should take the oath of allegiance and swear fidelity and secrecy in matters to be communicated unto them. That they should convene twice in the week; once every Tuesday for matters of state, and once on the Thursday for actions. That none should be permitted to stay within the council-house but the lords and clerks of the council, nor any solicitations be made within the house, but that all should take their places at their coming in, and none stand on foot, unless they be to answer for themselves, and in that case to rise and stand at the head of the table. That four days' absence of any counsellor in the time of sitting, without license from the rest, should infer the loss of his place. That if any of the number were denounced rebel, or did not at least once in the year communicate, they should be likewise excluded. That wheresoever they remained or happened to come, if they should be informed of any trouble like to arise betwixt parties, they should charge them to keep the peace; and if they refused, they should command them to enter in ward; the disobedience whereof should be punished as if the whole council were disobeyed. Lastly, to

keep their persons and places in the greater respect, they were commanded in the streets either to ride with foot-clothes or in coaches, but not be seen walking on foot."

With these directions a command was given to inhibit by proclamation any person "to bear quarrel to another with intention of private revenge, requiring those that should happen to be in any sort injured to complain to the ordinary judge within the space of forty days after the injury committed, and insist for justice; wherein if they should fail, and yet be perceived to carry a grudge towards him by whom they were injured, they should be called before the council, and, if they refused to reconcile, be punished as despisers of the royal authority, and violators of the public peace."

In the isles of Orkney and Zetland at this time were great oppressions committed by the earl thereof, for which he was committed in the castle of Edinburgh, and the bishop of Orkney employed by the council to examine the particular complaints. This nobleman, having undone his estate by riot and prodigality, did seek by unlawful shifts to repair the same, making acts in his courts, and exacting penalties for the breach thereof: as, if any man was tried to have concealed any thing that might infer a pecuniary mulct, and bring profit to the earl, his lands and goods were declared confiscated; or if any person did sue for justice before any other judge than his deputies, his goods were escheated; or if they went forth of the isle without his license, or his deputies, upon whatsoever occasion, they should forfeit their moveables; and, which of all his acts was the most inhuman, he had ordained that "if any man was tried to supply or give relief unto ships or any vessels distressed by tempest, the same should be punished in his person, and fined at the earl his pleasure." These acts produced by the complainers, and confessed by the earl himself, were by the council deemed unlawful, and the execution thereof in all times thereafter prohibited.

The clan Gregory, a barbarous and thievish race of people, that could by no means be repressed nor reclaimed from their robberies, were at the same time ordained to be rooted forth, and the service committed to the earl of Argyle; who made some beginning, and presented certain of the principals to justice; but the neglect of their children and their exhibi-

tion as was appointed, made them in after-times no less troublesome to the country than before.¹

In the end of the year the earl of Dunbar departed this life at Whitehall; a man of deep wit, few words, and in his majesty's service no less faithful than fortunate. The most difficult affairs he compassed without any noise, and never returned when he was employed without the work performed that he was sent to do. His death made a great change in our estate; Sir Robert Ker, a son of Farnihurst, who had served the king long in the quality of a page, was then grown powerful in court, carrying all things by his credit. At first the treasurer's office, which was in the person of Dunbar whilst he lived, was trusted to certain commissioners; but after a little space the same was bestowed upon the said Sir Robert, and he preferred to be earl of Somerset. The guard that Sir William Cranston, a gentleman of great worth, did command, and wherewith he had performed divers notable services in the borders, was taken from him, and given to Sir Robert Ker of Ancrum, Somerset's cousin. Sir Gideon Murray, his uncle by the mother, was made deputy in the office of treasury; and Sir Thomas Hamilton, his majesty's advocate, who had married his sister, placed first in the office of register, and afterwards made secretary; all which was ascribed to Somerset his credit. Yet these things were not ill taken, the last excepted. For Sir William Cranston being content to resign his place, the king in remembrance of his good service did prefer him to be a lord of parliament; Sir Gideon his abilities for the service he was trusted with were known to all; and for the advocate, his sufficiency was undoubted, only the manner of his coming to be register was not so well interpreted. Sir John Skeen had enjoyed the place a good many years, and being grown in age and infirm, thinking to get his son provided to his office, had sent him to court with a dimission of the place, but with a charge not to use it, unless he found the king willing to admit him: yet he, abused by some politic wits, made a resignation of the office, accepting an ordinary place among the lords of session. The office upon his resignation was presently disposed to the advocate, which grieved the father beyond all measure. And the case indeed was pitiful

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

and much regretted by all honest men ; for he had been a man much employed and honoured with divers legations, which he discharged with good credit, and now in his age to be circumvented in this sort by the simplicity or folly of his son, it was held lamentable. The king being informed of the abuse by the old man's complaint, was very careful to satisfy him, and to have the son reconciled to his father, which after some travail was brought to pass : yet so exceeding was the old man's discontent, as within a few days he deceased. The office of register was shortly after interchanged with the secretary Sir Alexander Hay, and he made keeper of the rolls, the Lord Binning secretary, and Sir William Oliphant received to be his majesty's advocate.

In the beginning of the next year there happened divers unhappy quarrels betwixt the Scotch and English at court, which was like to have produced very bad effects; and nothing worse taken than the slaughter of an English fencer by the Lord Sanquhar's instigation, who, for an injury alleged, did hire one called Carleill to kill the fencer. This fact committed in the city of London, and so near to the king's court, caused such a heartburning among the people, as it was not far from breaking forth into a general commotion. But his majesty, preventing the danger, made Sanquhar to be arrested and brought to his trial; where being convicted he was hanged publicly at the palace-gate of Westminster. This act of justice gave the English a great content; nor was the death of the nobleman much regretted by his own country people, for he had lived all his time dissolutely, and falling in familiarity with a base courtezán at Paris, had by her a son to whom he entailed his lands, intending to defraud the lawful heir. But the king, taking the matter into his own cognition, did, by compromise, adjudge the succession to the just inheritor, appointing a little portion to the base son, who in a short time made away the same prodigally.

Not long before, his majesty being informed of a course kept by the Church in excommunicating persons that were fugitives for capital crimes, sent to the bishops and clergy a letter of this tenor.

“ The ecclesiastical censure of excommunication, which should be inflicted upon such as having committed any

scandalous offence are contemners of the admonitions of the Church, is, as we have been informed, so far abused against the first institution, that we cannot sufficiently marvel of the proceeding said to be commonly used among you; namely, that persons fugitive for capital crimes being cited before ecclesiastical judicatories, although it be known that they dare not compeer for fear of their life, are sentenced as persons contumacious, whereas the fear they stand in ought in reason to excuse their absence, since they cannot be judged contemners of the Church who upon just terrors are kept back from giving their personal appearance. In a late treatise the Venetian Padre Paulo did learnedly confute the sentence pronounced by the present pope against him for his not appearing to answer in the cause of heresy, only upon the just fear he pretended, and had his appeal justified by all indifferent men from the pope's sentence as abusive. Your proceedings for the manner is no other, and by the learnedest divines in these parts resembled to the Muscovite's form, who, if he be offended with any person, commandeth him to send his head unto him: just so your citations are in the foresaid case, which is to will the offenders come in and be hanged, which were they never so penitent is not to be thought they will do; for they will rather fall under your censure, than hazard themselves in the hands of the justice. This being the ready way to bring the censures of the Church in contempt, our pleasure is, that hereafter there be no such form of proceeding used among you. Notwithstanding if it shall happen such offenders to obtain our pardon, and that the fear they stand in of their life be removed, we mean not but that they should be called before the Church, and censures used against those that are impenitent. Hereof persuading ourselves that you will have care, and not give way to the abuse in time coming, we bid you farewell."

Upon the receipt of this letter, the bishops convening with certain of the clergy, to advise what course was fittest to be held in these cases, a long reasoning was kept, some maintaining, "That the form practised by the Church was not to be changed, they having tried the good thereof, and that people were terrified by this means from falling into these odious crimes." Others reasoned, "That the principal end of all

church censures, especially of excommunication, was the reclaiming of offenders, and the bringing of them to the acknowledgment of their sin, and that where this principal use had no place, that other secondary ends ought not to be respected; and so in case of fugitives, what could any censure avail to their reclaiming, they not being in place to answer, or to receive any admonition? Yea, and might it not fall, that by proceeding against men in such case, men truly sorrowful for their sin should be sentenced, and so the persons bound by the Church whom God hath loosed? They did therefore judge it more safe in these cases to advertise people of the heinousness of the fact committed, warning them to make their own profit thereof, and to forbear all proceeding against the fugitive person till his condition should be made known." This turned to be the resolution of the whole number, and thereupon direction was given to the ministers not to intend or follow any process against fugitives in time coming.

This year the earl of Eglinton departed this life, who, having no child nor heir-male to succeed, made a disposition of his lands and honours to Sir Alexander Seaton his cousin-german, with a proviso, "That he and his children should take the name and use the arms of the house of Montgomery." The king, who was always most tender in the conveyance of honours, being informed of the disposition made by the deceased earl, did by a letter written to the council witness his displeasure at such alienations; showing that howsoever he could not stay noblemen to dispose of their lands, he, being the fountain of all honour within his kingdoms, would not permit the same to be sold or alienated without his consent: and thereupon did inhibit the said Sir Alexander to use the title of lord or earl, notwithstanding the disposition made to him. Some two years after his majesty was pleased to bestow the honour upon him, and so was he received into the place and honour formerly belonging to the house of Eglinton.

In the month of October a parliament was kept at Edinburgh, the chancellor being commissioner for the king; wherein the conclusions taken in the Assembly at Glasgow were ratified, and all Acts and constitutions, especially the Act made in the parliament 1592, rescinded and annulled, in

so far as they, or any of them, or any part of the same, were derogatory to the articles there concluded.

In this parliament a subsidy was urged, and a great contest made for the quantity, which was required in a more large measure than in former times, because of his majesty's affairs, especially for the marriage of the Lady Elizabeth with the Palsgrave, who in the same month arrived in England. The poverty of the country, with a fear that what was then granted should be made a precedent for after-times, was pretended by those that withstood the motion; albeit the true cause was known to be the dislike that the popish faction had of the match, which by all means they laboured to cross: nor was any more busy than the Lord Burleigh to impede the subsidy. He, being but a little before come from court, did affirm that the king in a private speech with him touching the same, had said, "That he required no more than was granted in the parliament 1606," and thereby made the opposition greater than otherwise it would have been. Yet in the end, after long debating, it was concluded, that the supply should be more liberal in regard of the present occasion than at any time before.

The king upon advertisement of the Lord Burleigh's business gave order to remove him from the council, and to inhibit him from coming any more at court: which he apprehending to be the Lord Scone's doing, and that he had informed against him, took so ill, as he did send him a challenge, and appeal him to the combat. Hereupon he was committed in the castle of Edinburgh, where he remained some two months; thereafter, upon the acknowledgment of his offence, and being reconciled with the Lord Scone, he was put to liberty.

In court at this time was great rejoicing, and the marriage of the Lady Elizabeth with the Prince Palatine daily expected, when on the sudden all was turned to mourning by the death of Prince Henry, who departed this life at St James's in the beginning of November. A prince of excellent virtues, and all the perfections that can be wished for in youth. He died at the age of eighteen years and eight months, greatly lamented both at home and abroad. The council esteeming it their duty to express their dolence for that accident, made choice of the chancellor and the arch-

bishop of Glasgow for that business. But the king having received a hard information of the chancellor's carriage in the late parliament, sent his servant William Shaw to discharge him from coming to court, who encountering him at Morpeth caused him to return. The archbishop, who was no farther advanced than Berwick, accompanied the chancellor to Edinburgh; and after a short stay there, as he was willed, took his journey again towards court, whither he came a little before Christmas. The nuptials, in regard of the prince's death, were put off to the February following; at which time, the sorrow being a little worn out, the same were performed with great solemnity.

It was showed before concerning the oppressions of the people of Orkney, that the acts made by the earl in his courts were judged unlawful, and he discharged to put the same thereafter in execution. Not the less going on in his wonted course, he sent his base son called Robert into the country, in show to uplift his rents and duties, but in effect to try and punish the transgressors of those acts: whereupon new complaints being preferred to the council, the king was advised to make purchase of Sir John Arnot's right, to whom the earl had impignorated his estate, as being the only means to relieve that distressed people from his oppressions; the bargain shortly was made, and the king possessed in the lands, Sir James Stewart, Captain James his son, being made chamberlain and sheriff of the country. The earl himself was transported from Edinburgh to the castle of Dumbarton, and had allowed to him six shillings eight pence sterling a day for his entertainment; where he had not long remained, whenas he received advertisement that the castles of Kirkwall, Birsay, and other his houses in those isles were all rendered to the sheriff. This put him in a great passion, and many ways he essayed to make an escape; but finding no possibility, he sent his base son, who was lately returned, with an express command to take back the houses, and expulse the deputy Mr John Finlason, whom the chamberlain had left there.

The young man at his coming to Orkney being assisted with some loose people made his first assault upon Birsay, expulsing Bernard Stewart the keeper, and placing a garrison therein of some thirty persons. The deputy hearing

what was done went speedily thither, charging them in his majesty's name to render: but they despising the charge, and he not able to force them, he went from thence to Kirkwall; the rebels following at his heels, compelled him in like sort to render the castle of Kirkwall in which he had entered.

Upon report of this rebellion, commission was given to the earl of Caithness, as lieutenant for the king in those bounds, to recover the castles and pacify the country; which he carefully performed. At his first landing, a company of people, to the number of five hundred, who were brought together more out of fear of the rebels than of any desire to withstand, made a countenance to resist; but how soon they perceived the earl's resolution to pursue, they gave back, their leaders flying to the castles, which they meant to defend. This they made good some five weeks or more, till the cannon having beaten down a great part of the walls, they were forced to yield themselves at discretion. The persons taken in the castle were Robert Stewart the earl's base son, Archibald Murray, Andrew Martin, Alexander Legat, and Thomas King, servants to the earl. These were all transported to Edinburgh, and being convicted by a jury, were hanged on a gibbet at the market-cross. In this siege the lieutenant lost four men only; namely, William Irvine son to William Irvine of Saba, James Richardson, Andrew Adamson, and William Robinson, who were killed all by shots from the house; many were wounded and hurt, but thereof recovered.

Towards the end of the year Mr David Lindsay, bishop of Ross, departed this life in a great age, having attained to fourscore and two or three years; a man nobly descended; and a brother of the house of Edzell. Soon after the Reformation, returning from his travels abroad, he applied himself to the function of the ministry, and entering the charge at Leith, continued therein to his death; of a peaceable nature, and greatly favoured of the king, to whom he performed divers good services, especially in the troubles he had with the Church; a man universally beloved and well esteemed of by all wise men. His corpse was interred at Leith by his own direction, as desiring to rest with that people on whom he had taken great pains in his life.

The earl of Orkney being brought, the October preceding, from Dumbarton to Edinburgh, was in February next put to trial, where together with the justice there sat as assessors the earl of Dunfermline, chancellor, the Lord Binning, secretary, the president Sir John Preston, Sir Gideon Murray, treasurer-deputy, Sir Richard Cockburn of Clarkington, lord privy-seal, Sir John Cockburn of Ormiston, justice-clerk, Sir Alexander Hay, clerk-register, Sir William Livingstone of Kilsyth, and Sir Alexander Drummond of Medop, senators of the college of justice.

The substance of the indictment was, "That he had caused his base son to surprise the castle of Kirkwall, with the steeple of the church, the place called the yards, and house of Birsay; that he had incited the people to rebellion, and detained the said castles and houses treasonably after he was charged to render the same." His prolocutors were Mr Alexander King, Mr Thomas Nicolson, and Mr Alexander Forbes, lawyers, all of good esteem; the chief defence they used was a denial of the libel. The advocate producing the confession of his base son and those that were executed with him, together with some missive letters written by one John Sharpe at his direction for the detaining of the castle of Kirkwall, and a charter of certain lands gifted by him to Patrick Halero for assisting the rebels, the justice remitted the verity of the indictment to the assize.

The persons chosen thereupon were James earl of Glenearne, George earl of Winton, John earl of Perth, Robert earl of Lothian, William earl of Tullibardine, David lord Scone, William lord Sanquhar, John lord Herries, James lord Torphichen, Hugh lord Sempill, William lord Kilmaurs, John Grant of Freuchie, Sir Patrick Hepburn of Waughton, Robert Arnot of Farny, and Sir Henry Lindsay of Kinfauns; who, sworn and received according to the custom, went apart by themselves for a certain space, and returning unto the court, by the mouth of their chancellor (the earl of Glenearne) declared him guilty of the foresaid rebellion, and of the whole points contained in the indictment. The justice thereupon gave sentence, that he should be taken to the market-cross, and there beheaded, and all his goods and lands confiscated.

The earl taking the sentence impatiently, some preachers

were desired to confer with him, and to dispose his mind towards death; but they finding him irresolute, entreated for a delay of the execution; which was granted to the sixth of February, at which time he was brought unto the scaffold, guarded by the magistrates of the city, and in the sight of many people beheaded. This was the end of Patrick earl of Orkney, son to Robert Stewart, one of King James the Fifth his base sons. Robert was at first provided to the abbacy of Halyrudhouse, which he enjoyed divers years. After the forfeiture of Hepburn, Earl Bothwell, and the obtaining of these isles, he exchanged the abbacy with the bishopric of Orkney, and so became sole lord of the country. Patrick, succeeding to an elder brother who died young, by his too much resort to court and profuse spending did involve himself in great debts, and seeking to repair his estate by the indirect courses he touched, fell into these inconveniences which you have heard, and may serve for a warning to all great personages not to oppress nor play the tyrants over the meaner sort of people.

About the end of the year John Ogilvy a Jesuit was apprehended at Glasgow. He was lately come from Gratz, where the Jesuits have a college, by the command (as he said) of his superiors, to do some service in these parts. There were found with him three little books, containing certain directories for receiving confessions; a warrant to dispense with them that possessed any church-livings, conceived in this form, *Quoad dispensationem de bonis ecclesiasticis, poteris dispensare ut retineant que possident, dummodo in usus pios aliquid impendant, pro judicio confessarii dispensantis*; with some relics, and a tuft of St Ignatius's hair, the founder of their order, which he seemed to have in great regard.

Upon advertisement given to his majesty, a commission was sent to the secretary, the Lord Kilsyth, the treasurer-deputy, and advocate, for his examination and trial. Being presented before them, and inquired when he came into Scotland, what his business was, and where he had resorted? To the first he answered, that he came in the June preceding; to the second, that his errand was to save souls; but to the third he denied to give any answer at all, saying, "that he would not utter any thing that might work pre-

judice to others:" nor could he be induced either by persuasion or threatening to detect the persons with whom he had resorted. The commissioners offended at his obstinacy, and meaning to extort a confession from him, advised to keep him some nights from sleep: and this indeed wrought somewhat with him, so as he began to discover certain particulars, but how soon he was permitted to take any rest, he denied all, and was as obstinate in denying as at first.

His majesty being certified that without torture nothing would be drawn from him, made answer, "That he would not have those forms used with men of his profession; and if nothing could be found but that he was a Jesuit, and had said mass, they should banish him the country, and inhibit him to return without license, under pain of death. But if it should appear that he had been a practiser for the stirring up of subjects to rebellion, or did maintain the pope's transcendent power over kings, and refused to take the oath of allegiance, they should leave him to the course of law and justice; meanwhile his pleasure was, that the questions following should be moved unto him, and his answers there-to required."

1. Whether the pope be judge and hath power *in spiritualibus* over his majesty; and whether that power will reach over his majesty *in temporalibus* if it be *in ordine ad spiritualia*, as Bellarmine affirmeth?

2. Whether the pope hath power to excommunicate kings (especially such as are not of his Church), as his majesty?

3. Whether the pope hath power to depose kings by him excommunicated; and in particular, whether he hath power to depose the king's majesty?

4. Whether it be no murder to slay his majesty, being so excommunicated and deposed by the pope?

5. Whether the pope hath power to assoile subjects from the oath of their born and native allegiance to his majesty?

These questions were sent enclosed in a letter to the archbishop of Glasgow, who assuming to himself the provost of the city, the principal of the college, and one of the ministers, as witnesses, did in their hearing read the questions, and

receive his answer, which he gave under his hand, as followeth:—

I acknowledge the pope of Rome to be judge unto his majesty, and to have power over him *in spiritualibus*, and over all Christian kings. But where it is asked, whether that power will reach over him *in temporalibus*, I am not obliged to declare my opinion therein, except to him that is judge in controversies of religion, to wit, the pope, or one having authority from him.

For the second point, I think that the pope hath power to excommunicate the king; and where it is said, that the king is not of the pope's Church, I answer, that all who are baptized are under the pope's power.

To the third, where it is asked, if the pope hath power to depose the king, being excommunicated; I say that I am not tied to declare my mind, except to him that is judge in controversies of religion.

