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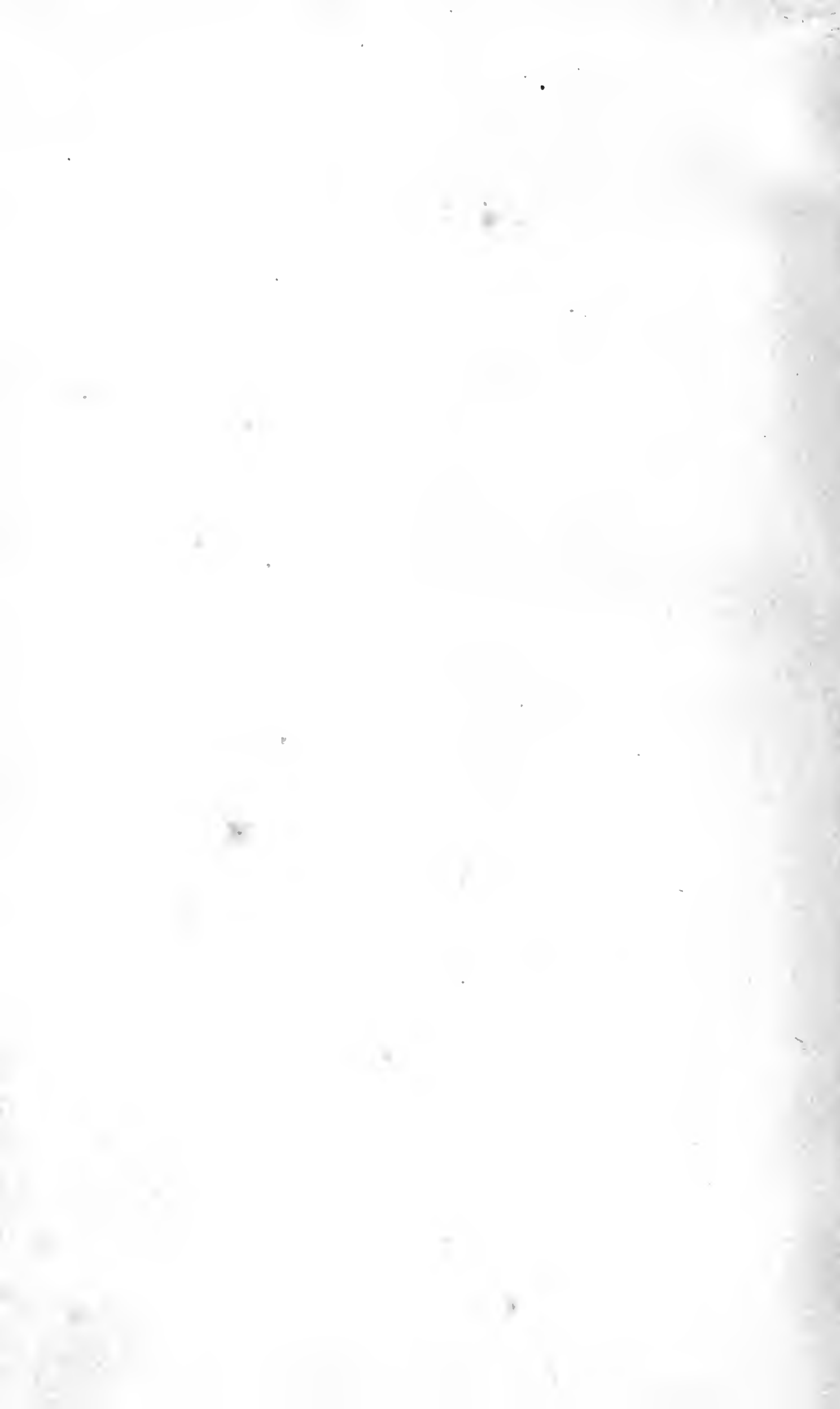
MAITLAND OF LETHINGTON



William Maitland of Lethington.

FROM THE LAUDERDALE PORTRAIT

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MAITLAND OF LETHINGTON

THE MINISTER OF MARY STUART

A STUDY OF

HIS LIFE AND TIMES

BY

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London
JAMES NISBET & CO. LIMITED
22 BERNERS STREET, W
1912

DA 787
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PREFACE

William Maitland of Lethington—his character and career—has long been one of the most interesting problems of Scottish history in the sixteenth century. Its fascination has been felt, more or less, by nearly all our historians, from Keith to the present day. Skelton was the first to attempt a formal biography of him, published in 1887–8, and his picturesque volumes remain the only professedly full account of his life. But the discussion of the history of Mary Stuart's reign has advanced considerably since his day. The works of Dr. Hume Brown, Dr. Hay Fleming, Mr. Andrew Lang, Mr. Mathieson and Mr. Henderson, have rendered Skelton's work to a great extent out of date. His leading positions have been largely subverted by subsequent research and criticism. His theory of Mary's passivity in relation to the death of Darnley has been abandoned by her warmest admirers—his criticism of the Casket Letters has been overthrown by Mr. Henderson—his plea for Lethington's non-participation in the Riccio plot is inconsistent with the abundant evidence of the State Papers. And his chronic inaccuracy in important details has not escaped severe animadversion. Moreover, a good deal of additional material of the highest value in

relation to the last years of Maitland's life has appeared since even the latest of the works above named was written. The fourth volume of the *State Papers, Scotland and Mary*, 1571–74, was issued only in 1905, and dispels a cloud of misrepresentations as to the events of these years, and as to Maitland's share in them. On all these grounds it can hardly be said that a fresh study of the subject is superfluous.

The following narrative—for these pages aim at little more than a concise and truthful statement of the facts of history, supported by authoritative references, and eschew controversy as far as possible—is founded almost exclusively on the State Papers and official documents of the time, Scottish, English, French, Spanish and Venetian. These are really the only reliable authorities, each within its own sphere, as the student of history increasingly finds out. Contemporary writings—chronicles like Pitscottie's, memoirs like those of Sir James Melville; narratives like the anonymous *Life and Death of James the Sext*—are of the utmost value as a means of gaining insight into what has been called the atmosphere of the time, its ways of thinking and feeling and acting in relation to political and social and religious questions, its standards of morals and its code of honour—as indeed is its whole literature in prose and verse. But they are far from being reliable as to the truth of history, and the undue credit sometimes given to them by historians, not of one school only, has proved seriously misleading. Defective knowledge,

insufficient inquiry, partisanship, carelessness, account for their mistakes and one-sided representations. The State Papers and official documents of the time supply the touchstone by which they must all be tried. Knox, Buchanan and, in a less degree, Lesley, are the only contemporary writers of any considerable value as authorities, and they are not invariably accurate in matters of fact.