To the fourth and fifth I answer *ut supra*.

Being reasoned with a long time, and the danger expounded wherein he did cast himself by maintaining such treasonable opinions, he answered, "That he would not change his mind for any danger that could befall him;" and speaking of the oath of allegiance, said, "that it was a damnable oath, and treason against God to swear it." Some days being allowed him to bethink himself better of these points, whenas no advice could prevail, the answers were sent to his majesty subscribed by himself, and therewith a testification of such as were present at the giving thereof.

Hereupon the council was commanded to pass a commission to the provost and bailiffs of Glasgow for putting him to a trial. There were assisting, James marquis of Hamilton, Robert earl of Lothian, William lord Sanquhar, John lord Fleming, and Robert lord Boyd. Some days before he was brought to the bar, it was told him, "That he was not to be charged with saying of mass, nor any thing that concerned his profession, but only with the answers made to the questions proponed, which, if he should recall, there being yet place to repentance, the trial should be suspended till his majesty were of new advertised." His reply

was, "That he did so little mind to recall any thing he had spoken, as when he should be brought to his answer he should put a bonnet on it." And this indeed he performed; for when he was placed on pannel, and the indictment read, which was grounded all upon the Acts of Parliament made against those that declined his majesty's authority, or maintained any other jurisdiction within the realm, and upon the answers made to the above-written demands subscribed with his hand, he brake forth in these speeches:—

"Under protestation that I do no way acknowledge this judgment, nor receive you that are named in that commission for my judges, I deny any point laid against me to be treason; for if it were treason, it would be such in all places and all kingdoms, which you know not to be so. As to your Acts of Parliament, they were made by a number of partial men, and of matters not subject to their *forum* or judicatory, for which I will not give a rotten fig. And where I am said to be an enemy to the king's authority, I know not any authority he hath but what he received from his predecessors, who acknowledged the pope of Rome his jurisdiction. If the king will be to me as his predecessors were to mine, I will obey and acknowledge him for my king; but if he do otherwise, and play the runagate from God, as he and you all do, I will not acknowledge him more than this old hat." At these words being interrupted, and commanded to speak more reverently of his majesty, he said, "That he should take the advertisement, and not offend, but the judgment he would not acknowledge. And for the reverence I do you to stand uncovered, I let you know it is *ad redemptionem vexationis*, not *ad agnitionem judicii*."

The persons cited upon the jury being then called, and he desired to show if he would except against them, he said, "That he had but one exception against them all, which was, that either they were enemies to his cause, or friends: if enemies, they could not sit upon his trial; and if friends, they ought to assist him at the bar. Only he should wish the gentlemen to consider well what they did, and that he could not be judged by them. That whatsoever he suffered was by way of injury and not of judgment; and that he was accused of treason, but had not committed any offence, nor would he beg mercy." And, proceeding in this strain, "I

am," said he, " a subject as free as the king is a king ; I came by commandment of my superior into this kingdom, and if I were even now forth of it, I would return ; neither do I repent any thing, but that I have not been so busy as I should in that which you call perverting of subjects. I am accused for declining the king's authority, and will do it still in matter of religion, for with such matters he hath nothing to do ; and this which I say, the best of your ministers do maintain, and if they be wise, will continue of the same mind. Some questions were moved to me, which I refused to answer, because the proposers were not judges in controversies of religion, and therefore I trust you cannot infer any thing against me." " But I hope," said the archbishop, " you will not make this a controversy of religion, whether the king being deposed by the pope may be lawfully killed." To this he replied, " It is a question among the doctors of the Church ; many hold the affirmative, not improbably ; but as that point is not yet determined, so if it shall be concluded, I will give my life in defence of it ; and to call it unlawful, I will not, though I should save my life by saying it."

His speeches, the more liberty was given him, growing still the more intolerable, the jurors were willed to go apart, who, quickly returning, declared by the mouth of their chancellor, Sir George Elphingston, that they found him guilty of all the treasonable crimes contained in the indictment. Whereupon doom was pronounced, and the same day, in the afternoon, he was hanged in the public street of Glasgow. He was, as it seemed, well instructed in that jesuitical doctrine of deposing and dethroning kings, and like enough to have played another Ravallac, if he had not been intercepted ; which was the rather believed, that, in lamenting his mishap to one that he esteemed his friend, he did say, " That nothing grieved him so much as that he had been apprehended in that time, for if he had lived unto Whitsunday at liberty, he should have done that which all the bishops and ministers of Scotland and England should never have helped ; and to have done it, he would willingly have been drawn in pieces with horses, and not cared what torments he had endured." But this did not burst forth till after his death.

Mr James Moffat, another of the same society, being apprehended near about the same time, took a safer course ;

for having condemned Ogilvie's positions, he was suffered to depart the country, the king professing, as he ever did, that he would never hang a priest for his religion; only these polypragmatic papists, that were set upon sedition and to move disturbance in countries, he could not away with.

The next spring, Mr George Gladstones, archbishop of St Andrews, departed this life; a man of good learning, ready utterance, and great invention, but of an easy nature, and induced by those he trusted to do many things hurtful to the See, especially in leasing the tithes of his benefice for many ages to come, and for a small duty; esteeming (which is the error of many churchmen) that by this mean he should purchase the love and friendship of men, whereas there is no sure friendship but that which is joined with respect; and to the preserving of this, nothing conduceth more than a wise and prudent administration of the church-rents wherewith they are intrusted. He left behind him in writing a declaration of his judgment touching matters then controverted in the Church, professing that he had accepted the episcopal function upon good warrant, and that his conscience did never accuse him for any thing done that way. This he did to obviate the rumours which he foresaw would be dispersed after his death, either of his recantation or of some trouble of spirit that he was cast into (for these are the usual practices of the puritan sect), whereas he ended his days most piously, and to the great comfort of all the beholders. His corpse was interred in the south-east side of the parish church, and the funeral sermon preached by Mr William Cowper, bishop of Galloway, who was lately before preferred upon the decease of Mr Gavin Hamilton, bishop of that See; a man for courage, true kindness, and zeal to the Church, never enough commended.

St Andrews falling thus void, divers translations were made in the Church; as of the archbishop of Glasgow to St Andrews, the bishop of Orkney to Glasgow, the bishop of Dunblane to Orkney, in whose place succeeded Mr Adam Ballendene, rector of Falkirk.

In the end of this year, there was at court a great business for trying the murder of Sir Thomas Overbury, who had died in the Tower some two years before. The occasion and secret contriving of the murder, with the strangeness

of the discovery, and his majesty's impartial proceedings in the trial, deserve all to be remembered. The occasion was Overbury's free and friendly counsels to the earl of Somerset for diverting him from the marriage he intended with Lady Frances Howard, who by a sentence of nullity was freed from the earl of Essex her husband. Often he had dissuaded Somerset, presuming upon the familiarity that he vouchsafed him, to forbear that lady's company, and one night more freely, for that he saw Somerset going on in the match, came unto him, and spake to this effect: "My Lord, I perceive you are proceeding in this match, which I have often dissuaded as your true servant and friend. I now advise you not to marry that woman, for if you do, you shall ruin your honour and yourself;" adding, that if he went on in that business, he should do well to look to his standing. The earl taking his free speech more impatiently because he had touched the lady (with whom he was bewitched) in her honour, replied in passion, that his legs were strong enough to bear him up, and that he should make him repent those speeches. Thus he parted in anger at that time.

Overbury interpreting this to be a sudden passion only, and not thinking that their long continued friendship would break off by this occasion, continued in his wonted attendance, neither did the earl wholly abandon him; howbeit, having discovered to the Lady Overbury his counsel, and the words he had uttered to her prejudice, she never ceased to inflame him against the gentleman, and by all means sought to practise his overthrow. It falling out that Overbury was about this time to be employed in an ambassage to Russia, the earl, whose counsel he asked, advised him not to embrace the service, but to make some fair excuse. This advice he followed, taking the same to proceed of kindness, and for his refuse was committed to the Tower.

The lady now had him where she wished, and, meaning to despatch him by poison, wrought so with the lieutenant Sir Jervis Elways, as he did admit one Richard Weston, upon her recommendation, to be Overbury's keeper, by whom, the very evening after he was committed, a yellow poison was ministered unto him in a broth at supper, which provoked such extreme vomits and purging as it was looked he should not recover. But neither this nor the other poisons that

were continually put in his meats serving to despatch him, Mistress Turner, the preparer of all, procured an apothecary's boy to give him a poisoned glyster, which brought him to his end. Overbury thus dead, was presently buried; and because of the blanes and blisters that appeared in his body after his death, a report was dispersed that he died of the French pox, which few believed; and still the rumour went, according to the truth, that he was made away by poison. The greatness of the procurers kept all hidden for a time; but God, who never suffereth such vile acts to go unpunished, did bring the same to light after a miraculous manner.

It happened the earl of Shrewsbury, in conference with a councillor of estate, to recommend the lieutenant of the Tower to his favour, as a man of good parts, and one that desired to be known to him. The councillor answering, that he took it for a favour from the lieutenant that he should desire his friendship, added withal, that there lay upon him a heavy imputation of Overbury's death, whereof he wished the gentleman to clear himself. This related to the lieutenant. He was stricken a little with it, and said, that to his knowledge some attempts were made against Overbury, but that the same took no effect; which being told to the king, he willed the councillor to move the lieutenant to set down in writing what he knew of that matter, which he also did. Thereupon, certain of the council were appointed to examine and find out the truth. From Weston somewhat was drawn, whereupon he was made prisoner. Turner and Franklin, the preparers of the poison, being examined, confessed every thing; and then all breaking forth, the earl of Somerset with his lady and the lieutenant were committed.

Weston at his first arraignment stood mute, yet was induced afterwards to put himself to the trial of the country, and being found guilty, was hanged at Tyburn. Mistress Turner and James Franklin were in like sort executed. The lieutenant, who had winked at their doings, was judged accessory to the crime and condemned to death, which he suffered most patiently, expressing a great penitency and assurance of mercy at the hands of God.

In the May following, the earl and his lady were brought to their trial, which by their friends they laboured earnestly

to eschew ; but the king would not be entreated, for the love he had to maintain justice. The judge by commission was Thomas Lord Ellesmere, chancellor of England, and lord high-steward for that time ; his assistants were, Sir Edward Coke, lord chief-justice of England ; Sir Henry Hobart, lord chief-justice of the common pleas ; Sir Laurence Tanfield, lord chief-baron of the exchequer ; Judge Altharnc, one of the barons of the exchequer ; Judge Crook, Judge Doddridge, and Judge Haughton, judges of the king's bench, and Judge Nicols, one of the judges of the common pleas.

The peers by whom they were tried were, the earl of Worcester, lord privy-seal ; the earl of Pembroke, chamberlain ; the earls of Rutland, Sussex, Montgomery, and Hartford ; the Viscount Lisle, the Lord Zouch, warden of the Cinqueports ; the Lord Willoughby of Eresby ; the Lord Daeres, the Lord Monteagle, the Lord Wentworth, the Lord Rich, the Lord Willoughby of Parham, the Lord Hunsdon, the Lord Russel, the Lord Compton, the Lord Norris, the Lord Gerard, the Lord Cavendish, and the Lord Dormer.

With the lady there was not much ado, for she with many tears confessed the fact, desiring mercy. The earl, who was the next day presented before the judges, made some defences ; but the confessions of those that were executed, and a letter he had sent to his majesty, did so clearly convince him of being accessory to the crime at least, that they were both sentenced to be taken to the Tower of London, and from thence to the place of execution, and hanged till they were dead. It was a foul and hateful fact, on the earl's part especially, who did betray his friend for satisfying the appetite of a revengeful woman ; yet by his majesty's clemency, the lives of both were afterwards spared.

A new business was about the same time made by the marquis of Huntly. Some eight years before he had been excommunicated, and giving hopes from time to time of his reconciliation, did not only frustrate the same, but, breaking out in open insolencies, had caused his officers discharge his tenants from hearing the sermons of some ministers, with whom he made show to be offended. Being for this called before the high commission, he was committed in the Castle of Edinburgh, and had not remained there two or three days when, upon the chancellor's warrant, he was put to liberty.

The bishops that were in town, complaining to himself of that he had done, were disdainfully answered, " That he might enlarge without their advice any that were imprisoned by the high commission ;" and when it was told that the Church would take this ill, he said, " that he cared not what their Church thought of him ;" whereupon the ministers made great exclamations in the pulpits, as against one that abused his place and power.

Complaints hereupon were sent from all hands to the king. The bishops complained of the chancellor his usurping upon the commission, and to this effect directed Alexander, bishop of Caithness, to court. The chancellor complained of the turbulency of the ministers, and the liberty they took to censure the public actions of statesmen in their sermons. The marquis, upon a suit he had made before his imprisonment, had obtained license to come unto court, and had taken his journey thither. But the king, upon the clergy's complaint, sent Mr Patrick Hamilton, then waiting as secretary-deputy at court, to command the marquis to return and enter himself in the Castle of Edinburgh, for satisfying the high commission ; withal, he carried a letter to the council, sharply rebuking them for releasing the marquis, he being warded by the lords of the commission.

The gentleman meeting the marquis at Huntingdon, within a day's journey of London, did use his message, who entreated him to go back, and show the king that he was come to give his majesty satisfaction in every thing he would enjoin, and to beseech his majesty, since he was so far on his journey, not to deny him his presence. The offer of satisfaction pleased the king well, who permitting him to come forward to court, directed him to the archbishop of Canterbury, with whom he offered to communicate. His excommunication standing in the way, and it being contrary to the canons that one excommunicated by the Church should, without their consent who had so sentenced him, be absolved in another, it was a while doubted what course they should take. The king on the one side was desirous to win him home, and, on the other, loath to infringe the order of the Church ; yet inclining to have the marquis absolved, it was thought that the bishop of Caithness his consent, in the name of the clergy of Scotland, was a warrant sufficient. Thus,

the bishop consenting, the absolution was given him, in the chapel of Lambeth, by the archbishop of Canterbury in this form :—

“ Whereas the purpose and intendment of the whole Church of Christ is to win men unto God and frame their souls for heaven, and that there is such an agreement and correspondency betwixt the Churches of Scotland and England, that what the bishops and pastors in the one, without any earthly or worldly respect, shall accomplish to satisfy the christian and charitable end and desire of the other, cannot be distasteful to either ; I therefore, finding your earnest entreaty to be loosed from the bond of excommunication wherewith you stand bound in the Church of Scotland, and well considering the reason and cause of that censure, as also considering your desire, on this present day, to communicate here with us, for the better effecting of this work of participation of the holy sacrament of Christ our Saviour his blessed body and blood, do absolve you from the said excommunication, in the name of the Father, and of the Son, and of the Holy Ghost ; and beseech Almighty God, that you may be so directed by the Holy Spirit, that you may continue in the truth of his Gospel unto your life’s end, and then be made partaker of his everlasting kingdom.”

How soon it was known that the marquis was absolved by the archbishop of Canterbury, there were great exceptions taken by the Church, and the same interpreted to be a sort of usurpation, whereof the king being advertised in a long letter written to the archbishop of St Andrews, he did justify the doing by these reasons : “ First, That in absolving the marquis, nothing was intended to the prejudice of the Church of Scotland, but what was done was out of a christian necessity, it being needful that the marquis should be absolved before he was admitted to the participation of the holy sacrament. Secondly, He willed the Church to consider that his absolution at home was only deferred upon the scruple he made of the presence of our Saviour in the sacrament, and that upon his confession, swearing and subscribing the other points of religion, they themselves had suspended his excommunication, the lawfulness whereof he would not dispute, but

remit the same to the canonists, yet the suspension standing, it was not much from an absolution. Thirdly, That the absolution given him in England did necessarily imply an acknowledgment of the authority of the Church of Scotland; whereas, if the archbishop of Canterbury had received him to the holy communion, and not first absolved him, being excommunicated by the Church of Scotland, the contempt and neglect had been a great deal greater. Fourthly, That the marquis being come into England, and making offer to perform whatsoever should be required of him, it was more fitting to take him in that disposition, than to have delayed it unto his return into Scotland. For these reasons, he said, and especially because all that was done was with a due acknowledgment and reservation of the power and independent authority of the Church of Scotland, which the archbishop of Canterbury had by his own hand testified, it was his pleasure, that upon the marquis his return a full form of absolution should be given him, or a ratification made of that which was done in England; so as neither the archbishop of Canterbury his doing should be disapproved as unlawful, nor the same so approved as it might seem that the Church of Scotland was inferior in any sort to that of England; and that the archbishop's letter written to that effect should be put in record, and kept as a perpetual monument for ages to come."

This letter directed to the archbishop of St Andrews, I have thought here meet to be inserted.

“Salutem in Christo.

“Because I understand that a General Assembly is shortly to be held at Aberdeen, I cannot but esteem it an office of brotherly love to yield you an account of that great action which lately befell us here with the marquis of Huntly. So it was then, that upon the coming up of the said marquis, his majesty sharply entreating him for not giving satisfaction to the Church of Scotland, and for a time restraining him from his royal presence, the marquis resolving to give his majesty contentment, did voluntarily proffer to communicate when and wheresoever his highness should be pleased; whereupon his majesty being pleased to make known that offer to me, it was

held fit to strike the iron whilst it was hot, and that this great work should be accomplished before his majesty's going to progress ; whereunto a good opportunity was offered by the consecration of the bishop of Chester, which was to be in my chapel of Lambeth the seventh of this month, at which time a solemn communion was there to be celebrated.

“ The only pause was, that the marquis being excommunicated by the Church of Scotland, there was in appearance some difficulty how he might be absolved in the Church of England ; wherewith his majesty being made acquainted, who wished that it should not be deferred, we grew to this peaceable resolution, which I doubt not your lordship and the rest of our brethren there will interpret to the best. For, first, what was to be performed might be adventured upon, as we esteemed, out of a brotherly correspondency and unity of affection, and not only of any authority ; for we well know, that as the kingdom of Scotland is a free and absolute monarchy, so the Church of Scotland is entire in itself, and independent upon any other Church. Secondly, we find by the advice of divers doctors of the civil law, and men best experienced in things of this nature, that the course of ecclesiastical proceedings would fairly permit that we might receive to our communion a man excommunicated in another church, if the said person did declare that he had a purpose hereafter for some time to reside among us, which the lord marquis did openly profess that he intended, and I know his majesty doth desire it ; and for my part, I rest satisfied that it can bring no prejudice, but rather contentment, unto you and to that kingdom. Thirdly, it pleased God the night before the celebration of the sacrament to send in our brother, the bishop of Caithness, with whom I taking counsel, his lordship resolved me, that it was my best way to absolve the lord marquis, and assured me that it would be well taken by the bishops and pastors of the Church of Scotland. I leave the report of this to my Lord Caithness himself, who was an eye-witness with what reverence the marquis did participate of that holy sacrament. For all other circumstances, I doubt not but you shall be certified of them from his majesty, whose gracious and princely desire is, that this bruised reed should not be broken, but that so great a personage (whose example may do much good) should be cherished and com-

forted in his coming forward to God; which I for my part do hope and firmly believe that you all will endeavour, according to the wisdom and prudence which Almighty God hath given unto you. And thus, as your lordship hath ever been desirous that I should give you the best assistance I could with his majesty for the reducing or restraining this nobleman, so you see I have done it with the best discretion I could; which I doubt not but all our brethren with you will take as proceeding from my desire to serve God and his majesty, and the whole Church of Scotland. I send you herewith the form which I used in absolving the lord marquis in the presence of the lord primate of Ireland, the lord bishop of London, and divers others. And so beseeching the blessing of God upon you all, that in your Assembly with unity of spirit you may proceed, to the honour of Christ and to the beating down of antichrist and popery, I leave you to the Almighty.

“ From my house of *Croyden*, *July 23*, 1616.”

This letter being showed to the clergy and others that were offended with the absolution of the marquis, gave them content; yet was it resolved that the marquis (who then was returned from court) should present a supplication to the General Assembly which was to meet at Aberdeen the thirteenth of August, acknowledging his offence in despising the admonitions of the Church, and promising to continue in the profession of the truth, and make his children to be educated in the same; and that upon his supplication he should be of new absolved according to the form used in the Church of Scotland. This was very solemnly performed the first day of the Assembly, the earl of Montrose being then commissioner for his majesty.

In the Assembly it was ordained, “ That forasmuch as his majesty had by proclamation recalled such as were gone forth of the country to be educated in the colleges of Jesuits or other popish universities within the space of a year, upon pain to be declared incapable of succession either to goods or lands, a trial and exact search should be made of all those that were sent or gone into foreign parts within these last ten years; and that every minister should send a particular note unto his ordinary of those within his parish that

were gone to follow their studies in places abroad, with their age, profession, and families whereunto they appertained, to the end they may be known, and the dangers prevented wherewith their corrupt education did threaten the Church.”

It was likewise enacted, “ That no man should be permitted to practise or profess any physick, unless he had first satisfied the bishop of the diocese touching his religion : That a liturgy or book of common prayer should be formed for the use of the Church : That the Acts of the General Assemblies should be collected and put in form, to serve for canons to the Church in their ministration of discipline : That children should be carefully catechized and confirmed by the bishops, or, in their absence, by such as were employed in the visitation of churches : That grammar-schools should be established in all parishes where the same might be conveniently done : And that a register should be kept of baptisms, marriages, and burials by the minister of every parish.”

These Acts being put in form, were ordained to be presented to his majesty by the archbishop of Glasgow and bishop of Ross, who were sent from the Assembly to entreat his majesty’s confirmation of the things concluded.

By the answer returned with them, his majesty’s good liking of all that had proceeded in the Assembly was understood ; only against the act of confirming young children by bishops he excepted, saying it was a mere hotch-potch, and not so clear as was requisite ; and therefore directed the same to be reformed, and among the canons of the Church the articles following to be inserted.

1. That for the more reverent receiving of the holy communion, the same should be celebrated to the people thereafter kneeling and not sitting, as had been the custom since the reformation of religion.

2. If any good Christian visited with sickness, which was taken to be deadly, should desire to receive the communion at home in his house, the same should not be denied to him, lawful warning being given to the minister the night before ; and three or four of good religion and conversation being present to communicate with the sick person, who must provide for a convenient place, and all things necessary for the reverent administration of the blessed sacrament.

3. That the sacrament of baptism should not be longer deferred than the next Sunday after the child is born, unless some great and reasonable cause, declared and approved by the minister, do require the same. And that in the case of necessity, tried and known to the minister, it should be lawful to administrate baptism in private houses, the same being always ministered after the form it would have been in the congregation, and public declaration thereof made the next Sunday in the church, to the end the child might be known to have been received into the flock of Christ's fold.

4. Seeing the inestimable benefits received from God by our Lord Jesus Christ his birth, passion, resurrection, ascension, and sending down of the Holy Ghost, have been commendably remembered at certain particular days and times by the whole Church of the world; every minister from thenceforth should keep a commemoration of the said benefits upon these days, and make choice of several and pertinent texts of scripture, and frame their doctrine and exhortations thereto, rebuking all superstitious observation and licentious profaning of the said times.

5. The act of confirmation of children, his majesty desired to be reformed in this manner. Seeing the confirmation of children is for the good education of youth most necessary, being reduced to the primitive integrity, it is thought good that the minister in every parish shall catechize all young children of eight years of age, and see that they have knowledge, and be able to rehearse the Lord's Prayer, the Belief, and Ten Commandments, with answers to the questions of the small catechism used in the Church, and that the bishops in their visitations shall cause the children be presented before them, and bless them with prayer for the increase of grace, and continuance of God his heavenly gifts with them.

The difficulty of admitting these articles being represented in a humble letter to his majesty by the archbishop of St Andrews, and a reason given why the same could not be inserted with the canons, as having at no time been motioned to the Church, nor proponed in any of their meetings, he was pleased to forbear the pressing of the same for that time, thinking at his coming into Scotland, which he intended the

next summer, to satisfy such as were scrupulous, and to obtain the Church's consent.

Shortly after a letter was sent to the council, "To assure them of the king's resolution to visit the kingdom, which he said did proceed of a longing he had to return to the place of his breeding, a *salmon-like instinct* (as he was pleased to call it); and because he knew that evil-disposed persons would disperse rumours as if he came to make alterations in the civil and ecclesiastical estate, he commanded a proclamation to be made for certifying the subjects of the contrary. It was true, he said, that he desired to do some good at his coming, and to have abuses reformed both in the church and commonwealth; yet foreseeing the impediments that his good intentions would meet with, and regarding the love of his people no less then their benefit, he would be loath to give them any discontent; and therefore willed all his good subjects to lay aside their jealousies, and accommodate themselves in the best sort they could for his receiving, and the entertainment of the noblemen of England who were to accompany him in the journey."

The earl of Mar was at this time made treasurer, and Sir Gideon Murray continued in his deputation. A motion had been made a little before for appointing a commissioner or deputy in the kingdom, which was hearkened unto by the king as that which would ease him of many vexations, and in his absence maintain a face of court, and breed a great respect among the people; and so far was that purpose advanced, as both the king had made offer of the place to the earl of Mar, and he yielded to accept the same. But this breaking out and coming to the chancellor's knowledge, whether that he desired not to have any in place above himself, or, as he pretended, wishing the nobleman's good, he diverted him from accepting that charge, and brought him to embrace the office of treasurer as the most profitable, and that which should bring with it a less envy. Sir Gideon had the intromission of all, as when Somerset was in place, and did provide things so carefully and with such foresight, as when the king came, he found nothing lacking that was required for a royal and princely entertainment.

Among other directions sent from the king, one was for repairing of the chapel, and some English carpenters were

employed, who brought with them the portraits of the apostles to be set in the pews or stalls. As they were proceeding in their work, a foolish and idle rumour went, that images were to be set up in the chapel; and, as people are given to speak the worst, it was current among them, that the organs came first, now the images, and ere long they should have the mass. The bishop of Galloway, then dean of the chapel, moved with these speeches, did pen a letter to the king, entreating his majesty "for the offence that was taken to stay the affixing of these portraits." To this letter he procured the subscriptions of the archbishop of St Andrews, the bishops of Aberdeen and Brechin, and divers of the ministers of Edinburgh.

The answer returned by the king was full of anger, objecting ignorance unto them that could not distinguish betwixt pictures intended for ornament and decoration, and images erected for worship and adoration; and resembling them to the constable of Castile, who being sent to swear the peace concluded with Spain, when he understood the business was to be performed in the chapel where some anthems were to be sung, desired "that whatsoever was sung, God's name might not be used in it, and that being forborne, he was content they should sing what they listed; just so," said the king, "you can endure lions, dragons, and devils to be figured in your churches, but will not allow the like place to the patriarchs and apostles." His majesty always gave order for some other form, and staying the erecting of these portraits; which in the same letter he said "was not done for ease of their hearts, or confirming them in their error, but because the work could not be done so quickly in that kind as was first appointed." This letter was of the date at Whitehall, the thirteenth of March 1617.

The king was much laboured to defer his journey to the next year, whenas he should find things better prepared; but he refusing to hearken to any such motion, made the greater haste, and in the beginning of May came to Berwick, where he was met with divers of the council, and by their advice, the parliament which had been indicted to the seventeenth of May was prorogued to the thirteenth of June. All that time which intervined, the king spent in a progress through the country, making his entry in the special burghs

after a most royal manner, and welcomed with all the expressions of joy that could be devised.

At the day appointed, the Estates were frequently assembled, where his majesty had a long speech for the establishing religion and justice, neither of which, he said, could be looked for so long as a regard was not had to the ministers of both. "For religion, he complained, that notwithstanding of the long profession of the truth, numbers of churches remained unplanted, and of those that were planted few or none had any competent maintenance; for this he wished some course to be taken, and certain commissioners to be chosen for appointing to every church a perpetual local stipend, such as might suffice to entertain a minister, and make him able to attend on his charge. Of justice he discoursed long, remembering the pains he had taken as well when he lived among them as since his going into England, and how he had placed justices and constables (a most laudable kind of government) for the preserving of peace and the keeping of the laws in due regard, which he understood, as he said, to be much neglected, partly in default of some that were named to those places and held it a scorn to be employed in such a charge, and partly by the opposition which the lords and great men of the country made unto them, and to their settling. But he would have both the one and the other to know, that as it was a place of no small honour to be a minister of the king's justice in the service of the commonwealth, so he did esteem none to deserve better at his hands than they who gave countenance thereto; as, on the other part, whosoever should show themselves hinderers thereof should be accounted with him enemies to his crown and the quiet of the kingdom. In end, he said, that he had long striven to have the barbarities of the country, which they knew to be too many, removed and extinct, and in place thereof civility and justice established; and that he would still endeavour to do his best that way, till he might say of Scotland as one of the emperors said of Rome, "*inveni lateritiam, relinquo marmoream.*"

The king having closed and the lords gone apart to choose those that should be upon the Articles, the humours of some discontented lords began to kithe; for whosoever were by the king recommended as fit persons, were passed by as men

suspected, and others named who stood worse affected to his majesty's service. Another question they made for admitting the officers of state, refusing to admit any but the chancellor, treasurer, secretary, and clerk of the rolls. This being long and sharply debated, was in end agreed by the admission of the whole number.

Among the Articles proponed, the first was, of his majesty's authority in causes ecclesiastical ; concerning which it was desired to be enacted, " That whatsoever conclusion was taken by his majesty with advice of the archbishops and bishops in matters of external policy, the same should have the power and strength of an ecclesiastical law." The bishops interceding did humbly entreat that the article might be better considered, for that in making of ecclesiastical laws, the advice and consent of presbyters was also required. The king replying, " That he was not against the taking of ministers their advice, and that a competent number of the most grave and learned among them should be called to assist the bishops ; but to have matters ruled as they have been in your General Assemblies I will never agree, for the bishops must rule the ministers, and the king rule both, in matters indifferent and not repugnant to the Word of God." So the article passed in this form, " That whatsoever his majesty should determine in the external government of the Church, with the advice of the archbishops, bishops, and a competent number of the ministry, should have the strength of a law."

This coming to the ministers' ears, they began to stir as if the whole rites and ceremonies of England were to be brought upon them without their consents ; whereupon the ministers that were in town were called together and warned to be quiet, for that such a general act did not lay upon them any bond ; and if any particular was urged, the same should be communicated to them, and nothing concluded without their consents. It was farther told them, that there would not be wanting informations enough to stir them up unto unquietness, but that they should do well not to irritate his majesty, whom they knew to be a gracious prince, and one that would hear reason, and give way to the same. This they did all promise ; yet, upon the suggestion of some discontented people, the very next day, Mr William Struthers, one of the ministers of Edinburgh, did unhappily break out

in his sermon upon these matters, condemning the rites received in the Church of England, and praying God to save Scotland from the same. This reported to the king by some of the English doctors that were his hearers, he became greatly incensed. But the ministers, not contented with this, did the same day in the afternoon tumultuously convene and form a protestation in the words following :—

“ Most gracious and dread Sovereign, most honourable Lords and remanent Commissioners of this present Parliament, we the ministers of Christ’s evangel, being here convened from all the parts of this your majesty’s kingdom, do in all reverence and submission entreat your majesty’s and honour’s patient and favourable hearing of this our reasonable and humble supplication. And first it will please your highness and honourable Estates presently convened to be informed, that we are here a number of the ministry out of all the parts of the kingdom, and that the bishops have protested to a great many of us since our coming, that nothing should be agreed nor consented unto by them in this present parliament, in matters concerning the discipline and order of the Church, without our knowledge and advice, affirming that neither we nor they have any power to consent to any novation or smallest change of the order established, without the advice of the General Assembly ; whereupon we resting in security, have received a sudden report of an article to pass for a law in this parliament, decerning and declaring that your majesty, with the advice of the archbishops and bishops, and such a competent number of the ministry as your majesty out of your wisdom should think expedient, shall in all time coming have full power to advise and conclude all matters of decency, and which any way may concern the policy of the Church, and that such conclusions shall have the strength and power of laws ecclesiastical ; wherein it will please your majesty and honourable Estates to hear our just griefs, and to consider our reasonable desires, and not to put us, your majesty’s humble subjects, to that poor and simple part of protestation, which, if remedy be not provided, we shall be forced to use, for the freedom of our Church and discharge of our consciences.

“ We then first plead our reformation, and that the purity of our Church in doctrine, ministration of the sacraments, discipline and all convenient order, with the best reformed churches in Europe, hath been acknowledged rather as a pattern to be followed of others, than that we should seek our reformation from those that never attained to that perfection which we, by the mercy of God, this long time past have enjoyed under your highness’s protection.

“ Next we plead the liberty of our Church, which, by the laws of your majesty’s kingdom and divers Acts of Parliament, is established with power of public meetings and annual assemblies, and allowance to make canons and constitutions, such as may serve for the comely order thereof; all which by this conclusion that is intended will be utterly overthrown.

“ Thirdly, we plead for the peace and tranquillity of our Church, that, being nearest the divine and apostolical institution, hath lived without schism and rent in itself, and by introduction of any novelty against order may be miserably divided, and so our peace broken.

“ Fourthly, we have been at divers times sufficiently secured from all suspicions of innovation, and specially by your majesty’s letter sent down this last winter, to take away all fear of any alteration which might arise upon your majesty’s lovingly-intended journey; which letter, by your majesty’s special will and direction of your highness’s council, was intimated in pulpits; as also by that proclamation given out the twenty-sixth of September 1616, when rumours of an intended conformity with the Church of England were dispersed, whereby your majesty sufficiently avoided all such suspicion, and settled the hearts of honest men in a confidence that no such thing should be attempted.

“ These and many other reasons have moved us in all reverence, by this our humble supplication, to entreat your highness and honourable Estates, not to suffer the aforementioned article, or any other prejudicial to our former liberties, to pass at this time, to the grief of this poor Church; that the universal hope of thousands in this land, who rejoiced at your majesty’s happy arrival, be not turned into mourning; wherein as we are earnest supplicants to God to incline your majesty’s heart this way, as the most expedient

for the honour of God and weal of your subjects, so if we shall be frustrated of this our reasonable desire, then do we in all humility (with that dutiful acknowledgment of our loyalty to your majesty as becometh) protest for ourselves and all our brethren that shall adhere to this our protestation, that as we are free of the same, so must we be forced rather to incur the censure of your majesty's law, than to admit or obtemper any imposition that shall not flow from the Church orderly convened, or others having power from the same."

This protestation was subscribed by Mr Archibald Simpson, minister at Dalkeith, in name of the brethren and supplicants. In another paper, the ministers who were present set down their names each of them with his own hand, for a testimony of their concurrence, which was committed to the said Mr Archibald in custody. But as it falleth out in things unadvisedly done, and in the heat of humour, the principals in that business, quickly forethinking that which they had done, came the next morning early to the archbishop of St Andrews, entreating him to stop the presenting thereof, which they showed he might easily do, by taking the same from Mr Peter Hewet, in whose hands it was given to present.

This man, being one of the ministers of Edinburgh, had lately before been preferred to the abbacy of Crossraguel, and having thereby a place in the Parliament House, was held the most fitting to present the protestation, which he willingly undertook; for he loved ever to be meddling, and was always set to make trouble. The parliament was that day to close, and the archbishop knowing how ill the king would take their doing, went the more timely to the palace: where meeting with the abbot, he asked him concerning the protestation, desiring to see it; and having perused a few lines, began to rebuke him for taking in hand such a business. He making some excuse, and saying, it was a protestation only which could not offend, put forth his hand to take back the paper; but the archbishop holding it fast, the protestation was nearly rent betwixt them. It happened one of the grooms (called John Livingston) to see them at strife, for they had met in the private gallery near to his majesty's chamber, who showing the king what he had seen, his

majesty came forth, being as yet undressed, and asked what the matter was. The archbishop answered, "That a number of ministers having framed a protestation against the article of his majesty's prerogative, had given it to the man that he had made abbot to present, and that he had undertaken to do the same; for which he had been chiding him, it being an undutiful part in him, without once signifying the matter to his ordinary, to take such a business in hand."

The man falling upon his knees and trembling, said, "That he supposed the protestation would never offend his majesty, and that he had promised to present the same in parliament; but now that it appeared to him otherwise, he would no more meddle therewith."

The king taking the protestation and perceiving it subscribed by one only minister, inquired who those others were that convened. The abbot answered that they had all signed a paper besides, which the subscriber kept by him for his warrant. Then the king, commanding the bishop to keep the protestation, went to prepare himself for the meeting, and suspecting that some other might come and protest against the article, commanded the Register, Sir George Hay (who, upon the death of Sir Alexander Hay, had been preferred to the office the year before), to pass by that article as a thing no way necessary, the prerogative of his crown bearing him to more than was declared by it. Thus, when the hour of meeting came, the Register, as he was commanded, laying by that article, caused read the others that were concluded, as the custom is, and the same being assented to by the Estates, were ratified by his majesty. Thereafter, the king in a most grave speech, having commended the execution of the laws made to the Judges and other inferior magistrates, gave the Estates a most kind and loving farewell.

The same night the bishops had warning given them to meet his majesty at St Andrews the tenth of July, whither he minded to call the principal ministers also, that they might know his mind before he went away. The diet held as was appointed, and there assembled with the bishops the ministers of chief account, to the number of thirty-six, who being convened in the chapel of the castle, the king did speak to them to this purpose:—

“ What and how great my care hath been for this Church, as well before as since my going into England, is so well known to you all, as I neither need, nor do I mean to speak much of it, lest any should think I am seeking thanks for that I have done. It sufficeth me that God knows my intention is, and ever was, to have his true worship maintained, and a decent and comely order established in the Church. But of you I must complain, and of your causeless jealousies, even when my meaning towards you is best. Before my coming home to visit this kingdom, being advertised that in your last Assembly an act was made for gathering the canons of the Church, and putting them in form, I desired a few articles to be inserted ; one was for the yearly commemoration of our Saviour his greatest blessings bestowed upon mankind, as his nativity, passion, resurrection, ascension, and the descent of the Holy Spirit ; another for the private use of both sacraments in urgent and necessary cases ; a third for the reverent administration of his holy supper ; and a fourth for catechizing and confirming young children by bishops. It was answered, that these particulars had not been moved in any of the Church Assemblies, and so could not be inserted with the rest ; which excuse I admitted, and was not minded to press them any more till you, after advice, did give your consent thereto ; yet when in the late parliament I desired my prerogative to be declared in the making of the ecclesiastical laws, certain of your number did mutinously assemble themselves, and form a protestation to cross my just desire. But I will pass that amongst many other wrongs I have received at your hands. The errand for which I have now called you is, to hear what your scruples are in these points, and the reasons, if any you have, why the same ought not to be admitted. I mean not to do any thing against reason ; and, on the other part, my demands being just and religious, you must not think that I will be refused or resisted. It is a power innated, and a special prerogative which we that are Christian kings have, to order and dispose of external things in the policy of the Church, as we by advice of our bishops shall find most fitting ; and for your approving or disapproving, deceive not yourselves, I will never regard it, unless you bring me a reason which I cannot answer.”

The ministers, at these words, falling on their knees, did beseech his majesty to think of them as his most humble and obedient subjects, and to permit them to confer a little space among themselves, that they might return with an uniform answer. This granted, they went to the parish church, and after some two hours returned, making petition for a General Assembly, wherein these articles being proponed might be with a common consent received. The king asking "what assurance he might have of their consenting," they answered, "that they found no reason to the contrary, and knew the Assembly would yield to any reasonable thing demanded by his majesty." "But if it fall out otherwise," said the king, "and that the articles be refused, my difficulty shall be greater, and when I shall use my authority in establishing them, they shall call me a tyrant and persecutor." All crying that none could be so mad as to speak so, "Yet experience," says the king, "tells me it may be so; therefore unless I be made sure, I will not give way to an Assembly." Mr Patrick Galloway saying, that the bishop of St Andrews should assure for them, the bishop refused, for that he had been deceived by them, they having against their promise in the time of parliament taken the course which they did. Then said Mr Patrick, "If your majesty will trust me, I will assure for the ministers." The king replying that he would trust him, it was condescended that an Assembly should be called for that end, at St Andrews, the twenty-fifth of November next.

Mr Archibald Simpson, the subscriber of the protestation, had been called to this meeting, but falling sick by the way, he excused himself by a letter, and therein was earnest to have the brethren oppose the articles, which he called *tricas Anglicanas*, using some other disdainful words. The letter being showed to the king, he asked for the bearer. This was Mr David Calderwood, who, carrying himself unreservedly, and breaking forth into speeches not becoming a subject, was committed in the town-house of St Andrews, and afterwards banished the kingdom. Simpson for his letter was warded in the castle of Edinburgh, where he remained unto December following.

The king after this, taking his journey to London by the west parts, was all the way through Scotland royally enter-

tained, and at Dumfries had a farewell sermon preached by the bishop of Galloway, which made the hearers to burst out in many tears.

When the diet of the Assembly came, the earl of Haddington and viscount of Stormont were sent thither as commissioners from his majesty. The archbishop made the exhortation, “wherein having deduced the story of the Church from the time of Reformation, he showed that the greatest hindrance the Church received proceeded from the ministers themselves, who for the pleasure of ill-disposed people spared not to provoke his majesty to just anger, exhorting them for the glory of God, the honour of the gospel and their own good, to take another course, and prefer the favour of their king, under whom they enjoyed so many blessings, to the vain applause of factious persons.”