It is true, of course, that the State Papers are themselves the work of partisans, of men who had a government to serve and a cause to support. But the writers of them are in general quite reliable as to concrete facts within their own knowledge, for the accuracy of which they were responsible to their own governments. Their opinions, as distinguished from their facts, we can and must weigh critically; and as by careful and prolonged study of their despatches, especially when we have the complete text in printed collections, such as those of Haynes, Murdin, Forbes, Lodge, Ellis, Wright, Teulet, Granvelle, Kervyn de Lettenhove, etc., or scattered through later works, Anderson, Goodall, Keith, Robertson, Laing, Tytler, etc., we get to know most of them intimately, and have no great difficulty in making the necessary allowances for their personal and official bias. The critical faculty in relation to historical study, as Skelton in his preface suggested, is little more than a sound and enlarged common sense, applied to the interpretation of human documents, working with sufficient knowledge, not only of the country with

which it is concerned, but of those with which it has close and influential relations. The history of Mary Stuart's reign in Scotland, and of Lethington's part in it, can only be fully understood and fairly estimated when studied in connection with the history of Europe in the sixteenth century. When so read, it loses all the incoherence that has sometimes been attributed to it.

I have to thank the Rev. J. E. H. Thomson, D.D., of Edinburgh, and the Rev. D. Forsyth of Shawlands, Glasgow, for valuable assistance in the revision of the proof-sheets.

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ABBREVIATIONS

THE following abbreviations are employed in the references:—

State Papers, Scotland and Mary, . .	S.P.S.
„ *Foreign, Elizabeth,* . .	S.P.F.
„ *Spanish,* edited by Hume, .	Sp. Cal., Hume.
„ *Venetian,*	Ven. Cal.
Teulet, *Papiers d'Etat,*	Teulet, Papiers.
„ *Relations Politiques avec l'Ecosse,* .	„ Relations.
Cardinal Granvelle, *Papiers d'Etat,* . .	Granvelle, Papiers.
„ „ *Correspondance,* . .	„ Corresp.
Kervyn de Lettenhove's *Relations Politiques des Pays Bas,*	Kervyn.
State Papers of Sir Ralph Sadler, . .	Sadler.
Historical Manuscripts Commission's Reports, .	H.M.C. Rep.
De la Mothe Fénelon's *Dépêches,* . .	Fénelon.
Robertson's *Statuta Ecclesiæ Scoticanæ,* .	Statuta.

Such works as those of Labanoff, *Lettres de Marie Stuart*; Paris, *Négotiations sous François II.*; Philippson, *Regne de Marie Stuart*; Pollen, *Papal Negotiations in the Reign of Mary*; the collections of Anderson, Goodall, Haynes, Murdin, Stevenson, etc., and the Histories of Knox, Buchanan, Lesley, Keith, etc., are sufficiently indicated by the names of the writers.

MAITLAND OF LETHINGTON

I

EARLY YEARS—MAITLAND AND THE QUEEN REGENT. 1528–1559

To the student of Scottish history in the sixteenth century there are not many places more interesting than the ancient burgh of Haddington. Now fallen into somnolence, it was then a place of stir and importance. Lying about half-way between Edinburgh and Berwick, on the high road to the south, it was the usual resting-place of travellers to and from the Scottish capital. It was well known to the envoys of England and France who fared to and from the Scottish Court. It was familiar with the tread of armies, and is redolent of the ancient league with France, and the wars with "the auld enemy." It recalls the English occupation, the siege of 1548, and the treaty which sent the young Mary Stewart to France. Ecclesiastically it was a great religious centre, with its abbey, now vanished—its churches, of which only one remains, one half of it used as the parish church, the other a roofless ruin, under which is the vault where generations of the Maitlands lie—and its monastic establishments, which included a nunnery. It is associated with the early years of Dunbar, of Major, and of Knox, and with the last days of the martyred Wishart.

About a mile to the south of the town stands the Tower of Lethington, then the seat of the Maitlands. It remains to-day much as it was then, except that a modern mansion has been annexed to it, to which it offers a grim contrast. It is a ponderous mass of masonry, nearly foursquare, pierced by narrow windows, whose light, coming through walls of enormous thickness, must have been scanty—a typical example of a baronial keep of the fourteenth or fifteenth century. Here, in all probability, William Maitland was born, the eldest of a family of seven, three sons and four daughters.

His younger brothers were John, afterwards Lord Thirlstane and Chancellor to James VI.; and Thomas, a clever youth, who died early, the author of a famous *jeu d'esprit*, and the interlocutor in Buchanan's celebrated Dialogue, *De Jure Regni apud Scotos*. Sir Richard, their father, was the representative of a long line of lesser barons. His mother was a daughter of the second Lord Seton, and his wife a Cranston of Crosbie. Sir Richard was a peace-loving country gentleman, upright, cautious, and conservative, whose chief recreations were his books and his garden. He was early sent to Court, and served in various offices under James IV. and his successors. He was frequently employed as a Commissioner to settle Border questions, was appointed an extraordinary (or assistant) Lord of Session in 1553, and an ordinary Lord in 1561, on the return of the Queen. A few years later, he was made Lord Privy Seal. But he had already been blind for several years, and the thickening troubles of the time were distasteful to him. He resigned the Seals in favour of his second son, and retired to Lethington, there in peace to cultivate literature and to collect Scottish poetry, to which he added some contributions of his own.[1] He lived to

[1] Sir R. Maitland's *Poems*, ed. by Bain for Maitland Club, 1830.

the age of ninety, dying in 1586, long after his brilliant son, who had made the name of Lethington known to all Europe.

William was probably born in 1528,[1]—a notable year in Scottish history. It was the year in which James v. freed himself from the tutelage of the Douglases, and drove that powerful family into exile for the rest of his reign. It was the year also in which Patrick Hamilton, the proto-martyr of the Reformation, was burned at St. Andrews. Maitland's life was thus concurrent with the rise and progress, and the final triumph, of the reforming movement, with which, on its political side, he had so much to do.