It seemed at first that matters should have gone well. For the first two days there was much calmness, and the reasoning very formal and free; but then upon a motion to delay the conclusion to another Assembly, that the ministers might have time to inform the people of the equity of the articles, the greater part went that way, and almost all cried for a delay.

His majesty’s commissioners declaring that the king would take in ill part the delay, and that nothing should be done, considering the promises they had made, if a General Assembly should be granted, to receive the whole articles, a fashion was made of condescending to private communion, and the ministers ordained to give the elements in the ministration of the holy supper out of their own hands to the people; which two acts, with a letter of excuse for the continuance of the rest, were sent to his majesty. How the same was accepted may appear by the answer that came a few days after, which was this:—

“We have received your letter, and thereby understand what your proceedings have been in that Assembly of St Andrews; concerning which we will have you know, that we are come to that age as we will not be content to be fed with broth, as one of your coat was wont to speak, and think this your doing a disgrace no less than the protestation itself. Wherefore it is our pleasure, and we command you, as you will avoid our high displeasure, the one of you by

your deputy in St Andrews, and by yourself in Edinburgh, and the other of you in Glasgow, keep Christmas-day precisely, yourselves preaching, and choosing your texts according to the time. And likewise, that ye discharge all modification of stipends for this year to any minister whatsoever, such excepted as have testified their affection to our service at this time, by farthering at their power the acceptation of the articles proposed; and in the premises willing you not to fail, we bid you farewell.—*Newmarket, the sixth of December, 1617.*”

In a postscript to the same letter, it was said—“ So many bishops as you can get warned in time to preach at their sees on Christmas-day, urge them to it. Thus much in haste for this time; after two or three days ye shall hear further from us.” With his majesty’s own hand, after all, was written—“ Since your Scottish Church hath so far contemned my clemency, they shall now find what it is to draw the anger of a king upon them.”

This letter was directed to the archbishops of St Andrews and Glasgow. The other which followeth to St Andrews him alone.

“ After we had commanded the despatch of our other letter, we received an extract concluded (we know not how) in your Assembly, and subscribed by the clerk thereof; the one concerning private communion, and the other touching the form to be used at the receiving of the holy sacrament; both so hedged, and conceived in so ridiculous a manner, as besides that, of the whole articles proponed, these two were the least necessary to have been urged and hastened, the scornful condition and form of their grant makes us justly wish that they had been refused with the rest. For in the first place, concerning the communion allowed to sick persons, besides the number required to receive with such patients, and a necessity tying them upon oath to declare that they truly think not to recover, but to die of that disease, they are yet farther hedged in with a necessity to receive the sacrament (in case aforesaid to be ministered unto them) in a convenient room; which what it importeth we cannot guess, seeing no room can be so convenient for a sick man (sworn to die) as his bed, and that it were injurious and inhumane from thence in any case to transport him, were the room never so neat and handsome to which they should carry him.

“ And as to that other Act, ordaining the minister himself to give the elements, in the celebration, out of his own hand to every one of the communicants, and that he may perform this the more commodiously, by the advice of the magistrates and honest men of his session, to prepare a table at which the same may be conveniently ministered; truly in this we must say that the minister’s ease and commodious sitting on his tail hath been more looked to than that kneeling which, for reverence, we directly required to be enjoined to the receivers of so divine a sacrament; neither can we conceive what should be meant by that table, unless they mean to make a round table (as did the Jews) to sit and receive it. In conclusion, seeing either we and this Church here must be held idolatrous in this point of kneeling, or they reputed rebellious knaves in refusing the same, and that the two fore-said acts are conceived so scornfully, and so far from our meaning, it is our pleasure that the same be altogether suppressed, and that no effect follow thereupon. So we bid you farewell.—*Newmarket, the 11th of December, 1617.*”

These letters were accompanied with another to the council, for “inhibiting the payment of stipends to any of the rebellious ministers refusers of the said articles either in burgh or landward, till they did show their conformity, and that the same was testified by the subscriptions of the primate or ordinary bishop.” Which letters being showed to the ministers of Edinburgh, and others that happened to repair to that city for augmentation of stipends, did cast them into a great fear; and repenting their wilfulness, as they had reason, became requesters to the archbishop of St Andrews to preach as he was commanded on Christmas-day at Edinburgh, trusting his majesty should be mitigated by his obedience and intercession for the rest. Neither did he fail to use his best means for diverting the king from these rigorous courses, and after a little time (so loath was his majesty to exerce any rigour against ministers) obtained a warrant for staying the execution of the former letters, till their behaviour should be tried in the particular synods, and their disposition for accepting the articles.

Mr Archibald Simpson, who all this while remained prisoner in the castle of Edinburgh, hearing that the king was so greatly displeased, did supplicate the lords of his majesty’s

commission (by whose command he was committed) for liberty, “promising not to fall again in the like errors, and professing a great sorrow for his meddling with the protestation; as likewise for writing that letter wherein he had taxed the Church of England.” Being brought before the commission, after he had set his hand to his supplication, he was permitted to return to his charge at Dalkeith. Yet ere many days passed, finding the countenances of the holy brethren cast down upon him, he dispersed an apologetic (as he entitled it), wherein, making a gloss upon every word of his confession, he concluded, “that whatsoever weakness or frailty had befallen him, he hoped to be like Peter, *qui ore negavit, et corde confessus est*, and never to betray the Lord’s cause with Judas.” This I have remembered by the way, to make the humours of these men seen, and the small regard they take of saying and gainsaying, when it maketh for their purpose.

But to proceed. The bishops, upon advertisement given them, convened at Edinburgh the twenty-ninth of January, and considering the hurt that the Church might receive if the commission granted in parliament for provision of ministers (which was to expire at Lammas next) should take no effect, did by a common letter entreat his majesty for a warrant to proceed in that commission, giving hopes that, in their synods, they should induce the ministers to obey.

The answer returned in February next was to this effect: —“That howbeit his majesty did interpret well their doings, as intended for the good of his service; yet, considering the obstinate resistance of the ministers to all his just and religious desires, he could not expect any thing from them in their meetings but a farther expression of their former misbehaviour. Not the less as he had once already, upon the archbishop of St Andrews his entreaty, suspended the execution of his last directions, so at their requests he was pleased that the commissioners for stipends should meet and go on with the providing of churches, they, in the meantime, in their own persons and in their own cathedrals, observing the festivities that should intervene betwixt and the synods, and ministering the holy communion with the reverence required, at the feast of Easter next.” Thus were matters

pacified for that time, and the commission for augmentation of stipends by the warrant of this letter put in practice.

Most of the next summer was spent in that work, but with greater detriment than benefit to the Church; for what augmentation soever was granted, the same was recompensed to the givers by prorogation of their former leases for numbers of years, and thereby the Church more damnified than bettered.

In the synods all things were carried with reasonable quietness, so as, upon the bishop's humble request, license was granted for meeting in a General Assembly, and the same indicted at Perth the twenty-fifth of August. The Lords Haddington, Carnegy, and Scone, were commissioners in this Assembly for the king, who, upon the end of the sermon, presented his majesty's letter, conceived as followeth:—

“ We were once fully resolved never in our time to have called any more Assemblies there for ordering things concerning the policy of the Church, by reason of the disgrace offered unto us in that late meeting at St Andrews, wherein our just and godly desires were not only neglected, but some of the articles concluded in that scornful manner, as we wish they had been refused with the rest; yet at this time we have suffered ourselves to be entreated by you our bishops for a new convocation, and have called you together who are now convened for the self-same business which then was urged, hoping assuredly that you will have some better regard to our desires, and not permit the unruly and ignorant multitude, after their wonted custom, to oversway the better and more judicious sort; an evil which we have gone about with much pains to have had amended in these Assemblies; and for that purpose, according to God's ordinance and the constant practice of all well-governed churches, we have placed you that are bishops and overseers of the rest, in the chiefest rooms. You plead much, we perceive, to have things done by consent of the ministers, and tell us often, that what concerneth the Church in general should be concluded by the advice of the whole; neither do we altogether dislike your opinion, for the greater is your consent the better are we contented. But we will not have you to think, that matters proponed by us of the nature whereof

these articles are, may not without such a general consent be enjoined by our authority.

“ This were a mis-knowing of your places, and withal a disclaiming of that innate power which we have by our calling from God, whereby we have place to dispose of things external in the Church as we shall think them to be convenient, and profitable for advancing true religion among our subjects. Wherefore let it be your care, by all manner of wise and discreet persuasions, to induce them to an obedient yielding to these things, as in duty both to God and us they are bound; and do not think we will be satisfied with delays, mitigations, and other, we know not what, shifts have been proponed; for we will not be content with any thing but a simple and direct acceptance of these articles in the form sent by us unto you a long time past, considering both the lawfulness and undeniable convenience of them, for the better furtherance of piety and religion, the establishing whereof it had rather have becomed you to beg of us, than that we should have needed thus to urge the practice of them upon you.

“ These matters indeed concern you of the ecclesiastical charge chiefly; neither would we have called noblemen, barons, and others of our good subjects to the determination of them, but that we understand the offence of our people hath been so much objected; wherein you must bear with us to say, that no kingdom doth breed, or hath at this time more loving, dutiful, and obedient subjects than we have in that our native kingdom of Scotland; and so, if any disposition hath appeared to the contrary in any of them, we hold the same to have proceeded from among you, albeit of all sorts of men ye are they that both of duty were bound, and by particular benefits obliged, to have continued yourselves, and confirmed others by sound doctrine and exemplary life, in a reverent obedience to our commandments. What and how many abuses were offered us by divers of the ministry there, before our happy coming to the crown of England, we can hardly forget, and yet like not much to remember; neither think we that any prince living should have kept himself from falling in utter dislike with the profession itself, considering the many provocations that were given unto us; but the love of God and his truth still upheld us, and will

by his grace so do unto the end of our life. Our patience always in forgetting and forgiving of many faults of that sort, and constant maintaining of true religion against the adversaries (by whose hateful practices we live in greater peril than you all or any of you), should have produced better effect among you than continual resistance of our best purposes. We wish that we be no more provoked, nor the truth of God which you teach and profess any longer slandered, by such as under the cloak of seeming holiness walk disorderly amongst you, shaking hands as it were and joining in this their disobedience to magistracy with the upholders of popery. In sum, our hearty desire is, that at this time you make the world see by your proceedings what a dutiful respect you bear to us your sovereign prince, and natural king and lord; that as we in love and care are never wanting to you, so ye in an humble submission to our so just demands be not found inferior to others our subjects in any of our kingdoms. And that the care and zeal of the good of God's Church, and of the advancing of piety and truth, doth chiefly incite us to the following of these matters, God is our witness; the which that it may be before your eyes, and that according to your callings you may strive in your particular places, and in this general meeting, to do those things which may best serve to the promoting of the gospel of Christ, even our prayers are earnest unto God for you; requiring you in this and other things to credit the bearer hereof, our trusty servant and chaplain, the dean of Winchester, whom we have expressly sent thither, that he may bring unto us a certain relation of the particular carriages of all matters, and of the happy event of your meeting, which, by God's blessing (who is the God of order, peace, and truth), we do assuredly expect; unto whose gracious direction we commend you now and for ever.

“ Given at Theobalds, the 10th of July 1618.”

The letter being read once and again, as the custom is to do with letters of such importance, the archbishop of St Andrews resumed shortly the heads thereof, advising them, as he had done in his exhortation, to consider the inconveniences they should draw upon the Church by the refusal of the articles. After which the rolls being called, certain of the most wise and discreet ministers were set apart to confer

upon the articles. How matters proceeded in the said Assembly you may learn by the defence afterwards published, in answer to a lying and seditious pamphlet that came forth in print against the conclusions there taken. To our story it shall suffice, that after long reasoning, first in the conference, and then in the full Assembly, the Articles were concluded in this form :—

“ 1. Seeing we are commanded by God himself, that when we come to worship him, we fall down and kneel before the Lord our Maker, and considering withal that there is no part of divine worship more heavenly and spiritual than is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ, likeas the most humble and reverent gesture of our body in our meditation and the lifting up of our hearts best becometh so divine and sacred an action; therefore, notwithstanding that our Church hath used since the reformation of religion to celebrate the holy communion to the people sitting, by reason of the great abuse of kneeling used in the idolatrous worship of the sacrament by the papists, yet seeing all memory of bypast superstitions is past, in reverence of God and in due regard of so divine a mystery, and in remembrance of so mystical an union as we are made partakers of, the Assembly thinketh good, that the blessed sacrament be celebrated hereafter, meekly and reverently upon their knees.

“ 2. If any good Christian visited with long sickness, and known to the pastor, by reason of his present infirmity, to be unable to resort to the Church for receiving the holy communion, or being sick, shall declare to the pastor, upon his conscience, that he thinks his sickness to be deadly, and shall earnestly desire to receive the same in his house, the minister shall not deny him so great a comfort, lawful warning being given to him the night before, and that there be three or four of good religion and conversation, free of all lawful impediments, present with the sick person, to communicate with him, who must also provide a convenient place in his house, and all things necessary for the reverent administration thereof, according to the order prescribed in the Church.

“ 3. The minister shall often admonish the people that they defer not the baptizing of infants any longer than

the next Lord's-day after the child be born ; unless, upon a great and reasonable cause declared to the minister, and by him approved, the same be continued. As also they shall warn them, that, without great cause, they procure not their children to be baptized at home in their houses ; but when great need shall compel them to baptize in private houses (in which case the minister shall not refuse to do it, upon the knowledge of the great need, and being timely required thereto), then baptism shall be administered after the same form as it should have been in the congregation : and the minister shall, the next Lord's-day after any such private baptism, declare in the Church that the infant was so baptized, and therefore ought to be received as one of the true flock of Christ's fold.

“ 4. Forasmuch as one of the special means for staying the increase of popery, and settling of true religion in the hearts of people is, that a special care be taken of young children, their education, and how they are catechized ; which in time of the primitive Church most carefully was attended, as being most profitable to cause young children in their tender years drink in the knowledge of God and his religion, but is now altogether neglected, in respect of the great abuse and errors which crept into the popish church by making thereof a sacrament of confirmation ; therefore, that all superstitions built thereupon may be rescinded, and that the matter itself, being most necessary for the education of youth, may be reduced to the primitive integrity, it is thought good that the minister in every parish shall catechize all young children of eight years of age, and see that they have the knowledge and be able to make rehearsal of the Lord's Prayer, Belief, and Ten Commandments, with answers to the questions of the small catechism used in our Church, and that every bishop, in his visitation, shall censure the minister who shall be found remiss therein ; and the said bishops shall cause the said children to be presented before them, and bless them with prayer for the increase of their knowledge, and the continuance of God's heavenly graces with every one of them.

“ 5. As we abhor the superstitious observation of festival days by the papists, and detest all licentious and profane abuses thereof by the common sort of professors, so we think that the inestimable benefits received from God, by

our Lord Jesus Christ, his birth, passion, resurrection, ascension, and sending down of the Holy Ghost, were commendably and godly remembered at certain particular days and times by the whole church of the world, and may also be now; therefore, the Assembly ordaineth that every minister shall upon these days have the commemoration of the fore-said inestimable benefits, and make choice of several and pertinent texts of scripture, and frame their doctrine and exhortations thereto; and rebuke all superstitious observation and licentious profanation thereof."

These Articles concluded, order was given to intimate the same in all the parish churches, and the ministers enjoined to inform their people of the lawfulness thereof, and exhort them to obedience. But this being neglected of the greater part, was not the least cause of the distractions that ensued, especially in the Church of Edinburgh, where the people being still fostered in an opinion that their ministers would not go from their former practice, when they saw them give obedience, withdrew themselves in great numbers, and ran to seek the communion from other ministers they knew to be refractory. His majesty always, upon advertisement that the Articles were concluded, caused publish the same at the market-crosses of the principal burghs, commanding the subjects to obey and conform themselves, under the pain of his highness's displeasure.

At the same time, the king being informed that the earl of Argyle (who the summer preceding had obtained license, upon a pretext of some infirmity, to go unto the Spadan Wells) was revolted from the religion, and that he entertained some secret practice with old MacRannald for disturbing the country, did recall his license, and ordained him to be cited, upon threescore days, to appear before the council. He not appearing at the time appointed, was denounced rebel, and process of forfeiture intended against him. Whether he was perverted by his English lady, who was popish, or that to gain the favour of Spain he did change his religion, is doubtful; but thereby he lost his majesty's favour (who could never endure an apostate papist), and undid his own reputation. Some few years after he made means for his peace, and was permitted to return unto England.

In the month of November a comet or blazing star of more than ordinary bigness shined many nights together. It was held to portend great calamities, and was interpreted by divers to have foreshowed the troubles that shortly after arose in Germany. But as every one is ready to make his own construction of such things, some with us did take it to foretell the death of our noble Queen Anne, who deceased some months after, to the great regret of all honest subjects; a courteous and humane princess, and one in whom there was much goodness.

It was in this year that the synod of Dordrecht, in Holland, was gathered for repressing the Arminians, and thither did the troublers of our Church (thinking to procure their approbation) direct a relation of the government of the Scottish Church. But the synod declining all questions of discipline, held themselves to the points of doctrine controverted; and having condemned the five articles wherein the Arminians dissented from the reformed churches, the Acts of Perth Assembly being also five in number, it was given out among the vulgar sort, that they had condemned the synod of Perth; and for a time was the people entertained by some ministers in those conceits. The relation was confuted a little after, and the falsehood thereof discovered; yet they ceased not by their libels and pamphlets to injure the most worthy men, and among others the bishop of Galloway, whom they vexed so with their papers, as he, taking the business more to heart than was needful, fell in a sickness, whereof he deceased in the beginning of the same year. An excellent and ready preacher he was, and a singular good man, but one that affected too much the applause of the popular. The good opinion of the people is to be desired, if it may be had lawfully; but when it cannot be obtained (as who is he that can please all men and at all times?) the testimony of a well-informed conscience should suffice. *Mala opinio bene parta delectat*, said Seneca, *an ill opinion well purchased* (that is, for sustaining a good cause, or keeping a straight course) *should work us joy and delight, not grieve us at all*.

Upon the death of Bishop William Cowper, Mr Andrew Lamb was translated to Galloway, to whom succeeded in Brechin Mr David Lindsay, then minister at Dundee. At Edinburgh, betwixt the magistrates and ministers, a great

strife and discontent was raised, because of the people's straying from their churches, at which the magistrates were thought to connive. Their usurpation, besides, in church affairs, especially the intruding of a clerk upon the church session, did minister no small cause of offence. The matter was brought before the king, where, in behalf of the ministers, it was said, "That they were unkindly entreated for the obedience given to the Acts of Perth Assembly;" the magistrates, by their commissioner, did on the other side inform, "That the ministers were the cause of the people's disobedience, some of them having directly preached against the Acts of Perth, and all of them affirmed that these Acts were concluded against their hearts."

His majesty remitting the trial of these complaints to his secretary, and to the archbishops of St Andrews and Glasgow, whenas they had examined the same, it appeared that both the one and the other were in fault, and that the mistakings among them were not the least cause of the disorders in that church, whereupon they were admonished to lay aside their grudges, and to keep one course for the retaining the people in the obedience of God and his majesty. The magistrates and council were likewise commanded, as the king had given direction, to provide four other ministers, besides those that were in present service, and perfect the division of the town in parishes, which had been often promised. And so shortly after this, were Mr William Forbes, minister at Aberdeen, Mr John Guthrie, minister at Perth, Mr John Maxwell, minister at Mortlach, and Mr Alexander Thomson, minister at Cambuslang, translated from their several churches, and placed ministers at Edinburgh.

The next year, being the year 1620, the wars of Bohemia growing hot, and the Palatinate invaded, the king took in mind the defence of his daughter and grandchildren in their patrimony; and because a supply of monies was required to such a business, the council was desired to travail with the noblemen, the members of session, and the town of Edinburgh, for a voluntary contribution, knowing that others, by their example, would be drawn thereto. The noblemen, meeting to this effect the twenty-fourth of November, expressed a great forwardness to satisfy his majesty's desire; yet fearing that all the contributions, when they were brought

together, should prove unworthy, advised the council rather to call a parliament, and impose upon the subjects, by way of tax, a reasonable proportion, according to the wealth and substance that every man had. This being signified to the king, he refused to have any supply by tax, for he considered that the collection would require a time, and a burthen should that way be cast upon the commons and poor labourers of the ground, which would make an outcry among the people; therefore, he desired as before, that noblemen and those others he had named in his first letter should be urged to show their liberality.

A new meeting for this business being kept in January thereafter, divers overtures were made for giving his majesty content. The noblemen that were present made offer for their parts to give a benevolence according to their abilities; but divers of their rank being minors, and others abroad in their travels, they saw not who would undertake for them. The town of Edinburgh being pressed with an answer, excused themselves as being one burgh only, and lacking the concurrence of the rest, without which any supply they could make would be of little worth. The advocates, clerks, and other members of the session, gave in effect the like answer, so as they were forced to turn unto the first overture for a parliament. And for that the difficulties of the contribution could not so well be expressed by letter, it was thought meet that one of the council should be sent to inform his majesty of the reasons and necessity they had to call a parliament. This employment being laid upon the archbishop of St Andrews, he took journey about the end of the same month, and obtained, after a little insisting, his majesty's warrant for a parliament. Thus was it indicted to keep at Edinburgh the first of June, and prorogued to the twenty-third of July thereafter.

In this mean time, it happened that Sir Gideon Murray, treasurer-deputy, being then at court, an information was made against him for abusing his office to the king's prejudice. The informer was James Stewart, styled then Lord Ochiltree; who, out of malice carried to the gentleman for the strictness which he had used in calling him to an account for the duties of Orkney, made offer to justify the accusation; and, by the assistance of some of better credit than

himself, prevailed so far, that the matter was remitted to the trial of certain counsellors at home. The gentleman being of a great spirit, and taking impatiently that his fidelity, whereof he had given so great proof, should be called in question upon the information of a malicious enemy, by the way as he returned from court, did contract such a deep melancholy, as neither counsel nor comfort could reclaim him; so far was he overgone, that no advice given by friends, nor offer of their assistance, nor the company and counsel of any whomsoever, could reduce him to his wonted estate; and so, after he came to Edinburgh, within a few days departed this life. It was not doubted, if he should have patiently attended the trial, but he had been cleared, and the accusation proved a mere calumny; nor was it thought that the king did trust the information, but only desired to have the honesty of his servant appear. Yet such was his weakness (courage I cannot call it), as, giving scope to his passions of anger and grief, he suffered himself to be therewith oppressed. By his death the king did lose a good servant as ever he had in that charge; and did sore forethink that he should have given ear to such delations. But of that pestilent sort some will never be wanting in the courts of princes, and happy is the king that can rid himself of liars in that kind. The gentleman, always, died happily, and had his corpse interred in the church of Halyrudhouse.

The time of parliament drawing near, the marquis of Hamilton was employed as commissioner for keeping the same. At his first coming, having understood the business that some turbulent ministers were making to impede the ratification of the Acts of Perth Assembly, he caused discharge all the ministers out of the town, the ordinary preachers excepted, and two of the number that would not be made quiet, he sent prisoners to Dumbarton. All that time he did carry himself, and the matters committed to his trust, with such wisdom and foresight, as within a few days he brought them all to the end which he wished, without any open contradiction. The subsidy desired was granted; the Acts of Perth Assembly ratified; and divers other constitutions for the profit and good of the country, as in the Acts imprinted may be seen. At the closing of the parliament, which was the fourth of August, such abundance of rain, with such thunderings and

lightnings, did fall, as the noblemen and others of the Estates were compelled to leave their horses, and betake them to their coaches; which the factious sort did interpret to be “a visible sign of God’s anger for ratifying the Acts of Perth:” others, in derision of their folly, said, “That it was to be taken for an approbation from Heaven, likening the same to the thunderings and lightnings at the giving of the law to Moses.”

This was the last parliament of King James in this kingdom, and that wherein he received greatest content: for the puritan faction had boasted that the Acts of Perth should never pass in a law (so confident they were of their favourers in the parliament-house); and now that they failed in their hopes, he trusted they would become more wise. But the king, no less careful to have the Acts obeyed, than he was to have them pass in a law, did commend the same by two several letters to the bishops and to the lords of council.

To the bishops he said, “That as they had to do with two sorts of enemies, papists and puritans, so they should go forward in action both against the one and the other; that papistry was a disease of the mind, and puritanism of the brain; and the antidote of both, a grave, settled, and well-ordered church in the obedience of God and their king; whereof he willed them to be careful, and to use all means for reducing those that either of simplicity or wilfulness did err.”

In the letter directed to the council, he put them in mind of that he had written in his “*Basilicon Doron*,” “That he would have reformation to begin at his own elbow, which he esteemed the privy-council and session, with their members, to be, as having their places and promotions by him. Therefore commanded them and every one of that number to conform themselves to the obedience of the orders of the Church now established by law, which he trusted they would readily do. Otherwise if any councillor or sessioner should refuse and make difficulty, he did assure them that if within fourteen days before Christmas they did not resolve to conform themselves, they should lose their places in his service; and if any advocate or clerk should not at that time obey, they should be suspended from the exercises of their offices, and the fees and casualties thereunto belonging, unto such

time as they gave obedience." In the same letter he willed the council to take order, "that none should bear office in any burgh, nor be chosen sheriff, deputy, or clerk, but such as did conform themselves, in all points, to the said orders." This letter was of the date, At the Honour of Hampton, the twenty-ninth of September 1621.

By this may the reader judge of that which hath been commonly affirmed, "That the nobleman who was commissioner should have promised, at the passing of the Acts, that none should be pressed with the obedience of them, but all left to their own pleasures." That his majesty gave no such warrant it appears by the foresaid letters, and that the nobleman would go an inch from that he was trusted with, none that knew him will believe. The truth is, that in most persuasive words (and with that majesty which became the place he represented), he did "require them all to acquiesce, and willingly obey the conclusions taken, and not to draw upon themselves, by their disobedience, his majesty's anger; assuring them, in that case, that his majesty should not in his days press any more change or alteration in matters of that kind without their own consents." And this was all the nobleman spake, as divers yet living may remember.

In the beginning of the next year, the chancellor died at his house of Pinkie, near to Musselburgh, in a good age, and with the regret of many; for he exercised his place with great moderation, and to the contentment of all honest men. He was ever inclining to the Roman faith, as being educated at Rome in his younger years; but very observant of good order, and one that hated lying and dissimulation, and above all things studied to maintain peace and quietness. Sir George Hay, clerk of register, being then at court, was preferred to the place, and by his dimission Mr John Hamilton, brother to the earl of Haddington, made keeper of the register.

About this time, upon advertisements sent from England of the enlargement of certain priests and papists that were there imprisoned, a rumour was dispersed that the king was inclining to a toleration of popery, and would grant liberty of conscience. This rumour was increased by occasion of certain directions sent from the king to the bishops of England, for reforming certain abuses crept into the Church, whereby the preachers and lecturers were commanded on

Sundays and holy days, in the afternoon, to teach the Catechism only, or then some text taken out of the Creed, the Ten Commandments, or Lord's Prayer; and in their preaching to abstain from handling the deep points of predestination, reprobation, election, the universality, efficacy, resistibility or irresistibility of grace, leaving these themes as fitter for the schools than for simple auditories; as likewise not to presume in any lecture or sermon to limit and bound, by way of positive doctrine, the power, prerogative, jurisdiction, authority, or duty of sovereign princes, or to meddle with matters of state, having reference betwixt princes and people, otherwise than they were instructed and preceded in the homily of obedience, and others of that sort set forth by public authority. These directions were interpreted to be a discharge of preaching, at least a confining of preachers to certain points of doctrine, which they called a limiting of the Spirit of God; and, as people will ever be judging and censuring public actions, every one made the construction whereunto their humours did lead them.

The better and wiser sort, who considered the present estate of things, gave a far other judgment thereof; for as then the king was treating with the French king for peace to the protestants in France, and with the king of Spain for withdrawing his forces from the Palatinate, at which time it was no way fitting that he should be executing the rigour of his laws against papists at home, while he did labour for peace to them of the religion abroad; the most likely way to obtain what he did seek of these princes being a moderation of the severity of laws against priests and papists, at least for a time. And as to the directions given to the preachers, the same they judged both necessary and profitable, considering the indiscretion of divers of that sort, who, to make ostentation of their learning, or to gain the applause of the popular, would be meddling with controversies they scarce understood, and with matters exceeding the capacities of people.

The king offending with these rumours, which he heard were dispersed in both kingdoms, took occasion in a parliament assembled about that time in England to speak to them, and say, "I understand that I am blamed for not being so careful as heretofore, of maintaining true religion, and for not

executing the laws made against papists; but ye should know that a king and his laws are not unfitly compared to a rider and his horse; the spur is sometimes to be used, but not always; the bridle is sometimes to be held in, at other times to be let loose, as the rider finds cause; just so a king is not at all times to put in execution the rigour of his laws, but he must for a time, and upon just grounds, dispense with the same, as I protest to have done in the present case, and to have connived only for a time, upon just cause, howbeit not known to all. If any man for the favour showed to a priest or papist will judge me to be inclining that way, he wrongs me exceedingly. My words, and writings, and actions, have sufficiently demonstrated what my resolution is in matters of religion."

Some more words to this purpose he uttered in that meeting; but in a letter directed to the council of Scotland he was somewhat more rough, finding fault with those that presumed to censure his proceedings, and commanding them to take an exact trial of such as had broken out into any such insolences either in word or deed, and to punish them severely according to the laws. This was not well published, when the news of the prince's journey to Spain made all good men amazed; for hearing that he was gone accompanied only with the duke of Buckingham and another servant, the fear of inconveniences that might befall his person did mightily trouble them. But it pleased God, both in his going and returning, safely to conduct and protect him. The occasion and success of that journey I shall shortly relate.

A match had been treating of a long time betwixt the prince and a daughter of Spain, which received many hinderances both at home and in that court; but it being thought that the delays made in these parts would be easily removed by the presence of the prince himself, whereof great hopes were given by Gundomar the Spanish ambassador, the king gave way to the journey, as hoping by this mean to have the Palatinate freed from the vexations of war, and a general peace established throughout Christendom. Thus the prince, accompanied in manner aforesaid, departed secretly from court, and landing at Calais, went through France undiscovered, and after a few days came safely to the court of Spain.

At his coming he was kindly received, and welcomed with divers courtly compliments, but found a greater strangeness than he expected ; for although he was still kept in hope of the match, yet he was not permitted to visit the lady, but upon condition to speak in such and such terms, and no otherwise. Afterwards they began to move him touching his religion, desiring he should confer with some divines, for that he could not have the Infanta to wife, unless he was converted and became a Roman-catholic. The prince replying, “ That he would never change his religion for such a worldly respect, nor would he enter in conference with any divines to that purpose, for if they did not prevail with him, it would breed a greater discontent :” it was then told him, “ that he must attend till a dispensation was procured from Rome, and that in the meantime he should be entertained as a prince, but not as a suitor.”

This dispensation being returned, which had in it a condition, that the king of Spain should take oath to obtain the king of Britain’s consent unto certain demands concerning religion, there was a letter therewith sent from Pope Gregory the Fifteenth to the prince, wherein, after many fair and plausible words, he said, “ That as Pope Gregory was the first that induced the people of England to submit themselves to the See Apostolic, so he bearing the same name, and being his equal in the height of dignity, though inferior to him in virtue and holiness, desired nothing more than to follow his pattern, and promote the health and happiness of that kingdom ; the rather because his peregrination at that time had given such hopes of a happy success. For since he was arrived in Spain and at the court of the catholic king, with a desire to join in marriage with the house of Austria (which intention he greatly commended), he could not believe that he did really desire the match and in heart abhor the catholic religion, and seek to ruin the holy see of Rome.” Then falling to a prayer, he “ besought God the Father of lights to advance him (the most fair flower of the Christian world, and the only hope of Great Britain) to that noble inheritance which his illustrious progenitors had gained by the defence of the apostolic authority, and the suppression of the monsters of all heresies.” Towards the end of the letter, willing him “ to call to mind the ancient times, and make his

prayers to his ancestors, that they would vouchsafe to teach him the way by which they went to heaven," he asked, "how he could with patience hear the heretics call them damned whom the catholic faith doth testify to reign in heaven, and to dwell exalted above all the princes of the earth?" In end, returning to his supplications, he said, "that the Catholic Church Roman, stretching forth her arms to embrace him with all affection as her most desired son, he could not perform any thing of greater comfort to the nations of Christendom, than to bring again the profession of that most noble island to the prince of the Apostles, whereof he could not despair, his hopes being set on God, in whose hands are the hearts of kings," &c.

This letter, given at Rome in the palace of St Peter, the twentieth of April 1623, and in the third year of his apostolate, was delivered to the prince about the midst of May, which he received courteously, thanking the pope for his good affection. Thereafter, understanding that the dispensation was granted, he pressed the performance of the marriage, but was answered, "That the conditions must first be fulfilled, and the articles concerning the Infanta, her liberty of profession, when she came into England, and the education of her children, if God should grant her any by him, drawn up in form." These articles being advised by a commission of divines, were sent into England, and shortly after returned signed with his majesty's hand, and approved by the council. And now it was thought there should be no more delays used, but other excuses were forged; as, "That it was not fitting the Infanta should go to England before the business of the parliament was settled, and that these articles must be sent to Rome and allowed by the pope." The prince perceiving that there was nothing really intended on the king of Spain his part, and that the treaty was only entertained till the king of Spain had reduced Germany in his power, resolved to be gone, and declaring the necessity he had to return, did leave a proxy in the hands of the earl of Bristol (the ambassador legier) for espousing the Infanta, how soon the articles returned from Rome. So the king of Spain having conveyed the prince a little way towards the sea, they parted in most loving terms, and in hope the match should take effect. But the prince being after that informed

of a conclusion laid, "That if the match should be farther pressed, the Infanta, to eschew the same, should presently enter into the house of *los Discalceatos*" (a monastery of bare-footed nuns), after he was parted, sent and commanded Bristol not to make use of the proxy till he should advertise.

The prince having for his convoy home eleven of the king's ships and some merchants, arrived at Portsmouth the fifth of October with his whole retinue, and went the next day to Royston, where the king lay. The joy was exceeding great of all sorts of people, and public thanks given to God throughout all the churches of both the kingdoms for his safe return. Soon after, when the king perceived by the report, that neither was the match truly meant, nor the Palatinate like to be restored, he directed the earl of Bristol to insist for the restitution, and if he was put off with delays, to take his leave and come home; which also he did. Thus was the marriage which had been long treated of quite dissolved, the king saying, "that he would never marry his son with a portion of his only sister's tears."

The year following, the ministers of Edinburgh were greatly vexed by a sort of mutinous people, who, separating themselves from the public assemblies, kept private conventicles, and went so far as to oppose publicly the order established for receiving the holy communion. The leader of those was William Rigge, elected one of the bailies for that year. This man, puffed up with a conceit of his own abilities, did dream of no less than the overturning of the Church orders, and reforming of the ministry in such things as he held to be amiss: hereupon, in a meeting ordinarily kept before the celebration of the holy sacrament, he did publicly challenge Dr William Forbes, who was afterwards preferred to the bishopric of Edinburgh, for divers points of doctrine delivered by him in his sermons; and whenas he refused to be judged by him and the laies that assisted, the said bailie did openly threaten them all, that unless they returned to the old form of ministering the holy communion, the whole people should forsake them. Herein he was assisted by John Hamilton, an apothecary, John Dickson, William Simson, John Mayn, and some other base companions; who being called before the council, were charged to leave the

town, and the bailie, William Rigge, deprived of his baylerie, and declared incapable of any public office in time coming.

This trouble gave occasion of settling the state of that Church in a better case than in former times—"the ministers being ordained to reside in their own parishes, and have allowed to them a sufficient maintenance; the popular election of ministers, whenas places by any occasion fell void, discharged, and the presentation appointed to be made by the provost, bailies, and council; the sessions to be choosed yearly by the magistrates and ministers for the particular parishes, who should convene every year some ten days after the election of the magistrates for that business; the meeting before the communion, wherein the ministers were accustomed to be censured by the people, simply prohibited;" with divers other particulars serving to the orderly ministration of all things in the Church.

The sixteenth of February, Ludovick, duke of Richmond and Lennox, deceased, to the great regret of all that knew him—a nobleman of excellent parts, whose very aspect and countenance did promise much good. He was thrice married; first to a sister of the Earl of Gowrie, by whom he had no children; his second wife was a sister of the Lord Loudoun, by whom he had a daughter and son that died both young. In his third and last marriage with the countess of Hartford, he found more content than in both the others, but lived with her only some few years, being taken away in the forty-eighth year of his age. His brother Esme, a noble gentleman, succeeded, but did not survive him long, for he died the next year, leaving a hopeful succession of children behind him.

The next year, in the month of March, James, marquis of Hamilton, deceased also—a nobleman of rare gifts, and fitted for the greatest affairs, which he showed at his deputation to the parliament 1621, and at other divers occasions. His death was the more grievously taken, that it was thought to be procured by poison, whereof the monstrous swellings in his face and body afore his death gave great appearance. His corpse, brought to Scotland by sea, was interred at Hamilton with his predecessors.

These two deaths affected the king exceedingly; and when

it was told him that the marquis was dead, he said, "If the branches be thus cut down, the stock cannot continue long:" which saying proved too true, for shortly after he fell into the fever that the physicians call *Hemitriticeum*—a dangerous fever to those that are grown in years—and thereof died at Theobalds, the twenty-seventh of March, being Sunday, about twelve of the clock in the forenoon. The Thursday preceding his death he desired the blessed sacrament to be ministered unto him, which he received with great devotion, professing to the prince his son, and those that stood by, that "he had received a singular comfort thereby," wishing all men to do the like when they were visited in that sort. From that time to the hour of his death he was still almost praying, and some one sentence or other of piety ever in his mouth. As he drew near to his end, the prayer usually said at the hour of death being ended, having repeated once or twice these words, *Veni, Domine Jesu*, he gave up the ghost without any pangs, such as are commonly seen in persons that are dying. ✓ He was the Solomon of this age, admired for his wise government, and for his knowledge in all manner of learning. For his wisdom, moderation, love of justice, for his patience and piety (which shined above all his other virtues, and is witnessed in the learned works he left to posterity), his name shall never be forgotten, but remain in honour so long as the world endureth. We that have had the honour and happiness many times to hear him discourse of the most weighty matters, as well of policy as divinity, now that he is gone, must comfort ourselves with the remembrance of these excellencies, and reckon it not the least part of our happiness to have lived in his days.

Many doleful epitaphs in all languages were composed to express the sorrow conceived by his death. This following, penned by a learned divine in our vulgar language, did affect me so, as I thought good to subjoin it:—

All who have eyes, awake and weep,
 For he whose waking wrought our sleep
 Is fallen asleep himself, and never
 Shall wake again till waked for ever.
 Death's iron hand hath closed those eyes
 Which were at once three kingdoms' spies,

Both to foresee, and to prevent
Dangers as soon as they were meant.
That head, whose working brain alone
Wrought all men's quiet but its own,
Now lies at rest. O let him have
The peace he lent us, in his grave.
If that no Naboth all his reign
Was for his fruitful vineyard slain ;
If no Uriah lost his life
Because he had too fair a wife ;
Then let no Shimei's curses wound
His honour or profane his ground.
Let no black-mouthed, no rank-breathed cur,
Peaceful James his ashes stir.
Princes are Gods ; O do not then
Rake in their graves to prove them men.
For two-and-twenty years' long care,
For providing such an heir,—
Who to the peace we had before
May add twice two-and-twenty more,—
For his days' travels and nights' watches,
For his crazed sleep, stolen by snatches,
For two fair kingdoms joined in one,
For all he did, or meant to have done,
Do this for him, write on his dust
JAMES, THE PEACEFUL AND THE JUST.

NOTES TO BOOK VII.

NOTE I. P. 200.

EXAMINATION OF THE POSTSCRIPT TO THE GOWRIE CONSPIRACY, AND OF MODERN HISTORIANS ON THE SUBJECT.

[THE paragraph in the text, which this note illustrates, is both curious and important. It is curious and important to find, in reference to that extraordinary *postscript* to the Gowrie conspiracy, the trial and execution of George Sprot, that a churchman of the first reputation and highest position in the kingdom, who gravely performed the part assigned him in that discreditable tragedy, who sat as one of the judges on the trial, and attended on the scaffold to attest the dying words of the wretched victim, should himself have entertained the utmost contempt for the whole proceedings, and an utter disbelief of the culprit's *confessions*. The archbishop did not, and dared not, at the time announce his disbelief, or even evince scepticism. Far less dared he, in the lifetime of the monarch whom that strange story so deeply concerned, have published such a paragraph as his history contains. Yet his contempt for, and disbelief of, the wild romance extracted, *per fas et nefas*, from the notary Sprot, he deliberately recorded for all posterity to read. This of itself is no unimportant commentary upon that disgusting passage in the history of James VI.