Of his early years little is known. Educated, doubtless, like Knox and Major, at the Grammar School of Haddington, he proceeded to the University of St. Andrews. Thereafter, like most Scottish youths who, in those days, aimed at preferment in Church or State, he prosecuted his studies abroad. The Scots College at Paris had, for more than two centuries, been the usual resort of Scottish students, though they were sometimes found at other seats of learning in France, Italy, and Germany. To which of these Maitland went—whether to one or more—how long he remained abroad—are questions that cannot now be answered. The wide range of culture which his letters attest favours the idea that his stay abroad was prolonged. From the time that he entered the service of the Queen Regent, and still more after he became the leading Scottish statesman of his day, he could have little leisure for the pursuit of letters. His large curiosity may have been so met by the sympathetic liberality of old Sir Richard as to enable him to reside at more than one continental university, and perhaps to travel, more or less, over Europe, in order to

[1] J. Maitland's *Regency*, 6.

acquire its tongues. His letters show that he was familiar with the literatures of France and Italy. And as to his classical acquirements, we find him in 1560 pointing out to an English correspondent the singular applicability of some of the Orations of Demosthenes to the political circumstances of the time, very much as if the Athenian were a favourite author. Latin learning was then a common possession, but the knowledge of Greek was a rare distinction in Scotland.[1] Almost as rare, for a layman, was his theological equipment, and especially his familiarity with the Bible, as displayed in his contests with Knox. It must have taken time and leisure to acquire the wide culture which distinguished him beyond all the British statesmen of his day, and which drew from Queen Elizabeth, herself no mean scholar, the admiring designation of "the flower of the wits of Scotland."

But the young Maitland was not only an accomplished scholar. He had as keen an eye for men and events as for literature. Perhaps his residence abroad in those troubled times gave him opportunities for observation, and drew out his native faculty. At all events, he comes before us, from the outset of his public life, not merely as a brilliant scholar, a pupil of the Renaissance and an avowed Protestant, but as an accomplished man of the world, with a genius for affairs, a skilful and persuasive diplomatist, much assisted by a good presence and a fascinating address, by imperturbable self-possession, and a charming gift of wit and repartee—though, of course, in many respects, a man of his time.

In 1553 he married his first wife, a daughter of Menteith of Kerse. In 1554, at the age of twenty-six,

[1] See the amusing incident in Sadler, i. 48. Erskine of Dun was the first to bring a teacher of Greek into Scotland, probably about 1545; M'Crie's *Knox*, 4; Melville's *Autobiography*, 39; H.M.C. Rep. vi. 639.

he entered the service of Marie of Lorraine, better known as Mary of Guise.

That accomplished princess, the widow of James v., had at length attained the object for which she had striven ever since the death of her husband. In December 1542, while Maitland was a schoolboy at Haddington or an undergraduate at St. Andrews, James v. died of a broken heart, at the age of thirty—a victim of the rout of Solway Moss. It was a repetition, on a smaller scale, of the disaster that had ended his father's life at Flodden. He left an only daughter, six days old, with whose name Maitland's was to be inseparably associated. The Earl of Arran, who was chosen Regent, was a professed Protestant, who favoured the English alliance, and began to treat with Henry viii. for the marriage of Mary to his son, afterwards Edward vi. But he quickly fell under the power of a stronger personality, Cardinal Beaton. The English alliance was renounced, and the Cardinal continued to rule Scotland, in the interests of France and the Roman Church, till his death in 1546. English invasions, to avenge the broken treaty, succeeded one another, till in 1547 the rout of Pinkie seemed to complete the ruin of Scotland. Arran and the nobles, in their despair, turned to France. The Treaty of Haddington (1548) sent Mary to the French Court, to be married in due time to the Dauphin, in return for French assistance against England. The tide of invasion was gradually rolled back; England became immersed in domestic troubles, and peace was made in 1550. The Regent drifted on helplessly, with increasing unpopularity, of which the Queen Dowager took advantage to supersede him. In 1554, Arran, now Duke of Chatelherault in the peerage of France, was at last got rid of, at the price of an indemnity for his intromissions with the royal revenues during his regency, the confirmation of his title as heir-

presumptive to the throne, a grant of the revenues of his French Duchy, and a lease of Dumbarton Castle for nineteen years.[1]

The new Regent owed her triumph to her daughter the Queen, now in her twelfth year, and to the influence of the French King, and her powerful brothers, the Duke of Guise and the Cardinal of Lorraine. But she was also under considerable obligations to the Scottish reforming party, whose support against the still formidable Hamiltons she had secured by the promise of a large, though extra-legal, toleration.[2] It was natural, therefore, that she should take some representatives of the party into her service. The Secretary of State, Panter, Bishop of Ross, was in declining health, and an assistant and successor was required. Maitland's capacity had been quickly recognised by those with whom he associated. Buchanan tells us that Lord James Stewart, afterwards Earl of Moray, the leader of the party, and the Earl of Cassilis, the Treasurer, also a reformer, were his sponsors to the Regent. Maitland's son, writing long after, probably on the authority of his mother, Mary Fleming, Lethington's second wife, says that the Regent, already embarking on a course which cost her dear, wished to appoint a Frenchman to the office, on the plea that no suitable Scot was available. The nobles remonstrated, and pointed to young Lethington as a man quite equal to the post. The Queen Regent yielded, and Maitland received the appointment.[3] The Bishop survived till October 1558, when his colleague became his successor, with a patent for life[4]—a tenure which seems to have been that of all the high offices of state.

That Maitland was at once admitted to the Privy

[1] Acts of Parliament, ii. 600-4; H.M.C. Rep. xi.; Maitland Club *Miscellany*, iv. pt. i. 12.

[2] S.P.F. i. 278. [3] Maitland's *Regency*, 17. [4] S.P.S. iii. 589.

LETHINGTON TOWER (LENNOXLOVE).

Council—the governing body of those days—as stated by his son, there can be little doubt.[1] The records of its meetings are lost, but his rapid rise in the Regent's favour, and the great influence he speedily acquired, seem to confirm the statement. Of real power he could, of course, have none.

The basis of the Regent's administration was the French alliance. She was really in the hands of her French advisers, who represented Henry II. and the Guises. Maitland and the reforming Lords had to wink at much that they could not approve, for the sake of the civil and religious peace, of which the Regent's government was the sole guarantee.

The Queen Dowager's policy, since the death of her husband, had been one of ostentatious moderation. She had held aloof from the administration of Arran and the Cardinal, and had even made an early attempt (1544) to supplant them,[2] in which she was assisted by the Douglases, who had returned to Scotland on the death of James. She was, of course, all for the French alliance; but she professed, and perhaps truly, from her own point of view, a supreme regard for the interests of Scotland. The later plans of the Guises had not then taken shape. She took no part in the violent and sanguinary proceedings of the Cardinal, and apparently disapproved of them. Sir George Douglas, the leader of the party who had always favoured the English alliance, accompanied her to France in 1550, to renew the attempt of 1544. In 1554, as we have said, it at length succeeded. Arran's incapacity had left him almost without a friend outside his own large clan. The Queen Dowager took his place with general consent.

The regency of Mary of Guise was a compromise

[1] Maitland's *Regency*, 7.

[2] Letters, etc., Henry VIII., v. 391; S.P.S. i. 530; Tytler, v. 369; Diurnal, 33.

which suited all parties, except, of course, that which she superseded. It suited the Protestant party, whom her promise of toleration had converted into warm supporters.[1] Toleration was all they could aim at, now that England under Mary Tudor had gone back to the Roman obedience. It pleased the clergy, to whom her connection with France and the Guises seemed to guarantee the maintenance of the French alliance, which they regarded as their best security against reform. To the Catholic and neutral nobles, and to the bulk of the nation, her capacity and moderation made the change welcome. It was not a settlement, and it could not be permanent; but it was a *modus vivendi* which promised some years of peace, and a fair field to the native forces which would ultimately decide the issue. It was in this light that the reforming Lords regarded it, and so, doubtless, did Maitland, when he accepted office in the Regent's government.

It seems a pity that the Minutes of the Privy Council from 1554 to 1560 are not extant. Lord James Stewart, and probably the Earl of Morton,[2] as well as Lethington, were members of it. The Regent leaned heavily on the Protestant Lords for support against the still formidable Hamiltons, led by the Archbishop of St. Andrews—a schism between Church and State which greatly favoured the religious peace. Yet perhaps these records would have told us little. The real Privy Council of these years was the small knot of Frenchmen with whom the Guises and the King of France took care to surround the Regent—d'Oysel, de Rubay, and one or two more. D'Oysel bore, in addition to the title of French Ambassador,

[1] S.P.F. i. 278. Mr. Lang (*John Knox*, 132) seems to misread this letter. Grange is speaking of the whole period of her rule—only five years. The promises of toleration are those of 1554, and the peace is that of Câteau-Cambrésis, 1559.

[2] S.P.S. i. 530.

the significant one of Lieutenant of the King of France in Scotland.

We have a few authentic glimpses of the young statesman during these first years of office. The earliest belongs to the year 1555. It comes to us through Knox, and is chiefly interesting as showing his close relations with the reforming party of that time.[1] The reformer arrived in Scotland in the autumn of 1555. It was his first visit since he had left St. Andrews as a prisoner of war, on the fall of the Castle in July 1547. The interval had been filled up, after his release from the French galleys, by his labours in England and on the Continent. He appears to have had little communication with Scotland during these years. The tolerant administration of the Queen Regent was a surprise to him. He found the reforming cause making steady, and even rapid, progress under her mild rule. One thing, however, was an offence to him. Many of the reformed were in the habit, contracted probably in the years of persecution, when the Cardinal's hand was heavy upon them, of attending, at least occasionally, their parish churches, as well as their own private assemblies for worship, in order to ward off suspicion and annoyance. Among the temporisers, as Knox calls them, was Maitland, who undertook their defence. As one of the Regent's ministers, he knew well the precarious basis on which the present toleration rested, and doubtless thought that some measure of compromise was justifiable, in order to save it from being imperilled, as it would be by open demonstration of their increasing numbers and strength. A conference of the leaders to consider the question was held at the house of Erskine of Dun, an old and tried reformer, and a baron of wealth and position, who was held in universal respect. The discussion soon became a dialogue between Knox and

[1] Knox, i. 247.

Maitland, in which the young statesman, in the first of many picturesque encounters, showed something of his theological equipment. It is hardly necessary to repeat the story as told in Knox's *History*. Maitland's case, from a theological point of view, was not, as he doubtless knew, a strong one. Granting Knox's premiss, which no one disputed, and which was common to all the reformed theologies of the time, that the service of the Mass was formally idolatrous, it was impossible to justify participation in it by the example of St. Paul in circumstances essentially different. The rites to which the apostle submitted for the sake of disarming Jewish prejudice, though obsolete, were not in themselves sinful, and had indeed originally had the highest sanction. But idolatry in all circumstances had been forbidden under the severest penalties. Moreover, it could hardly but be felt that there was something of dishonesty, on the part at least of convinced Protestants, in following this double course. It is not surprising, therefore, that, after saying all that could be said for the practice, Maitland threw up the argument, with a frankness which was probably due quite as much to the interests of concord as to any serious conviction. The decision was one which it would rest with the individual conscience to apply, and it may be doubted whether Maitland, and others like minded, did not continue to bow in the House of Rimmon as often as they thought it expedient.

It was in ways like this that Maitland became the recognised leader of the moderate, or political, Protestants.

Another incident of his early years is related by his son.[1] In June 1557, Mary Tudor, at the instigation of her husband, Philip II. of Spain, declared war against France, much against the will of her people,

[1] Maitland's *Regency*, 11.

who had no interest in the quarrel. Henry II. called upon Scotland, as the ancient ally of France, to retaliate, by declaring war against England. The Regent could not resist the appeal. She called the Scottish nobles to a Convention at Newbattle Abbey, and submitted to them the French demand. The Lords, led by the Duke and Huntly, and taught by the bitter experiences of Flodden and Solway Moss, were unwilling to imperil the national safety in the sole interest of France. The Regent was much displeased. Refusing to be baffled, she proceeded, in concert with d'Oysel, to compass her end by strategy. D'Oysel built a fortress at Eyemouth, which invited attack from the neighbouring garrison of Berwick. The ruse succeeded. The Lords could not refuse the defence of Scottish soil when actually invaded. But they remained resolute in their main purpose. They refused to invade England after the retreat of the English forces. D'Oysel, nevertheless, with a small body of men, pushed across the Tweed, to besiege the English fortress of Wark, taking with him some Scottish cannon. The Lords, offended at his presumption, which accorded too well with his overbearing pretensions, summoned him to return with the guns, on pain of treason. At that moment the Regent was at Kelso, and Maitland was with her. She sent him to the Lords, probably much against his will, to request the withdrawal of their order. The Lords were furious, and, notwithstanding their regard for him personally, he was in some momentary danger from their choler. He went back with an emphatic refusal, and d'Oysel, in high dudgeon, had to re-cross the Tweed. But the peace was broken, and the borderers on both sides, rejoicing in their liberty of action, kept up a petty warfare, till the treaty of Câteau-Cambrésis restored peace to all Europe in April 1559.