Our author's paragraph, moreover, is important in this respect, that it distinctly records a fact overlooked by all our best modern historians, yet of the utmost importance to the question of the truth or falsehood of those so called confessions, upon which *alone* Sprot was convicted. The archbishop asserts, as a fact unquestioned, that the letter from Logan of Restalrig to the earl of Gowrie, which the culprit confessed that he had abstracted, and declared he still possessed, was never made forthcoming on his trial. In the paragraph under consideration, he states, as one of the reasons for his opinion that Sprot's story seemed "a very fiction, and to be a mere conceit of the man's own brain,"—that "*neither did he show the letter*;"—which letter formed the basis of the indictment, and which was then, according to the original record itself, understood to be the *only* one of those treasonable missives that Sprot had in his possession. Of course our author must mean, that throughout *the whole* proceedings the letter itself never was produced; for had it been produced after Sprot's first confession, so as to be inserted *verbatim* in his indictment, or produced at any time so as to support his confession, the archbishop would scarcely have been guilty of so puerile a defence of his scepticism, as the argument that Sprot did not "show the letter" at first. His statement is very shortly expressed; but it distinctly amounts to this, that throughout the proceedings which led to the execution of Sprot, *not one of those famous letters from Restalrig to Gowrie were produced*.

But all our modern historians, paying not the slightest attention to this simple and unequivocal statement of one of the leading judges on that trial, and one most observant of the whole proceedings from first to last, have assumed and asserted that *the letters* were produced on the trial, and that upon those productions *themselves* his majesty's advocato libelled against Sprot. No doubt,

the archbishop may have given us a false account of that matter, and the modern historians may be quite correct. But let us see to that. Let us first test Spottiswoode's statement by the original record of the trial, and then look into history on the subject.

The whole evidences relating to the matter have been collected, in their most authentic form, by Mr Pitcairn, in his laborious and valuable publication of the Criminal Records of Scotland. From this repertory we derive the facts. The indictment itself is there printed from the original record. Sprot is accused of being guilty, art and part, of the Gowrie conspiracy, by having become cognizant thereof before the fact, and not having revealed the treason. It is narrated that he acquired his knowledge by reading various letters from Logan of Restalrig to the earl of Gowrie, referring to the conspiracy; that this had happened by means of Logan's confidential messenger "laird Bour," who had given Sprot those letters to read, he, Bour, not being able to read one syllable,—a fact, by the way, of no little consequence to the evidence that is supposed to authenticate the details of the poor notary's insane victimizing of himself. The indictment further narrates that, besides *having seen* several of the letters in question, the accused had taken that opportunity of *abstracting one*, and retaining it in his own possession. *This* letter is specially libelled; and it is the *only letter*, of all the alleged treasonable missives from Logan, the contents of which his majesty's advocate even pretends to have such knowledge of as to be able to libel thereupon. This one is so introduced as to seem, not an *abstract* as Mr Pitcairn loosely assumes it to be, but a *verbatim extract* of the whole substance material to the cause. It is important, in reference to a comparison of Archbishop Spottiswoode's notice of the subject with the dissertations by modern historians, to bear in mind that the indictment proceeds only upon *one* letter, and only charges the accused with having obtained possession of that one, though he is also accused of having *seen* others in the hands of this Bour. Moreover, the public prosecutor does not pretend to libel upon the letter *itself* as a *production*. He does not say, that, in consequence of Sprot's confession, the letter was sought for and recovered, either from him or his repositories,—a most important point in the prosecutor's case, and which, had the fact so been, he could not fail to have specially introduced. Then, again, the same letter, or at least a letter generally assumed to be so, is produced about a twelvemonth afterwards, on the trial of *Logan's bones*, and it turns out to be *essentially* different from the *extracts* in the libel against Sprot.

The record of that unhappy man's principal confession is also printed by Mr Pitcairn, and serves to illustrate this state of the indictment. In that confession (upon which *alone* the public prosecutor proceeded against him) he admits having *seen* various treasonable letters, and that he abstracted and possessed *one* of them. But he *produces none*. From memory, however, he repeats what he declares to be the substance of a letter from Gowrie to Logan, and also what he declares to be the tenor of the letter alleged to be from Logan to Gowrie, which he had abstracted and retained. On comparing these two important records, the confession and the indictment, it will be seen that the only letter libelled is the very same as that which had been taken down from Logan's own lips. That he there had given it from memory, and had not *produced it*, is manifest from the conclusion of his examination, where he depones, "That he *left the above written letter in his chest* among his writings when he was taken and brought away, and that it was closed and folded within a piece of paper." The king's advocate, for reasons best known to himself, did not libel upon the letter from Gowrie to Logan, which Sprot in his confession also repeated from memory. *That* letter was never pretended to be produced at all; nor was it heard of more! Neither does it appear that the advocate, upon this deposition of Sprot's, recovered out of his chest the letter from Logan to Gowrie. Had he done so, he would have stated the fact, and libelled upon the production of it. Instead of which, as is manifest from the terms of the indictment itself, he libels entirely

upon Sprot's confession, and upon the letter as repeated from memory therein, *ipsisimis verbis*. Throughout the whole record of the trial, so well collected by Mr Pitcairn, there is not a circumstance or expression to warrant any other idea than this, that not one of the treasonable letters, about which so much was heard some time afterwards, and *no letter at all*, was produced throughout the proceedings that brought Sprot to the gallows. And here we may pause to correct a comment which the ingenious editor of the Criminal Trials has noted under the indictment printed in his text.

Mr Pitcairn, seeing the very imperfect *resemblance* between the scrap of a letter libelled on, and that which he *assumes* to be the same letter produced at the trial of Logan's bones a year after, but being wedded to the notion that all the letters are authentic, and that Sprot spoke the truth, thinks some apology necessary. And here it is: "It will be readily observed," he says with great simplicity, "that a mere *abstract of part only of the treasonable letters* had been considered by the public prosecutor as *necessary* to be engrossed in the 'Dittay' of Sprot; proper transcripts of *these epistles* will be found in the following article, No. XV. Restalrig's forfeiture, June 24, 1609, where they were produced in evidence, and recorded in the Books of Parliament."

This note distinctly involves an assertion, that the public prosecutor at Sprot's trial, about a twelvemonth before Restalrig's forfeiture, had in his possession "the treasonable letters" (five in number), afterwards produced in the process against the bones. Mr Pitcairn is not justified, by any part of the record he has printed, in the comment he has made. What "treasonable letters" were in the power of the king's advocate at that trial? Surely his own indictment, and the recorded confession upon which it founds, is the best evidence on that subject. He only libels upon one letter, and does not pretend to say that even that one was recovered by him, or that he had any other knowledge of its contents than what he acquired through Sprot's statement in his confession. The *five* letters, long afterwards produced, to which Mr Pitcairn alludes in his note, and so loosely assumes to have been within the advocate's power from the first, are never hinted at as being so, throughout the whole proceedings against Sprot. And does this industrious and ingenious gentleman (seemingly not much accustomed to sift and to weigh evidence) really mean to tell us, that at this trial the public prosecutor had in his possession, or in his power, those five Logan letters, stuffed full of the rankest treason in the most prolix detail, and yet thought it *not necessary*, in a case of the highest importance, to libel upon them, or to produce them, or even to allude to them? Would his Majesty's advocate, in a matter so deeply affecting his Majesty's interest, have contented himself with founding upon a tortured *confession*, which the culprit might have retracted, and with libelling upon a scrap of a letter taken from the accused's agonized lips—a scrap that will not stand the test of the most cursory comparison with any one of the Logan missives, if he at that time really had in his power those five letters? Then Sprot's own confession, which is turned into the libel against him, and forms part of the record, puts this matter beyond doubt or question. For he distinctly depones that he possessed but *one* letter, which he repeats from memory, and that he *never possessed more* of this treasonable correspondence. Would he have confessed to a single letter only, when the whole correspondence was in his possession? Or would his Majesty's advocate have made the most important discovery that such was the case, without taking advantage of it on the trial, or placing a hint of that unexpected discovery on the record? What then becomes of Mr Pitcairn's note, intimating that the public prosecutor had not thought it *necessary* to libel upon more than an "abstract" of the *five Logan letters*, which our antiquary assumes to have been in his power at the date of the proceedings against Sprot? With the highest respect for that intelligent collector's valuable researches, we must say, that loose and partial notes, and ill-digested views of evidence, deteriorate the value of such an undertaking, and are detrimental to the cause of historical truth in which he labours. Even the

best historians will think it a sufficient fulfilment of the task of research, upon a particular incident, to turn over the groaning pages of Mr Pitcairn's voluminous collection, which may be termed the Book of Sighs, and to hasten for assistance and relief to his guiding notes; and thus error enters history from *authentic records!*

For the first time, then, in the strange proceedings against the bones of the unconscious Restalrig, were those treasonable letters, said to be in his handwriting, produced. Where they had been found, during the interval between those two processes, the public prosecutor does not vouchsafe to disclose. His summons of treason, and the whole record, is silent upon that subject. He mentions, in the narrative, the now defunct Sprot's part in the drama. "Nor was that horrid treason," we translate from the Latin summons, "of the said Robert Logan detected, until the deceased George Sprot, at the instigation, as it would appear, of divine Providence, for the sake of vindicating our fame from the calumnies of wicked men, voluntarily disclosed (*ultra patefecit*), the said treasonable conspiracy, and the guilt of the said Robert Logan therein, in the most consistent confessions (*constantissimis confessionibus*), which he verified (*manifestavit*) by quoting a letter (*litteris prolatis*) he had received (*acceperat*) from the said James Bour; and happily confirmed all this by a constant and pious death of penitence for the crime he had committed, in so long concealing such horrible wickedness."

In the above translation, we have given his Majesty's advocate credit for not having falsely narrated the state of the record in the case of Sprot. But as some readers might put a different interpretation upon the most important sentence in the paragraph quoted, that which speaks of the treasonable letter which Sprot did not receive, but *stole*, from Bour, we here give it in the original words:—" *Et dicti quondam Roberti litteris, quas a dicto quondam Jacobo Bour acceperat, prolatis, manifestavit.*" One meaning of the Latin verb *profero*, is to cite or quote. It means also to tell, publish, make known, utter, or pronounce. Any one of these significations is consistent with the fact, that Sprot, in his confession, repeated from memory the substance of a letter which he did not produce. For, again, *Litteris* does not mean *letters*, but a *letter*. We have the authority of Cicero for saying, that "*Litteras dare ad aliquem*" means to send one a letter, and that "*unis litteris*" means in one letter. On the other hand, *profero* bears the meaning, to proffer, hold out, or produce; and some may think that the passage should be translated, "by means of *producing letters*, which he had received from the said James Bour." This translation, however, if admissible, would furnish no argument whatever to prove that Sprot had received those letters from Bour, and that they were produced at his trial. It would only prove that the lord advocate, in the summons of treason against Logan, had *falsely narrated* the state of the record in the proceedings against Sprot. The passage, therefore, must be translated consistently with Sprot's own confession, and with the advocate's own libel against him. No other history of the five letters produced in Logan's case is vouchsafed by the public prosecutor, and no one can tell from whence they came.

The facts, that Sprot abstracted but one letter from Bour, and only repeated that from memory in his confession, and that the public prosecutor simply turned his confession into a libel, and *produced* no letter at all, being proved unequivocally by the original record of Sprot's trial, it must be admitted that no statement to the contrary, found in any mere chronicler of the period, is of the slightest value against that original record. Calderwood has a loose paragraph on the subject, in which he seems to have mixed up the proceedings against Sprot and Logan, as if they had been contemporaneous, and one case. "Letters were found in his (Sprot's) house," he says, "alleged to be written by the umquhill laird of Restalrig to certain persons whose names could not be known, because the letters were not directed on the back: a relation was made in the letters of the whole proceedings of Gowrie's treason, and about some meeting appointed for that purpose betwixt the earl, Mr Alexander, his brother,

and the said laird, in the house of Fascastle." But it is absolutely certain that the contents of these letters were only known at Logan's trial a twelvemonth after Sprot had been disposed of. Moreover, Sprot himself deponed that he had one letter (which he had stolen), and *one only*, in his house, that from Logan to Gowrie; and the public prosecutor libelled and founded vehemently upon the absolute truth of the whole of his deposition. Had more than one letter been in Sprot's house, unquestionably he would have so deponed. Calderwood has recorded what Sprot himself contradicts, and what the public prosecutor never alleged in either of those two most suspicious criminal processes.

Mr Pitcairn does not quote Calderwood in his illustrations; but he has printed, along with the proceedings in question, a "curious fragment, among the voluminous MS. collections of Wodrow, preserved in the Library of the Faculty of Advocates, in an anonymous MS., marked—'Hist. of Church of Scotland.'—Rob. III. 2. It is evidently written by some person who entertained ideas unfavourable to the reality of the conspiracy." Upon comparing this anonymous fragment with Calderwood, we find the two passages to be identical, or very nearly so. If this fragment be earlier than Calderwood's History, we have here the source of that historian's inaccurate account; otherwise it may be the remnant of an old MS. of his history.

We now return to the text of our author Spottiswoode, which is something more to the purpose. His name stands third in the list of those distinguished assessors who sat upon the trial of George Sprot. He was on the scaffold, too, at the no less discreditable scene of his execution. Calderwood narrates an anecdote curiously coinciding with the sceptical contempt which our author expresses in his history, and not a little characteristic of the whole affair. Manifestly, the entire strength of the case *for the king* was left to depend upon the culprit's steady adherence to the confession which had been cooked into shape by torture, or upon the public faith in that adherence. "A little before the execution," says Calderwood, "when Mr John Spotswood, bishop of Glasgow, said to Mr Patrick Galloway, 'I am afraid this man *make us all ashamed*,' Mr Patrick answered, 'Let alone, my lord, I shall warrant him;' and indeed he had the most part of the speech to him upon the scaffold." He was the "king's minister." Spottiswoode's private conviction unquestionably seems to have been, that in the case there was no truth, in the execution no justice. But those were times when men of the highest station, and purest character, were too often compelled to put their conviction in their sleeve, and their conscience in their pocket. Had the treasonable letters been produced on Sprot's trial, or even one well authenticated letter, there would have been little reason for the courtly bishop expressing his fear that the wretched man on the scaffold would "make us all ashamed." Against such evidence, found in his own repositories, his dying recantation would have availed nothing. But not a letter had as yet been produced. Spottiswoode says so distinctly in his history. The original record of the trial confirms this statement of a judge who was present; and his statement in like manner confirms the record of the trial. The fact shakes the credit of this criminal process, and the farce that followed, to the very foundation; and throws another dark shade of suspicion upon the truth of the Gowrie conspiracy. But let us see how this important point has been treated by modern historians.

1. Dr Robertson records the *Sprot-Logan* story as a "strange" one, but gives credence to it; manifestly, however, without much consideration, or any research. After narrating how the notary of Eyemouth had brought this awful storm upon his own head, he goes on to say,—“Both Logan and Bour were now dead. But Sprot affirmed that he had read letters written both by Gowrie and Logan on that occasion; and, in confirmation of his testimony, several of Logan's letters—which a curiosity fatal to himself had prompted Sprot to steal from among Bour's papers—were produced. Logan's letters were five in number. One to Bour, another to Gowrie, and three of them without any direction; nor did

Sprot declare the name of the person to whom they were written." (Hist. of Scotland, Book viii.)

In these sentences, the elegant historian of Scotland makes no distinction, either in point of time or testimony, between the two trials, namely, of Sprot and of the bones of Logan. He states, as a fact, that the five Logan letters were produced at *Sprot's* trial, "in confirmation of his testimony;" and that Sprot had stolen *them all* "from among Bour's papers!" The context proves that he means the whole five letters that were produced at the *Logan* trial; for, in the first line of the sentence, he says, "*several* of Logan's letters," and then immediately adds in a note, "Logan's letters were five in number—nor did *Sprot* declare the name of the person to whom *they were written*." What wild work is here! Had the historian consulted the original record, he would have found that Sprot himself—the *sole authority* for this alleged theft of letters—only confessed to having stolen a *single letter*,—which fact was disbelieved by one of the principal assessors on his trial, because even that letter was not produced; and the judge's ground of disbelief is confirmed by the original record.

Under this confused narrative of the state of these separate processes, and this imperfect knowledge of the state of the evidence on record, Dr Robertson expresses surprise at the scepticism of our author. "Spottiswoode could not be ignorant," he says, "of the *solemnity* with which Logan had been tried, and of the proof brought of the authenticity of his letters: he himself was probably present in parliament at the trial: the earl of Dunbar, of whom he always speaks with the greatest respect, was the person who directed the process against Logan: such a peremptory declaration against the truth of Sprot's evidence, notwithstanding all these circumstances, is surprising." The historian then refers to a courtly report (most suspicious in all its terms) from Sir Thomas Hamilton (earl of Haddington) to the king, in which the former asserts that there was vast unanimity, as to the truth and propriety of the whole proceedings, and that none but *traitors* would "any longer refuse" to declare their belief in the Gowrie conspiracy. (See the letter in Pitcairn's Collection). Sir Thomas Hamilton was his majesty's advocate *for his majesty's interest*. As for "the *solemnity* with which Logan was tried" being any reason why Bishop Spottiswoode should have believed, so little did he think so himself, that he has not deemed the trial of Logan's bones, or the *authenticity* of those letters, a subject worthy of notice at all. Who was there to support the authenticity of those letters,—who dared contradict it? Logan the writer of them, Bour the carrier and custodian of them, Sprot who had seen and read them, were *all dead* before those letters were produced. With none to oppose him, with none who dared oppose, the public prosecutor for an irresponsible, unscrupulous, and most unprincipled government, triumphed *comparatione literarum*, and sang *Io pæan* to the king. Men swore it was the handwriting of Logan, which they knew. It was *particularly noted in evidence*, that the now fleshless traitor always wrote his "you" with a *y*, instead of a *z*,—and there they were! Never was the *comparatio literarum* more worthless than upon this memorable occasion.

There are two modes of bringing this imperfect species of evidence to bear upon the question of a forgery. If a skilfully forged document, or signature, be laid before a witness of competent knowledge and experience, to discover whether it be false, and he, notwithstanding the skill of the imitation, detects, and can point out, some differences or peculiarities which assure him of a forgery, this is *positive* evidence of *such deficiencies in the imitation*, and is proper evidence *quantum valeat*. But if a witness, however experienced and skilful, be brought to support the *authenticity* of a document by such comparison, and swears to it because *he can see* no peculiarity or difference indicating forgery, his evidence is merely *negative*, and, in a question of forgery, has no weight or value whatever. Were it otherwise, every forgery so well executed as to defy comparison, would be proved *authentic* by that circumstance alone. Of this last kind was the evidence upon which even modern historians have so rashly come to the

conclusion, that the authenticity of those letters had been amply proved. "They were compared," says Dr Robertson, "by the *privy council* with papers of Logan's handwriting, and *the resemblance was visible*: persons of undoubted credit, and well qualified to judge of the matter, examined them, and *swore to their authenticity*!"

This charming historian having arraigned the *scepticism* of Spottiswoode, we are entitled to arraign the *credulity* of the more polished and enlightened modern. We are not to suppose that Dr Robertson wrote his history ironically. When he records facts, we are bound to understand that he believed them to be such. He thus concludes his narrative and argument relating to George Sprot:—

"He adhered to his confession to the last; and having promised, on the scaffold, to give the spectators a sign in confirmation of the truth of what he had deposed, he thrice clapped his hands after he was thrown off the ladder by the executioner."

It will be seen that our author Spottiswoode asserts the same, without any expression of scepticism, and he was upon the scaffold. He lived in an age of superstition, extreme credulity, and delight in the marvellous. But Dr Robertson!! Would the Scots professor have accepted the proposition in this shape? A man launched from the gallows, his power of breathing suddenly cut off by the force of a ligature round his throat, and with the whole weight of his body tearing at his spinal marrow from the neck, is, nevertheless, capable at that moment of exercising his living faculties, his memory and his will, as if in unbroken continuity from the time when he stood in life upon the scaffold! All this, and no less, is involved in the assertion that Sprot, when *sus. per col.*, punctually and exactly *performed the promise* which he had made (or which Mr Patrick Galloway made for him) on the scaffold. That the action was the simple one, and perhaps the most *convenient* for a man hanging, of clapping his hands, removes none of the difficulty. If it was the *deliberate fulfilment* of a promise made beforehand, then there is, or may be, complete presence of mind, the exercise of memory, and the command of will, all active in a human being the moment after the weight of his body has fallen upon his neck from a gallows! That Sprot, under the instructions of "Maister Patrick Galloway the king's minister," should have announced the presumptuous promise, may be believed. That the convulsive action of the dying or dead man's hands would be represented by those interested, and understood by the vulgar or the credulous, as a conscious fulfilment of it, is no less likely. But that it should be received and recorded as a fact by Dr Robertson, was no more to have been expected, than if he had received and recorded this story, *physically just as possible*, that Sprot applied to his nose a pinch of snuff, pulled off his night-cap, and kissed his hand to the spectators, immediately after he had been "launched into eternity."