Another incident of this time we owe to the State Papers. A year before the peace, Maitland was concerned in an attempt to anticipate it. In February 1558 he was sent as ambassador to the Courts of England and France. He was accompanied by de Rubay, the French lawyer whom the Regent had made Keeper of the Great Seal, which she had taken from Huntly, the nominal Lord Chancellor. His mission was a failure. He did not get beyond London. His instructions were to mediate a peace with England in which France should be included. Mary Tudor would not hear of a peace with France, which had just robbed her of Calais, to the grief and indignation of her people, who threw all the blame on her and Philip. She refused his proposals, and required him to return to Scotland forthwith.[1]

It was apparently to this occasion that Maitland referred a few years later in a letter to Cecil,[2] in which he claimed to have been even then working for the union of the realms—his lifelong aim. It is not easy to see how he could have hoped at that time to achieve anything in this direction. England was in the power of Spain through Mary Tudor's marriage to Philip, just as Scotland was in the hands of France, through the marriage, just on the point of consummation, of Mary Stuart to the Dauphin. Both realms were practically under a foreign yoke; and until either, or both, could get rid of it, there seemed no possibility of alliance—unless, indeed, it were between the malcontents of both nations. It is just possible that Maitland's keen foresight saw some prospect in the latter direction. It was by this time known that the English Queen could have no issue, and that her life was uncertain. She was growing more and more unpopular every day. All eyes were turned to the rising sun; and though Elizabeth, under constraint,

[1] S.P.S. i. 205. [2] S.P.S. i. 610.

had more or less conformed to the religion which her sister had restored, it was well understood that her accession would be the signal for its downfall. Maitland might possibly take advantage of his embassy to open relations with the reforming statesmen of England, and to pave the way for possible contingencies. He can have done little more.

Maitland, as we have said, early acquired a remarkable influence over the Regent. In March 1559 the Spanish Ambassador in London wrote that the common talk there was that "he ruled her, body and soul."[1] She early recognised his capacity as a diplomatist. Of the foreign relations of her government, the only ones of difficulty and delicacy were those with England, and on these Maitland was almost exclusively employed. His son states that he was first sent to the English Court in 1555, within a year of his appointment to office.[2] Again, as we have seen, he was sent in February 1558, to offer mediation between England and France, with a view to peace. And lastly, as we shall see presently, he was sent in March 1559 in connection with the negotiations for the treaty of Câteau-Cambrésis.

This influence was due, in the first place, to his shining abilities, intellectual and practical. Of these the Regent doubtless found the advantage in many emergencies of which no trace remains. D'Oysel, her chief adviser, was a choleric Frenchman, ignorant of Scottish affairs and of Scotsmen, and Maitland's tact must often have been required to smooth over difficulties. The Regent herself did not altogether understand the people she ruled, and therefore fell into serious mistakes, from which a little knowledge of Scottish history would have saved her. She had troubles also with overgrown nobles like Huntly, who, from his widespread domains, had earned the title of

[1] Sp. Cal., Hume, i. 38. [2] Maitland's *Regency*, 7.

Cock of the North. In these and the like affairs, Maitland's advice and assistance would be found invaluable.

His great abilities were reinforced by his personal charm. His natural gaiety and his large accomplishments, his geniality and kindliness, his tact and consideration, his unfailing address, must have greatly commended him to an able and high-bred woman like Mary of Guise. He was careful to make no man his enemy, if he could help it. He was all his life, indeed, on the outlook for possible allies, even in unlikely quarters, and often did a good turn where it could hardly have been expected, with an eye to future contingencies. His friend Randolph called it popularity-hunting, but it was something more. The politic Regent was stateswoman enough to appreciate these qualities, which she in some measure shared.

There is no difficulty in understanding Maitland's influence over her. His great gifts and his entire congeniality made it inevitable. He was as little of a precise Protestant as she of a precise Catholic. Had there been no difference in their ultimate aims, and no crisis approaching to call for a decision, they might have worked together indefinitely.

Yet Maitland was really a foreign element in the Regent's government from the first. Her policy—that of the permanent subordination, or rather the practical annexation, of Scotland to France—was not his, nor that of the party with which he acted. Maitland was, before all things, a patriotic Scot. He was proud of his country—proud of its past, and ambitious for its future. "It breaks my heart," he said in 1570, "to see us at this point, that Englishmen may give us sic law as they will."[1] Not less irksome, we may be sure, was the domination of Frenchmen under the Regent. But it was an inheritance from the past,

[1] S.P.S. iii. 310.

it was unavoidable for the present, and, under existing conditions, it offered a probable pathway to a better future. It was mainly the result of the schism, religious and political, which for a generation had rent Scotland in twain, and sown universal distrust. Maitland looked to the progress of the reforming movement to bring the schism to an end, and to restore the national autonomy. He knew well the difficulties in the way. France valued Scotland chiefly as a weapon against England, and Henry II. and the Guises might be trusted to put forth all their strength to keep, if not to tighten, the grip they had already obtained. Scotland, with less than three-quarters of a million of inhabitants, impoverished by cruel invasions, was ill-prepared to stand up to France, with its large armies and fleets, and its superiority in the arts of war. The English alliance, for which the Protestant party had always contended, was in his eyes the key to the successful solution of the problem. And he hoped to see it followed in due time by the permanent union, on fair and equal terms, of the two realms—thus ending a far older schism, which had caused rivers of blood to flow on both sides of the Border. But the English alliance was impossible so long as Mary Tudor lived and reigned. Happily there were increasing signs that a change was not far off. Till that day should dawn, it was necessary to uphold the Regent's government, for the sake of the religious peace, which could not otherwise be maintained.

Of the straits to which the reforming leaders were sometimes reduced in pursuing this twofold policy of provisionally upholding the Regent, and at the same time minimising the hold of France on Scotland—we have an example in an incident which has given rise to some comment. In November 1557 the Duke, Huntly, and Argyle, the leaders of the nobles who

refused the invasion of England, seem to have been threatening the overthrow of the Regent's government. Lord James Stewart, Glencairn, Grange, Lethington, and probably Morton, rallied to her support. They went the length of consenting to the plan (often repeated, and at last disastrously successful) of restoring the exiled Earl of Lennox—the rival and enemy of the Duke, who held most of the Lennox estates—in order to provide a counterpoise to his power. They seem even to have contemplated increased military assistance from France, to strengthen the Regent's position. Evidently, however, they did not differ from the allied Earls as to the impolicy of the war with England, for they were at the same time seeking a truce on the Border, with a view to peace. The incident is obscure, and apparently remained without result. Probably the threatened advent of Lennox answered its purpose of frightening the vacillating Duke into submission, without the need of French reinforcements. The Duke's return to power at that time would have been fatal to the religious peace.[1]

Thus, the position of Maitland under the Queen Regent compelled him to be a trimmer. He accepted the rôle without scruple, and enacted it with entire equanimity. He was an opportunist by conviction. His resources were not easily strained, and his genial urbanity to all parties never failed. He disregarded scruples that would have impeded him in the pursuit of objects which were not personal but national. Satisfied of the wisdom of his aims and of the integrity of his motives, he steered his course with calm dexterity, manipulating men and events with consummate tact. Not that he stooped to anything that appeared to himself dishonourable. He was a proud man, too proud to sacrifice his personal dignity and self-respect. And if we find it difficult to accept his

[1] Tytler, vi. 78, 388.

point of view, and to acquit him of duplicity in his relations with the Regent, especially during his last year of office (to which we shall presently come), we are bound to remember the complexity of the political situation, and the lack of all constitutional means of controlling or influencing the executive government. In this respect Scotland was much behind England.