2. Malcolm Laing, in the *first edition* of his history, had arrived at the conclusion, that the Logan letters were forgeries. He submits them to a close and searching inspection, and it would not be easy to answer the reasons which he there assigns for his very decided opinion. But his argument is crippled by the circumstance, that he, too, has fallen into the great mistake of assuming that at least one of the letters taken down from Sprot's memory (or his pretended memory) in that confession, which the king's advocate simply turned into a libel, was actually *produced* by Sprot at that time. "There were two letters," he says, "*produced at his confession*, the one from Gowrie, which afterwards disappeared, the other a *transcript* of Logan's answer, the original of which was preserved among his writings, and engrossed in his indictment; but at Logan's posthumous trial, *four additional* letters were produced; and although the discovery of these *might be recent*, the letter formerly inserted in Sprot's indictment was again exhibited *in a different form*," &c.—(Hist. Book i.)

It would have been very odd had Sprot, at this confession, produced the *original* of Gowrie's letter to Logan, and only a *transcript* of Logan's to Gowrie,—which last *only* he admitted to be in his possession. The transcript is a gratuitous

assumption of Mr Laing's—that historian having perceived that the confession proved that the letter itself was not produced. It is immaterial to the present argument whether Sprot then produced a *transcript* of the alleged letter, or whether the tenor of it was taken down from his memory. But there is no authority whatever for the fact assumed, nor is there the least likelihood that Sprot would have been carrying about his person a transcript of that letter, for which he referred his examiners to his private repositories. Neither is there the slightest authority for assuming that it was engrossed in his indictment *from the original*. The confession, and that part of the indictment which embraces the letter, are composed *ipsissimis verbis*. Moreover, the fact, so pointedly and justly noticed by Laing, that when the same letter was produced at Logan's trial, *it was not the same*, of itself sufficiently proves that the king's advocate had formerly recovered no such original letter from the repositories of the tortured notary as that contained in his indictment. As for the *production* of “the one from Gowrie, which afterwards disappeared,” here also the historian has rashly assumed a fact, unsupported by, and contrary to, the evidence. Sprot himself expressly depones, that the only letter of the alleged treasonable correspondence that was ever in his possession, was the single one from Logan to Gowrie, which he stole from Bour. Can he, then, at the very time he so deponed, be supposed to have *produced* that other letter from Gowrie to Logan? And if he had, how could it have “disappeared”? The truth is, it *never appeared*; and the probability is, that it never existed.

In the *second edition* of his history, however, Malcolm Laing comes to a totally different conclusion, both with regard to the Gowrie conspiracy and the authority of the Logan letters. His recantation affords so curious a specimen of a retrograde movement, on the part of an historian of no small account in Scotland, that we must give it entire:—

“No historical question has ever perplexed me more than the Gowrie conspiracy. From the different copies of the same letter from Logan to Gowrie, as inserted in Sprot's trial, and in Logan's attainder, I did not hesitate, in the first edition of this history, to pronounce the whole correspondence a forgery. The difference appeared to be still greater upon examining the original Records of Justiciary and Parliament, in which Sprot's trial and the attainder of Logan are respectively engrossed. At the same time, the absolute identity of the letters with Logan's handwriting is attested by such strong and unexceptionable evidence, that any explanation, sufficient to reconcile the apparent contradiction between the different copies of the same letter, should be preferred to the ultimate supposition of forgery. The explanation which I have now discovered, has at last convinced me that the letters are genuine, and that Logan was really accessory to the Gowrie conspiracy.

“Sprot, in his confession (which is preserved by Abbot, but not inserted in the Records of Justiciary), recites from memory the substance of Gowrie's letter to Logan,¹ which he had seen with Bour before it was returned to the earl with Logan's answer. This answer, also, which he had stolen from Bour, by whom it had been sent back to Logan, he proceeds, in the same manner, to recite from memory;² and preserves the most striking expressions and circumstances, but with many unavoidable *alterations, omissions, and additions* of his own. The letter itself was preserved, as he said, among his other papers in a chest at Eyemouth; and the *regular mode of procedure undoubtedly was*, to have searched for the original, and to have produced it at his trial. But the privy-council having obtained his confession on the tenth and eleventh of August, *to prevent*

¹ In his first edition, Laing (who was never at a loss for a fact when he wanted it) says that Sprot *produced* that letter from Gowrie to Logan.

² In the first edition, he says that Sprot produced a *transcript* of this letter.

his retracting it, brought him to trial upon the twelfth; and he was executed on the same day that he was condemned. The letter recited in his confession was inserted in his indictment *instead of the original*; and from this circumstance, Spottiswoode, who sat upon his trial as one of the assessors to the Justice-general,¹ was doubtful whether he should mention the arraignment and execution of Sprot in his history; 'his confession, though voluntary and constant, carrying small probability. It seemed a very fiction, and to be a mere invention of the man's own brain; for neither did he show the letter, nor would any wise man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be.' But the letter itself was discovered afterwards among Sprot's papers,² *together with four others* from Logan to some unknown correspondent on the subject of the conspiracy (Cromarty, 92); and *this explanation of the fact* removes the seeming contradiction between the different copies of the same letter, as inserted in Sprot's indictment and in the attainder of Logan." Edition 1819, vol. iii. Note II. p. 533.

Never did any historian more completely stultify himself than Mr Laing has done by this second edition of his views regarding the authenticity of the Logan letters, and their bearing upon the truth of the Gowrie conspiracy. It will be observed, that this absolute but irrational repudiation of all his former reasoning on the subject is entirely based upon the single allegation, that the five letters in question were "discovered afterwards among Sprot's papers." What though they were? How would that have proved the authenticity of letters, the contents of which, as indeed Mr Laing himself has partly shown, in his first edition, cannot stand the test of a close inspection and comparison with facts and dates? The inexplicable circumstance is admitted, and most weakly handled by this historian, that the public prosecutor himself, with this alleged treasure in his possession, neither ventured to use the letters, which were the very foundation of his prosecution, on the trial of Sprot, nor to *drop a hint* that he had found them. As the passage in his history proves, Archbishop Spottiswoode, one of the principal assessors on that trial, and whose conviction of the truth of the proceedings it was essential to secure, was left in ignorance of such a discovery, and historically recorded in consequence his utter contempt and disbelief. But how, we repeat, would the discovery have authenticated the letters? Sprot was a miserable tool in the hands of unscrupulous power. He was a poor scribe, of very bad character, and *notorious* as an imitator of autographs and forger of documents: "*præterea, Scriba tam felix in imitandis chirographis, signisque effingendis, ut veranè an falsa internosci vix possent.*" (See *Historia Rerum Britannicarum, Roberto Jonhstono*; MS. Advocates' Library. Also a copy of the same printed at Amsterdam 1655, p. 267.) Were it proved that the public prosecutor actually got those missives from Sprot himself, or out of his repositories, the fact would only make room for the very prevalent theory, that the wretched notary himself, who had been led on to become the instrument of his own destruction, had also been made the instrument of a desperate crime of the court.

But Mr Laing's recantation is far more faulty and irrational than this. He has assumed the fact, inadequate though proved, upon authority that is not of the slightest value; and even that he has misquoted, and stretched beyond its limit. It was to be expected, from an historian of his pretension and reputation, that so violent a change of opinion, upon a subject of no small historical importance, would be accounted for, not only by the announcement of some *most*

The Justice-general did not preside. It was "Mr William Haint," one of the Justice-deputes, who were often mere cyphers upon such occasions.

² But Spottiswoode must have known the fact of the recovery of the original, before writing his history, had it been a fact.

relevant fact, but by that stated upon unequivocal authority, precisely and accurately quoted. His *fact* is, that all the five Logan letters were discovered in Sprot's repositories. His whole *authority*, and manner of quoting it, is comprehended in this cabalistic parenthesis "(Cromarty, p. 92)."

That ancient courtier and statesman, George, first earl of Cromarty, when eighty-three years of age, published a defence of "The Royal Family in Scotland," against the "Generation of Vipers," who "did suggest and propagate most abominable lies against the majesty, honour, and person of King James the Sixth, in the matter of Gowrie's conspiracy and punishment thereof." This nobleman had been Clerk Register and Justice-general in Scotland, which gave him the best opportunities of exploring the records there. As regards the matter of the Gowrie conspiracy, he appears to have done so to little purpose; for of all the dissertations and arguments on the subject, of any pretension, Lord Cromarty's is the loosest and the worst. Yet he wrote from vantage ground. There were few who explored the records in his day, or indeed who had access to them. The great Register House of Scotland still reposed in Craighleith quarry; and its most indefatigable searcher, the editor of the Book of Sighs, yet slumbered in uncreated dust. Earl Cromarty was not a Pitcairn. He seems to have found the original record of Sprot's prosecution, and of the subsequent Logan affair, including the Logan letters themselves. But he does not publish a full and exact print of all the documents, as we have them now from Mr Pitcairn. The consequence of the violent courtly spirit in which he writes, and of his isolated command of the original sources of information, is, that while he extracts a great deal, and with tolerable accuracy, he takes some most important liberties with the record, which materially aid his own theory. A notable example is this: Professing to give *verbatim* the confession upon which Sprot was convicted, when he comes to that part of it where the miserable notary quotes, or pretends to quote, from memory, *Gowrie's letter to Logan*, instead of inserting that which is printed in the confession, our noble author interjects this of his own,—"*And producing the earl of Gowrie's letter to Restalrig,*" &c. Thus my Lord Cromarty becomes *authority* for the fact (and the *sole* authority), that Logan had actually *produced* into the hands of the public prosecutor that important letter from the chief conspirator, *which was never heard of or seen more*. The terms of the confession itself, however, proves that Sprot produced no letter, and only admitted the possession of one, that from Logan to Gowrie, which he said was in his repositories.

Malcolm Laing founds his own recantation upon the alleged fact that the *whole five* Logan letters were found in Sprot's repositories. For this he quotes the noble author, though somewhat briefly and shyly. But the Earl, inclined as he is to stretch matters, *says no such thing*. He does *not* say that the five letters produced at the Logan trial were found among Sprot's papers, as Malcolm Laing has it. Did this ingenious historian imagine that no individual of the public, whom he entertains with his candid recantation, would feel interested to consult for himself "*Cromarty, 92*"? We have done so, and must here lay before our readers the whole passage referred to, premising that the Earl is narrating the substance of Sprot's confession, and occasionally interjecting a parenthesis of his own:—

"And deponed, that he did abstract (*i. e.* steal) quietly from James Bour, the principal letter written by Restalrig to the earl of Gowrie, which Bour had brought back from the earl of Gowrie (as was the custom amongst them at that time); and that when James Bour employed him, Sprot, to look over his papers, that he did keep the same, and that it was yet in his keeping, and was in his chest among his writings, where he left it when he was taken (and accordingly *the letter* was found there by the Sheriff-depute, who was ordered by Sir William Hart, Lord-justice of Scotland, to seize the said chest, and search for *this letter*, which was found and delivered to the king's advocate)." *Cromarty, 92.*

Thus, between "*Cromarty, 92,*" and Mr Malcolm Laing, the whole five cups

are found in the sack of Benjamin. But the chief merit is due to Mr Laing, who discovers four of them himself, Lord Cromarty having only found *one*.¹

We have already seen that the noble author, contrary to the evidence of the record before him, had taken the liberty to assert that Sprot, upon the occasion of his confession, had *produced* that mysterious letter from *Gowrie to Logan*, which, as Mr Laing has it, "afterwards disappeared." Notwithstanding the precise manner in which his lordship states that the other letter from *Logan to Gowrie*, which Sprot admitted to be in his possession, was sought for and found, we have every reason to believe that assertion also to rest entirely upon the *ipse dixit* of the octogenarian courtier. We have been unable to discover any other authority for the fact; which, however, is not very material to the argument of the authenticity of the Logan letters. If the public prosecutor could have explained his possession of the whole five letters in the same manner, neither would that have been conclusive of the question; though it would have been a little more to the purpose, as Mr Laing had perceived when he so put it. But "Cromarty, 92," *does not say so*. No letter is spoken of in that passage, but the single one to which Sprot confessed; and the only rational conclusion that can be arrived at, from the following considerations, is, that no such letter was found.

1. Sprot was hanged the day after his confession, and without production of the treasonable letter which he said was among his papers, in his chest at home. It was the merest puerility in Mr Laing to attempt to explain this upon the theory, that they hastened to hang their victim lest he should retract his confession. The letter, if authentic, was worth all the confessions in the world; and, moreover, it would have *nailed him to his confession*. 2. Neither at Sprot's trial, nor when the five letters were produced in the following year, did the public prosecutor drop a hint that he had recovered any letter whatever out of Sprot's possession; his own possession of those letters he never pretended to account for; nor in his report to the king, who was so deeply interested, did he say how or from whence those letters had been obtained. 3. The discrepancies, between the letter quoted in Sprot's confession, and the equivalent produced at Logan's trial, are of a nature not to be explained by the theory of an imperfect repetition from memory. 4. Lord Cromarty boldly asserts that "Sir William Hart, Lord Justice of Scotland," gave orders to the Sheriff to search for and secure the letter deponed to by Sprot; that this was done, and that the letter was delivered to the Lord Advocate. "Maister William Hairt of Preston" was one of the Justice-deputes in Scotland, and presided under that designation at Sprot's trial. He appears to have been knighted very soon after the trial, and the reason can scarcely be doubted. This respectable functionary drew up an official account of the culprit's examinations, confessions, and execution, which was prefaced by a long and abject sermon in favour of the king, by Dr George Abbot, dean of Winchester, soon afterwards made Primate of England. This *ex parte* account of the matter, so important for his majesty, the courtly dean immediately published in London. It is reprinted by Mr Pitcairn, and forms the authentic record of that confession of Sprot's, so often referred to, upon which alone he was convicted. The Justice-depute there records the fact that Sprot, upon reinterrogation, said that the letter which he had stolen was in his repositories. But, throughout the whole of this particular and official account, *Mr William Hart himself does not say* that the letter was found, or that he had ordered the Sheriff to search for it. Would he have omitted this most important fact in an

¹ If our space would permit, we could prove, from several striking examples, that Malcolm Laing was never at a loss for a fact, if such were wanting to complete or to render consistent the evidence upon which he happened to be relying. The above is one instance. Again, in this second edition of his *Gowrie* views, we hear nothing of that *transcript* of Logan's letter to Gowrie, which he formerly said that Sprot had produced. He has now no use for it; so the fact is as quietly withdrawn as it was assumed.

official report, expressly published "for satisfaction of the true-hearted and well-affected subjects to their gracious sovereign, and closing of the mouths of his malicious enemies"?

The rationality of Lord Cromarty's mind upon the subject, and his competency to treat the question of evidence so as to arrive at the soundest conclusion, may be tested by the manner in which he handles the incident of Sprot's intelligent communication with the assembled multitude, whilst in mid air he was struggling with the agonies of death. We must premise, moreover, that there is excellent contemporary authority for the fact that his arms were pinioned, probably by the elbows from behind, as is usual upon such occasions, so as to allow the sufferer to clasp his hands together, or to use them in prayer, but not to lift them high up. Accordingly, the old Latin chronicler, Robert Johnston, already quoted, tells us,—"*Relegatis post tergum manibus, injecto cervicibus laqueo, circumfusâ ingenti multitudine, in forum Edinburgensium ad supplicium tractus est.*" Now let us hear Lord Cromarty upon the *miraculous* portion of the evidence.

"I had almost forgotten that which in this action of his death was strange, and in a manner marvellous. For being urged by the ministers and others of good rank upon the scaffold, that now at his end he should declare nothing but the truth, touching the matter for which he suffered, on the peril of his own salvation or condemnation of his soul,—he, for the greater assurance of his constant and true deposition, promised, by the assistance of God, to give them an open and evident token before the yielding of his spirit. Which he accomplished thereafter; for, before his last breath, *when he had hung a pretty space*, he lift up his hands *a good height*, and clapped them together aloud three several times, to the great wonder and admiration of all the beholders; and very soon thereafter he yielded his spirit." (Cromarty, 122.)

And this leads us to a somewhat amusing point in Malcolm Laing's solemn recantation. He had not failed, in the first edition, to treat with due contempt the *miraculous* part of Sprot's confession. In his text (vol. i. p. 52), he narrates the incident, but under the ironical qualification, "we are gravely informed;" and then in a foot note, he adds: "The fact, although attested by Spottiswoode in his history, is omitted in the attestation of Sprot's behaviour at his execution, subscribed by the same historian, and those who attended on the scaffold. Calderwood and Johnston are also silent. The latter informs us that his hands were bound; *relegatis post tergum manibus*. Such is the credit due to a popular story, universally received." But Mr Malcolm Laing changed his opinion on the subject of the Logan letters; and finding that this barbarously ignorant anecdote, or disreputable juggle of "Maister Patrick Galloway, the king's minister," was part of the *evidence*, and relied upon by *Cromarty*, he had the unpardonable weakness, we had almost applied a harsher term, simply to cut out the ironical qualification from his text, to omit his rational foot-note entirely, and thus, in his second edition (vol. iii. p. 58), to leave the anecdote standing naked and not ashamed, as if he had never doubted the fact! In this manner did Malcolm Laing deal with history.

3. The indefatigable, the instructive, the amusing Tytler, whose recent history of Scotland is the best that has appeared, unfortunately runs riot altogether upon the *Logan letters*. There is something in the style of those extraordinary missives, the mysterious curiosity of their contents, the strain of wild and savage romance that pervades them, which seems at once to have attached itself to the quaint and imaginative mind of this agreeable historian. He seizes upon them, from among the less inviting mass of Mr Pitcairn's illustrations, with a natural and irresistible *gusto*. He incorporates them nearly *verbatim*, into his pure and refined text, with all their antique honours, where they show like a mask of salvage men in a courtly circle. But the indications of the ancient "daynty cheer," in the mysterious recesses of Fasteastle, "a fine *hattit kit*, with sugar, lords, and wine," and that, too, in "my awin house, where I hane kept my Lord Bothwell in his greatest extremities, say the king and his

counsall what they wald"—the dark hints of dealing with the evil one, at the distant seat of forbidden lore where Gowrie is said to have

—“learnt the art that none may name,
In Padua, far beyond the sea,”

was too picturesque to forego, and too charming to be doubted. Accordingly, he pronounces, not merely that the Logan letters are authentic, but that their authenticity has never been questioned! “These letters,” says the carried historian, “explain themselves; their import cannot be mistaken; their authenticity *has never been questioned*; they still exist; and although they do not open up all the particulars of the intended attempt, they establish the reality of the Gowrie conspiracy beyond *the possibility of a doubt*.”

The authenticity of the Logan letters has been more or less questioned, from the first moment of their production to the present day. A close examination of the proceedings against Sprot (which Mr Tytler never touches) shakes our faith in the Gowrie conspiracy to pieces. Even at the time, the public and intelligent belief in this reasonable correspondence between the Earl of Gowrie and Restalrig required to be compelled by that very equivocal character the Earl of Dunbar, who had *got up* the whole affair for the King and his Advocate. This we learn from Sir Thomas Hamilton’s own report to James—that very letter to which Dr Robertson so loosely refers, as affording satisfactory evidence of the authenticity of the missives produced at Logan’s trial. Sir George Home, created Earl of Dunbar, was the king’s first favourite and minister. He would have gone any length to retain that position. Malcolm Laing characterizes him as “an apt and devoted instrument of arbitrary power, an obsequious and oppressive minister.” Under the whole circumstances of the case, the following passage from the Lord Advocate’s letter will scarcely bear out the historian, Robertson, in the object of his reference. It must be kept in mind, that upon that extraordinary occurrence, no proof whatever was led, except the five letters produced, and the record of Sprot’s trial; that no link of connection whatever was shown between those letters and Sprot; that their authenticity was so generally disbelieved, that it was thought necessary to authenticate them by a proof *comparatioue literarum*; and that, upon that *ex parte* and selected evidence, which, besides, was merely negative, and therefore altogether inconclusive, the whole case rests. We may here dispense with the antique orthography, the original being printed by Pitcairn:—

“Hearing that sundry of that number (the Lords of the Articles) had *preconceived hard opinions of Restalrig’s process*, the knowledge thereof, *which wrought fear and mistrust* in the minds of divers your Majesty’s well affected subjects, *did breed in the Earl of Dunbar such care and fervency to remove these impediments*, that, *bending his wits in more passionate manner* nor (than) he uses to express in common and indifferent matters, he did travail *so earnestly* with the noblemen, and whole remanent Lords of Articles, and solicited some of the most learned and best experimented of your Majesty’s counsel, to furnish reasons and light, to the clearing of the probation of that most heinous treason, and gave to myself *so earnest charge*, and furnished so pregnant, judicious, and clear grounds to confirm the summons, and manifest the very circumstances thereof to the world, that he left *no travail* to me but the repetition of the substance of his information. To the which having so nearly conformed my discourse as possibly I could, it *pleaseth God* that the lords of the articles, being happily prepared by the deposition of divers honest men of the ministry, and other famous witnesses, *who, recognoscing unquhile* (deceased) *Restalrig’s handwriting* in his treasonable missives produced by me, with very sensible and forcible reasons of their constant and confident affirmation, that these missives were written by him, when the probation of the summons was referred to the lords’ votes, they found uniformly, all in one voice, the said summons to be so clearly proven, that they seemed to contend who should be able most zealously to express the satisfaction

of his heart, not only by most pithy words, but by tears of joy—divers of the best rank confessing, that that whereof *they doubted* at their entry in the house, was now so manifest, that they behoved to *esteem them traitors* who should any longer refuse to declare their assured resolution of the truth of that treason.”