A modern minister, when he finds his position becoming ambiguous, like that of Maitland after the accession of Queen Elizabeth, takes refuge in resignation. That is an expedient to which Maitland never once thought of resorting. He never in all his career resigned his office of Secretary of State. He regarded it as his legal possession for life, in accordance with his patent. When he abandoned the Regent, he performed the same duties on behalf of the provisional government set up by the Congregation, and we read of no fresh appointment given him by Queen Mary on her return. When she practically cast him off in 1565, he still retained his office; and his banishment from Court in 1566, for several months, does not appear to have affected it. He challenged the legality of his supersession after his forfeiture by the Regent Lennox's parliament, at a time when he was leading the revolt of the nobles.[1] But he had other than legal reasons for his tenacity. When, in July 1567, he found it expedient, in opposition to his own inclination, to yield to the stream, which was flowing strongly against the Queen, he quoted to Throckmorton the French proverb, *Il perd le jeu qui laisse la partie* (he loses the game who leaves the side). He clung to the helm, even when compelled to steer a course he did not approve, for the sake of the chances of still modifying the mischief he apprehended, and of regaining the control he had lost. In all this there was nothing sordid. He cared little or nothing for the

[1] S.P.S. iii. 310.

emoluments of office, or for money in any shape.[1] He loved power for its own sake, and for the sake of the patriotic ends he aimed at. But we are anticipating.

Though the glimpses we get of Maitland during these years of apprenticeship to the trade of statesman are few and slight, it is evident that they were not unfruitful years. In virtue of his office, and of his intimate relations with the Regent, whose private recreations he appears to have sometimes shared, he gained a complete insight into the policy of her government, and into the spirit and aims of the French Court in its dealings with Scotland. That Henry II. and the Guises, with the co-operation of the Regent, were deliberately aiming at the extinction of that independence, for the preservation of which their aid had been originally invoked—were trying to reduce Scotland to the position of an appanage of the French crown—and that Maitland had full proof of the fact—is the key to his conduct during this first period of his public life. The true reading of it has been strangely missed by most of his critics, including his biographer Skelton.

That Maitland did not hide his knowledge from those with whom he acted may be taken for granted. They, on the other hand, were not without corroborative knowledge of their own, those especially who went to France for the Queen's marriage in April 1558. This mission was almost the only opportunity of enlarging his political experience that Maitland missed in this early period. He was not one of the nine deputies appointed to represent Scotland on that occasion, and probably after the death of four of them, on the eve of their return, and the ominous report of the survivors as to their treatment in Paris, he

[1] A note by the editor of S.P.S. i. 515 is almost certainly wrong. Glencairn is the man whose poverty deserved consideration. See pp. 514 and 622. Maitland was not poor.

congratulated himself on his exemption. Randolph believed that this tragic incident, which was generally ascribed to poison, weighed heavily with him when he declined the mission to Francis and Mary in 1560. Had he gone in 1558, and fallen like Rothes, Cassilis, Fleming, and the Bishop of Orkney, the subsequent history of Scotland would have been modified both for good and for evil.

It is during the year 1559 that Maitland suddenly emerges into the full light of history. Thenceforward, till the day of his death, he is one of the most ubiquitous figures in it, everywhere at the heart of its movements. Of the light thus thrown on his genius and character, we may fairly avail ourselves to interpret the preceding years of his comparative obscurity.

Sir William Cecil was the foremost of English statesmen, and a man of experience and insight. Maitland became well known to him in the course of the long and critical negotiations of 1559–60. When, in June 1560, Cecil came to Edinburgh to treat with the French "Lords Deputies," practically on behalf of Scotland as well as England, he sometimes found his Scots allies a little difficult to manage. But he warmly acknowledged the services of a few of them, of whom Maitland and Lord James Stewart were the foremost. He reported to Elizabeth that Maitland "was very helpful," that "he was worth six others," that he was "of most credit for his wit" (wisdom), that he bore "all the burden of foresight."[1]

In these last words Cecil points out the special distinction of Maitland among the statesmen of his time. Knox was his only rival in foresight. But Knox, though really a statesman of no mean calibre, seemed rather a prophetic leader than a mundane politician — a rigorist in politics as in morals and

[1] S.P.S. i. 427.

religion—whose inexorable principles and unshakable faith in their application to national affairs were supposed to exclude what men call statecraft. Maitland moved in a more mundane atmosphere. He knew the history of his country well, and it was the instinctive habit of his fine intellect to look before and after in dealing with the problems he had to face, and to study so to handle them as to lead up to the great ends to which the course of history seemed to point, and to which his public life was devoted. He was the Burke of a ruder age and an obscurer nation, in the day of its European importance, and he acquired his prescience in the same way as did that great man. Close and discriminating observation, a large knowledge of human nature, and of the motives by which men and societies are impelled, a wide acquaintance with history and with the great masters of political thought—in these qualifications Maitland was probably the most accomplished statesman of his day. It may be added that, like Burke, he made mistakes, and largely from the same fault—an exaggerated attachment to an order of society that was passing away. He spent his last years, as Burke did his, in a hopeless struggle with the inevitable, and perished among the ruins of his cause.

This forecasting habit is so conspicuous in his correspondence that it has led to a curious misconception. On the strength of a few passages in which it is applied to his personal position and prospects—all occurring within the few weeks immediately preceding the Queen's arrival in Scotland, when every one was in doubt as to her real designs—Philippson has described Maitland as *craintif*, followed by Major Hume, who speaks of his letters as "full of craven fears." Such speculations were not unnatural in a young and rising statesman in the perplexing circumstances. We shall see, from passages in his later life,

that there were few men in Scotland of greater moral or even physical courage than the versatile Secretary.

The great function we see Maitland discharging from the end of 1559 is that of bringing into line and organising (*framing*, as he called it) all the forces whose co-operation he believed to be necessary for carrying out, with safety and some prospect of permanence, the revolution which was inevitable, and which alone would end the schism that for a generation had distracted Scotland, and made it a prey to its neighbours. And this, doubtless, was only the continuation, at a riper stage, and under stronger lights, of his labours of the preceding years.

Knox was the soul of the revolution on its religious side. Without him, humanly speaking, it could not have been carried through. The driving force was his, from first to last. He precipitated it by his preaching at Perth, which was at once followed by a popular insurrection—the decisive declaration of war. Maitland saw that his time was come, that the crisis could no longer be postponed. So, on the failure of this spontaneous outburst, he proceeded to organise the second rising on a wider basis. He brought into it the political forces, without which he believed success to be impossible. Then, when the time was ripe, he openly joined it, and relieved Knox of the charge of its diplomacy.

It was, of course, inevitable that the transfer should give rise to some change in the tone and style of the Congregation's despatches. In those of Knox the religious interest was always supreme—secular interests, though far from being ignored, were treated as subordinate. Of course, this was not quite Maitland's point of view. He wished to give all parties an interest in the movement. Hence the increased emphasis he placed on national and patriotic considerations. Moreover, in his correspondence with

Elizabeth and Cecil, he had to adapt himself to their position. Elizabeth dared not avow to France and Spain that her help was given to Scotland on religious grounds. These had to be carefully kept out of sight, and even disavowed, though none knew better than they that religion alone had created and could alone sustain the amity.[1]

Knox's ideals were not Maitland's. He believed them to be in some respects impracticable and in others undesirable. With the *Civitas Dei* of the reformer he had little sympathy. He knew the kind of men he had to conciliate, especially among the nobles, who were very unlikely to welcome the theocratic commonwealth, or to submit to it. And the nobles always counted for much in Maitland's estimates. He had nothing of Knox's democratic fervour. He was an intellectual aristocrat; his sympathies were with the traditional feudal régime. He wished, as far as possible, to move on historical lines—to carry all classes with him. His supreme care was always for unity and comprehension, and he was ready for large compromises to gain his ends—compromises with which Knox would have nothing to do. What was practicable for the time was his constant aim. His "crafty head and fell tongue" were as much dreaded by one set of his opponents as his "politic head" and his capacity for "swimming between two waters" were disliked by another. Knox was his only rival in the leadership of the movement, and for a time Knox had to retire into the background. That he was "judged to be too extreme," was his own explanation.[2] Lord James Stewart, the future Moray, was the moderating power between them.

[1] Cf. Randolph's Instructions of 20th March 1561, in Keith, 158. (The references to Keith throughout are to the original edition of 1734, as the most generally accessible.)

[2] S.P.S. i. 307.

The great position we find Maitland occupying, with general consent, in 1559–60, is abundantly evident. But it is not to be supposed that the qualities which assured it had been in abeyance during the previous five years of his ministry. There are signs enough to convince us that Maitland during these early years was quietly laying the foundations of the power into which he seems suddenly to vault when the crisis arrives. During the years 1554–58 there was not a great deal that he could openly do. He kept a watchful eye on the interests of the religious peace, and on the tactics of the Regent's French advisers, with a view to quietly counteracting the latter. And it is quite possible that he was more or less behind the resistance offered to the Regent's proposals to levy a property tax in order to create a standing army. But his main employment was to establish friendly relations with all the parties into which the country was divided, and to insinuate himself as mediator between them. These parties were, roughly speaking, four. There was (1) the party of reform, led by Lord James Stewart. It included a number of the Lords, a large proportion of the barons and lairds, and most of the substantial burghers of the towns. In all the elements of real strength—positive conviction, devotion to an ideal, readiness for sacrifice to attain it—it held the first place, and bore within it the promise of the future. There was (2) the party of the Hamiltons, led by the Duke and the Archbishop. It was a large and powerful clan, linked by intermarriage with many of the leading families, and with a large following of landowners and gentry, mostly of the family surname. Its one idea was to uphold, and pursue, the family claim to the throne, on the failure of the Stewart line. There was (3) the party of Huntly, the Cock of the North, who affected a semi-regal position in that quarter. By one means

and another he had acquired a dominating influence over a wide region, and, though the Regent had done something to reduce the overgrown bulk of his estates, he was still formidable. His only aim was to recover all that he had lost, and to consolidate his power. There was (4) the party of the Church, the Bishops and clergy, who had little more than conventional support from any quarter. Though there were among the Hamilton and Huntly parties a good many nominally Catholic nobles, they were found, with few exceptions, among the neutrals when the day of trial came.

With the party of reform, Maitland, as we have seen, was in close connection. Its lay leaders were his personal friends at Court; and though he took little ostensible part in its proceedings, he was cognisant of them all, quietly observing, and probably secretly influencing, the course of the movement, rather, perhaps, from the standpoint of a statesman than from that of a partisan, though there is no reason to doubt his general sympathy.

But his chief preoccupation was with the parties of Hamilton and Huntly, without whose concurrence, active or passive, the approaching crisis could not, in his opinion, be safely encountered. Huntly had an evil reputation. He was proverbial, both in England and Scotland, for craft and double-dealing. With him and his dependent nobles Maitland's success was imperfect. But it was something to keep them in play by conciliatory advances, and thus to minimise their opposition. Huntly, with his usual duplicity, offered himself to both sides. Neither was in a position to pay his price, and he gave no efficient help to either. But his hesitation kept him from doing much harm till the crisis was past. Then, dissatisfied with the position left to him, he played for a high stake, and lost life and all.

The Duke was weak and vacillating. His regency had borne hard on the reformers, who in turn had helped to bring about his downfall, and were still his enemies. Neither he nor Huntly, nor most of their followers, had any real interest in the religious question. If these men were to be brought into line with the party of reform, other considerations than religious ones must be brought to bear upon them. There is no reason to suppose that Maitland would scruple to meet them on their own ground. It was perfectly obvious to every one that, if the reform movement was to triumph, the monasteries, with their immense wealth, must fall. Out of the spoils of the English monasteries, Henry VIII. had created a new *noblesse*, chosen from among the ablest of his servants. There must in Scotland be some similar redistribution. A good deal of the monastic property was already, directly or indirectly, in the hands of the nobles; Huntly and the Duke were large possessors of it.[1] But they held it by an uncertain tenure. Legal secularisation would make it safe, and increase it. Maitland sympathised with the claims of the nobles to the Church lands, which had been largely carved out of their own estates in earlier times, on grounds no longer credible. There is nothing unfair in supposing that he would honestly countenance their claims, for the sake of his patriotic purpose of bringing all parties to assent to a movement which it would task the strength of all to effect. It is by no means unlikely that when, in 1560, he told Knox that his plans for absorbing the whole of the Church's patrimony were "devout imaginations," he was thinking of the very different ideas he had had to countenance in order to help the

[1] Huntly had two bishoprics in his family, Aberdeen and Galloway. The Duke had St. Andrews and Argyle, with the abbeys of Arbroath, Paisley, and Kilwinning.

common cause to the position it had by that time gained.