History may depend upon it, that there is something more at the back of this official and courtly report than meets the eye. We who are removed from the influence of the *passionate exertions* and *earnest travail* of the Earl of Dunbar, and who know that the inability (or perhaps *disinclination*) of “the most famous witnesses” to detect a forgery, is (in a question of forgery) no proper proof of authenticity—may be allowed to recur to, and concur in, the contemporary doubts, without the fear of being “esteemed traitors.” And here the importance of that circumstance, which all our best modern historians have misunderstood, becomes manifest. Had those five letters been *obtained from Sprot*, and produced on his trial, at least the public prosecutor’s possession of them would have been accounted for. Moreover, Sprot’s dying testimony, *quantum valcat*, that they were Logan’s letters, and not forgeries, would have been added to the mere *negative* proof of those packed witnesses whose evidence, after all, only amounted to this, that *they* could not detect the slightest symptoms of forgery in the handwriting. But if it be proved, as we think we have shown by the original record, that those letters were never exhibited at Sprot’s trial, were never identified by him, were *at no time* said by the public prosecutor to have been either produced by Sprot, or to have been obtained from his repositories, their *unexplained* production at Logan’s trial, their sudden resurrection, as if they had been dug up with the bones, casts the darkest shade of suspicion upon the whole proceedings. Produced at Sprot’s trial they could not have been; otherwise, at that time would have occurred the verification of them. Obtained from Sprot’s repositories they could not have been; otherwise Sprot himself would have confessed to them; and *his* verification of them would have been secured by the public prosecutor. Not attending to this important fact has engendered the theory that *Sprot* forged those letters. But Sprot had not been connected with *the possession* of the letters, by the proceedings on either trial. We can find no reason to suppose that Sprot forged letters the possession of which were never traced to him, however falsely he may have deponed regarding Gowrie’s correspondence with Logan. Then, where and when did the king’s advocate get those letters? He neither informs the public nor the king: but he frankly admits how much he was indebted to the *earnest and passionate travail* of the king’s minister and minion, the earl of Dunbar; and perhaps he may have been indebted to him also for the five Logan letters.¹

Our author, Spottiswoode, is not the only contemporary historian who has recorded his own and the public disbelief in the *Logan letters*, and in all the royal inferences therefrom. Calderwood, whose narrative of the facts is somewhat loose and confused, may, however, be taken as good evidence of the universal feeling on the subject. Notwithstanding poor Sprot’s supposed attempt to satisfy the public mind by his *legerdemain* exploit while suspended by the neck, the public were *not* satisfied. “Notwithstanding of Sprot’s confessions,” says Calderwood, “so many as did not believe before were *never a wheate* the more persuaded; partly because he was a false notary, and could counterfeit so finely men’s hand-writts, for which cause he was worthy of death; partly because benefit was promised to his wife and children by the earl of Dunbar, and had suffered both death and torments as a false notary.”² The people *wondered*

¹ There is a general but very loose impression abroad, that Mr Piteairn, by discovering and printing the letters that were produced at Logan’s trial, has *proved their authenticity!* He seems to have been under that impression himself. He has only proved their existence.

² We quote from Calderwood, as printed by the Wodrow Society, vol. vi. p. 780. A sentence seems to have been printed out of its proper place here. Obviously, however, the meaning is, that Sprot was a *doomed man at any rate*, from having forged deeds, and that he was bribed (as well as tortured), into his confessions in regard to Logan.

wherefore Dunbar should attend upon the execution of such a mean man ; and surmised, that it was only *to give a sign when his speech should be interrupted*, and when he was to be cast over the ladder. Farther, it was *unknown to any man* that ever Gowrie was acquainted with the laird of Restalrig ; yea, such was the account men had of Gowrie, that they thought he would not discredit himself by contracting a familiarity with so dissolute a man." Sprot's character as a falsifier of writs has naturally enough given rise to a theory,—especially with those who argue under the mistaken idea that the Logan letters were produced by him, or found in his repositories,—that by his own hand were those extraordinary missives created. A closer attention, however, to facts and dates will, we think, entirely dissipate the notion, and cause the suspicion of that mysterious crime to rest elsewhere.

Assuming the forgery, and that this notary was the forger, two propositions must be granted : *first*, that he had committed the forgery deliberately, and under circumstances which inferred prolonged leisure, security, and composure of mind ; and, *second*, that he had thus severely and dangerously taxed his time and ingenuity for some specific purpose. Nor do we think it much less doubtful, from the tenor of the letters themselves, that the specific purpose must have been to afford written evidence of a conspiracy between the Gowrie family and Logan of Restalrig against the king. Whether this supposed desperate deception would have to be traced to the secret and powerful inducements of others, or simply to *monomania*, is not material to the immediate inquiry. Now, *when* was the forgery accomplished ? Upon the 10th of August 1603, Sprot, after previous examinations which have not been preserved, and after having suffered the extremity of torture, emitted that final deposition which was turned into the libel against him. He there narrates generally what he knew, and how he came to know, of the correspondence between Logan and Gowrie. He professes to repeat from memory some of the substance of that correspondence. He admits that he stole *one* of the letters. He admits that *that* letter is secreted in his repositories at Eyemouth. And all this he deposes as a dying man. By admitting so much, and the actual possession of *one* of the letters, he was as irretrievably doomed as if he had confessed to the possession of *all* the letters. It is not at all impossible,—indeed, all circumstances considered, it is more than probable, that having been led by torture, and by some other inducements behind the scenes, to tell a false story, and to invent the scrap of a letter, he had, when pressed, also *falsely* said that it existed in his repositories. But this certainly may be deemed *impossible*, that supposing him to have *actually forged for the specific purpose* those five Logan letters, he would now have only used them to the extent of a *general and very imperfect narrative*, and the admission of *one only* of a set of forgeries which he had so painfully fabricated for the very purpose of this disclosure. The conclusion is inevitable. Upon the 10th of August 1603, Sprot knew nothing whatever about these supposed forgeries. Then, had he forged them *subsequent* to that date ? Had the earl of Dunbar (a man perfectly capable of the act), induced his wretched victim, by false hopes and promises, to afford him the benefit of his expert hand, by concocting those fearful letters *after* his examination on the 10th of August ? Again we say, *impossible*. Upon the 11th of August Sprot was made to adhere to his confession of the day before ; upon the forenoon of the 12th he was convicted in terms of that confession ; and he was hanged in the afternoon of *the same day*. If he was unconscious of those elaborate forgeries upon the 10th of August, as his own confession we think demonstrates, then the Logan letters were not forged by Sprot ; and those letters, whether authentic or forgeries, were never in Sprot's possession. This state of matters is not only proved by the dying confession of Sprot, but by the Lord Advocate's indictment against him. The public prosecutor there distinctly indicates that at that time he knew of no such missives in Sprot's possession. This he does by explicitly restricting his charge, as regards that particular, to Sprot's surreptitious possession of *a single letter*, in terms of his own confession.

The wretched notary of Eyemouth having served the purpose of Government, and being hanged, drawn, and quartered (for an alleged offence in its own nature scarcely tangible), out of the way, the farce was resumed in the following year with less of cruelty, but even more of absurdity. The public prosecutor, "Tam of the Cowgate," (as the first Lord Haddington was called), appears armed with *five treasonable letters* from Logan of Restalrig to the earl of Gowrie. He calls into court the mouldering bones of the dead and buried laird, and proceeds to prove that this treason was committed by him. The obvious and only satisfactory mode of doing so would have been, to trace the *possession* of those letters home to such a quarter as would necessarily or naturally infer the reality of the alleged correspondence. They might have been found in the repositories of the Gowrie family; or, as returned letters, in Logan's repositories; or in that of his alleged confidential messenger, "laird Bour." Surely the Lord Advocate *knew* something of their history. He must at least have known how, and from whence they came into his own possession. The fact was every thing to the case. It was every thing to the doubting and bewildered public, who could not fathom these strange proceedings. It was every thing to the Lords of Articles, the judges in the case, who were shaking their heads, and putting their tongues in their cheeks on the very day of trial. But Tam of the Cowgate was as silent as the bones of the accused on that essential point of the case. He does not pretend to trace the history, or the acquisition of those letters. He does not drop a hint even that they were discovered in the repositories of Sprot. The latest confession of that victim, and the Advocate's own indictment against him, placed such an allegation out of the question. The *Earl of Dunbar* having *primed* him to meet the universal cry of forgery, he calls witness after witness,—all selected by the excited and *travailing* Earl,—to prove what? That they were intimately acquainted with Logan's handwriting, and could discover no appearance of forgery! And this, without an attempt to trace the past possession, or to account for the present possession, of those strange missives, was the Lord Advocate's case for King James, and for his prime-minister, the Earl of Dunbar. And such is the evidence for their *authenticity*, by which, although it imposed not upon the public mind at the time, our modern historians have suffered themselves to be misled!

These considerations, which can only be imperfectly developed within the compass of an illustrative note, naturally suggest the question, what was the meaning of all this iniquitous mystery? The conduct of the case for the crown no doubt inevitably leads to the only rational conclusion, that the public prosecutor could not *honestly* account for those productions. But *cui bono* the dishonesty? The Gowrie family was destroyed. King James was upon the throne of England. If a little more whitewashing, with regard to the Gowrie conspiracy, seemed to be necessary, that purpose was effected, as well as it *could be*, by the confessions of the immolated notary. Why was the crazy credit of the Government of Scotland, and of its king, to be again perilled in a prosecution which possessed no feature of legality, and which bore on the very face of it evidence of the most audacious corruption of public justice? And taking the two trials together, as one scheme of tyrannical intrigue on the part of certain powerful and unprincipled courtiers, how came it that *Logan of Restalrig*, who by this time had gone to where the wicked cease from troubling, was selected as the pretended conspirator, in concert with the princely and exclusive earl of Gowrie,—a theory which instantly provoked the public scepticism? The limits of this note will not permit us to follow out the curious inquiry with that closeness and precision which it requires and deserves. But, before leaving the subject, attention may be drawn to certain facts, not hitherto observed, which will readily suggest a new theory, and may serve as a guide to future investigators of these dark and perplexing transactions.

It is pointedly stated by Calderwood, that the case in which Sprot figured so wofully was most zealously got up by two great functionaries,—James lord

Balmerinoch, who was then Secretary of State for Scotland and Lord President ; and George earl of Dunbar, Prime Minister, (Hist. p. 779). That the last named was active, in the forfeiture of Logan of Restalrig, to a degree of excitement which he rarely displayed upon other occasions, we have on the authority of the Lord Advocate's letter to King James. Now the coincidence is not a little remarkable, that both of these worthies had engaged in money transactions to a great extent with Logan, and were deeply indebted to his estate. From the record of the Great Seal, it appears, that in the year 1605, Logan's estate of Restalrig had passed into the hands of Balmerinoch by purchase. But the price *had not been paid*; and when the laird of Restalrig died, the Secretary was in his debt no less than *eighteen thousand marks*, a large sum in those days. This is proved by the register of confirmed testaments, where Logan's is recorded ; and by the same it appears that the *Earl of Dunbar* was also Logan's debtor to the amount of *fifteen thousand marks*. To that most accurate and obliging antiquary, Mr David Laing, I am indebted for an exact transcript of the confirmed testament of Logan of Restalrig, who died in the month of July 1606. The confirmation is dated *ultimo Januarij* 1607, not long before the commencement of the process against the notary Sprot. Among the items of the debts due to the deceased occur the following :

“ *Item*, There was awin to the said umquhill Robert Logane of Restalrig, *be my Lord of Balmerinoh*, the sowme of auchteene thousand markes. *Item*, Be the *Erle of Dunbar*, the sowme of fyftene thousand markis.”

Lord Balmerinoch, as is well known, became involved in the charge of having falsified the king's name in a transaction with the Pope, about the very time of the trial of Logan's bones ; and the result of Balmerinoch's trial (also suspected of being collusive) rendered his benefiting by the *Sproto-Logan* imposition out of the question. All these matters were entirely ruled by the intriguing Earl of Dunbar ; and why that worthy was so earnest in the forfeiture of Logan's estate is pretty distinctly indicated by the following extracts from the Register of the Privy Seal, for which I am also indebted to Mr Laing.

“ Ane letter maid to his Hienes richt trustie Consigne and werie familiar Counsallour, George Earle of Dumbar, of the gift of the escheit and forfaitour of the sowme of fyftene thousand markis Scotis money, restand unpayit be him to umquhill Robert Logane of Restalrig, for compleiting the sowme of threttie aucht thousand markis of usuall monie of our said Realme, promittit and conditionit for the lands of Flemyngtoun, with the pertinents, sauld and dispoit be the said umquhill Robert Logane of Restalrig to our said richt traist Consigne his airis and assignais, heritable and irredimable, according to the contract of alienatioun maid betwixt thame thairanent, registrait in the buikis of Counsall ; quharof the said Erle payit to the said umquhill Robert befor his deceis, at divers times, great sowmes of money, extending to the sowme of twentie thrie thousand markis ; and sue restis the remanent thairof yet unpayit, extending to the sowme above mentionit ; and that in default of the said Robert Logane, for not delyverance to the said Erle of the auld evidentis concerning the saidis landis of Flemyngtoun, and not fulfilling of certain utheris substantiall heidis and conditions for the said Robert his pairt,” &c.

“ Lykeas his Majestie quytelames and simpliciter dischargeis the said George Erle of Dumbar of the particular debt and sowmes quhilk wes unpayit to the said umquhill Robert Logane,” &c.

“ At Andover the 22d day of August 1609. *Per signaturam.*”

At the same time appears another grant to Alexander Home of Renton, *the Earl of Dunbar's cousin-german*, “ Of the gift of the escheit and forfaitour of quhatsumever takis and assedatiouns, lang or schort, of all and siudrie the teynd scheavis and utheris teyndis, both personage and vicarage, and ather of thame of the parochim and parochie kirk of Horden, lying within the Sheriffdom of Berwick, quhilk pertein of befor to umquhill Robert Logane of Restalrig, and now

pertaining to our Sovereign Lord, throw the proces and dome of forfaultour ordourlie led and deduceit agains the said umquhill Robert," &c.—(*Registrum Secreti Sigilli*, LXXVIII. 1609-10.)

Since the above note was prepared for the press, there has fallen under the editor's observation a pamphlet upon the subject of the Gowrie conspiracy, published in 1849, by the accomplished novelist, G. P. R. James, Esq. Much acuteness and some research are displayed in this performance; and the author arrives at a conclusion adverse to all ideas of the truth of the Gowrie conspiracy—a subject upon which we have not attempted to enter in this note. The new views, however, which we hope to have cast upon the actual state of the strange criminal processes against Sprot and Logan, instituted by the Earl of Dunbar for the king, many years afterwards, will show that those proceedings tend to discredit, and not, as generally supposed, to support the truth of the Gowrie conspiracy. Mr James, of course, has noticed the trial of Sprot, and commented upon the treasonable letters alluded to in that process. But he, too, appears to have been misled into the erroneous idea, that Sprot was in possession of "a set" of those letters, and not of one letter merely; for he says (p. 72) "Sprot abstracted and kept the same letter [that to which he confesses], and apparently others"; and he comes to the conclusion, "that one set of letters, [Sprot's], or the other [those produced at Logan's trial], or both, were manufactured." But Sprot never confessed to more than the possession of *one letter* (it would have been no worse for his case had it been fifty); and, as Archbishop Spottiswoode says, that one was never shown. And here we must come into collision with Mr James upon the subject of that very paragraph in Spottiswoode's history which has given rise to this note. He founds upon the contemporary historian's scepticism, and then (p. 81) gives the passage thus:—

"Whether or not I should mention the arraignment and execution of George Sprot, notary in Eyemouth, I am doubtful. His story seemed a very fiction, and to be a mere invention of the man's own brain; for neither did he show the letter *which he said was written by the Earl of Gowrie*, nor could any man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as Restalrig was known to be."

We know not where the historical novelist has got that version of Spottiswoode containing the sentence which we have printed above in italics. It seems to be an interpolated sentence—of course not by Mr James, who is *omni suspicione major*; and, moreover, the vicious text is against his own argument. But Spottiswoode never could have written that sentence, as it is quite at variance with the rest of the paragraph. This, however, does not appear distinctly in Mr James's version, because, besides the interpolation, something has been omitted. We must here repeat the whole paragraph as the historian wrote it:

"Whether or not I should mention the arraignment and execution of George Sprot, notary in Eyemouth, who suffered at Edinburgh in the August preceding, I am doubtful; his confession, though voluntary and constant, carrying small probability. This man had deponed, 'That he knew Robert Logan of Restalrig, who was dead two years before, to have been privy to Gowrie's conspiracy, and that he understood so much by a letter that fell in his hand, *written by Restalrig to Gowrie*, bearing, that he would take part with him in the revenge of his father's death, and that his best course should be to bring the king by sea to Fast Castle, where he might be safely kept till advertisement came from those with whom the earl kept intelligence.' It seemed a very fiction, and to be a mere conceit of the man's own brain; for *neither did he show the letter*, nor could any wise man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be."—(See *supra*, p. 200.)

The sentence which Mr James's version omits, distinctly proves that the passage interpolated could not have been written by Spottiswoode. It is only of

the letter "by Restalrig to Gowrie" that he speaks; and there is no reference whatever in the whole paragraph to the letter from Gowrie to Restalrig. Moreover, he could not have meant to complain that this last letter was not shown, for Sprot himself only confessed to the possession of the former letter; and the historian could not be so unreasonable as to expect that Sprot should "show the letter" which he did not pretend to possess.

We know not how Spottiswoode's text has come to be thus seriously blundered in a disquisition so elaborate as Mr James's; but we exonerate that gentleman from any intention whatever to misquote our author.—E.]

NOTE II.—P. 214.

CONTRACT AGAINST THE BROKEN MEN OF THE HIGHLANDS.

[A curious illustration of the state of the Highlands, to which our author here refers, and of the feeling against the "heiland broken men," will be found in the following contract of mutual defence, the original of which is among Lord Napier's archives. The great Napier, whose signature is attached, besides the rich barony of Merchiston, possessed one-fourth of the Levenax, or Lennox, by inheritance from his ancestress, Elizabeth Menteith, co-heiress of Lennox and Rusky:

"At Edinburgh, the 24 day of December, the year of God 1611, it is apoyntit, agreit, and finallie contractit, betwixt Johnne Napier of Merchiston on the one pairt, and James Campbell of Laweris, Coline Campbell of Aberurquhill, and Johnne Campbell their brother-germane, on the uther pairt, in manner, forme, and effect as eftir followis; to wit, forsamekill as baith the saids parteis respecting and considdering the mutuall amitie, friendship, and guidwill quhilk hes been thir divers yeiris bygane betwixt the Lairds of Merchiston and Laweris and their houssis, and willing that the lyk kyndness, amitie, and frendship, sall still continew betwixt thame in tyme coming; thairfoir, the saidis James Campbell of Laweris, Coline and Johnne Campbellis thair broither, faithfully promittis, that in case it sall happin the said Johnne Napier of Merchistoun, or his tennentis of the landis within Menteith and Lennox, to be trublit or oppressit in the possessioun of thair said landis, or their guidis and geir, violentlie or be stouth of the name of M'Grigour, or ony utheris heiland broken men; in that case, the said James, Coline, and Johnne Campbellis to use thair exact dilligence in causing searsch and try the committaris and doars of the said crymes; and, on the uther pairt, the said John Napeir of Merchistoun promittis and obliassis him and his airis to fortifie and assist with the saidis James, Coline, and Johnne Campbellis, in all their leisum and honest effairis, as occasioun sall offer; and herit baith the said parteis faithfullie promittis, binds, and obliassis thame, *hinc inde*, to utheris. In witnes of the quhilk thing (written be George Bannerman, servitor to Antone Quhite, writer in Edinburgh), baith the said pairties have subscrivyt this presentis with thair hands, day, yeir, and place foirsaid, befor thir witnesses; Johnne Napier, sonne lauchful to the said Laird of Merchistoun; Alexander Menteith, his servitour; William Campbell, sone naturrell to the said Laird of Laweris; and the said George Bannerman.

JAMES CAMPBELL of Laweris.

JOHNE NEPAIR of Merchistoun.

JOHNE CAMPBELL of Ardcwнанe.

COLINE CAMPBELL of Aberurquhill.—E.]

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