There can be little doubt that the result of Maitland's diplomacy is to be seen in the remarkable interview between the Duke and Sir Henry Percy on the Border in January 1559. This secret meeting was the first move in the revived policy of the Scoto-English alliance—the league to which Maitland and the whole reforming party had long looked forward for the liberation of Scotland from the power of France, and the ultimate "union of the Isle." A few sentences will summarise the events that led up to it.

The Parliament of Scotland, which began its sittings on the 29th November 1558, must have been in the act of assembling when the news came to Edinburgh of the death of Mary Tudor, and the accession of Elizabeth (17th November). We have no hint anywhere of the impression produced by the fateful intelligence. To all appearance the assembly went on its way as if nothing had happened. The four surviving deputies sent to Paris in connection with the Queen's wedding reported their proceedings. The matrimonial crown—a new and suspicious phrase of French origin, by and by well understood—was granted to the Dauphin during the lifetime of his wife, and Argyle and Lord James Stewart, with or without their consent, were appointed to carry it to France. The increasing strength of the party of reform was indicated by a Petition asking for a legal toleration, and the abolition or suspension of the penal laws as to heresy. It was evaded and suppressed by the *finesse* of the Queen Regent. But a Protest was tabled in its stead, which asserted that if, for want of timeous dealing with the question of reform, the peace of the country should be anywhere disturbed, the fault would not lie with those who had

urged its consideration. It is evident from the remarkable document known as the "Beggar's Summons,"[1] which a few weeks later was found placarded on the doors of most of the monasteries and hospitals of the kingdom,—demanding their immediate evacuation in favour of the afflicted poor, widows and orphans, who, unlike the sturdy monks, were unable to work to provide for themselves,—that there was a seething mass of popular discontent with the monastic system which it would be difficult to restrain. In the Protest, if anywhere, we may discern the influence of the new political situation, and the new prospect that was opening; though the popular rage against the gross abuses of the monastic system—its wealth and idleness, its luxury and immorality—was common to all Europe, and was most violent in countries that remained Catholic.

The Parliament rose after sitting little more than a week. What communications passed between the Protestant leaders we do not know. Possibly they waited a few weeks for the certain indications of Elizabeth's policy. Before the end of the year it was plain that a religious revolution was preparing. England was again to be a Protestant power—a change of the most serious import to all Europe.

The Ambassadors of France, Spain, and England had been for some months assembled at Lille and Cercamp on the Flemish border, negotiating a peace which had become a financial necessity for them all. When the news of Elizabeth's accession reached them, they at once adjourned. Fresh instructions were needed in the altered circumstances. When, after nearly three months, they resumed their deliberations at Câteau-Cambrésis, France had resolved on an attitude to Elizabeth that made the Scottish alliance indispensable to her safety. Mary, at the instigation

[1] Knox, i. 320.

of Henry II. and the Guises, assumed the arms of England as well as of Scotland and France[1]—an inexpiable insult to Elizabeth. It implied that she was illegitimate and a usurper, and that Mary was the rightful Queen of England as well as of Scotland. It foreshadowed the use to which the French domination in Scotland was to be applied. The "auld alliance" was to be appealed to, for the enforcement of Mary's claim to the throne of Elizabeth. England feared the tempting bait to Scottish pride, and gladly welcomed, if it did not seek, the alliance of the Scottish Protestant party. They, on their side, were well aware that their own fate, and that of the Reformation all over Europe, were bound up with the safety of Elizabeth, and the defeat of the pretensions of France.

The accession of Elizabeth had also, and necessarily, a decisive effect on the policy of the Queen Regent. That policy had for some time been in the melting-pot. The virtual contract with the Protestant party, which had been the surest support of her government, had for some time been leading to results which she had not contemplated. They had so greatly increased in number and influence that they threatened to become supreme. Such a result would be incompatible with the interests of France. The English alliance was their traditional policy, and now that England was on the point of returning to Protestantism, it was fairly certain that they would resume it under greatly improved conditions. Mary of Guise was being blamed in France for the spread of heresy under her lax administration. She was practically coerced into a policy of violence of which her own judgment did not approve, though she was far from being insensible to the interests of France, and of her own

[1] The title was assumed in official documents sent to Scotland. See S.P.S. i. 263, 271.

daughter.[1] This is the genesis of her apparently sudden change of attitude towards the party in the early months of 1559—the change which so surprised some of its members. It was much less sudden than it seemed. Knox connects it, as does Kirkcaldy, with the peace of Câteau-Cambrésis. If we remember that that peace was practically certain for months before it was signed, owing to the complete exhaustion of all the combatants, and to the reactionary designs that lay behind it on the part of France and Spain; and that its conditions were agreed on three weeks before it was signed (2nd–3rd April 1559), we see that they were not in substance wrong.[2] But the accession of Elizabeth was the essential factor in determining all the changes.

It was only natural that the scheme of Henry II. and the Guises to unite the militant Catholic parties of Scotland, England and France, in an attempt to overthrow Elizabeth, should give rise to a counterplan to unite the Protestant parties of all these kingdoms in her support. The Arran-Elizabeth marriage scheme was the result. Arran was the son of the heir-presumptive to the Scottish crown; and if Mary in grasping, in the Catholic interest, at a throne which did not belong to her, should lose one that was justly her own, she would have no one to blame but herself and her evil counsellors. The idea seems to have arisen spontaneously in all Protestant quarters, at home and abroad. Maitland was an early and earnest advocate of it. It was no less favourable to the interests of Union than to the safety of Protestantism. The children of the marriage would inherit both kingdoms, when Mary had been set aside, as he probably intended she should be.

Whether Maitland urged the plan on Arran's father, we do not know. The Duke was at all times ready

[1] Spottiswood, 146. [2] Knox, i. 315; S.P.F. i. 278.

enough to lend an ear to anything that favoured the one ambition of his house. Yet he was a man of little initiative; he had long been alienated from the reforming party; and his strong-minded brother, the Primate, who was now drawing nearer to the Regent, or she to him, was sure to be hostile. It seems improbable, therefore, that without some propelling influence from without, he would have taken the strong step of identifying himself with the reforming nobles, and of signifying to Cecil his conversion to their cause. Yet this step he took within a few weeks of the close of the Parliament, in the interview to which we have referred, and which we have now to describe.

It took place somewhere on the Border, probably not far from Norham, the castle of the Deputy Warden of the Middle March, Sir Henry Percy, brother to the Earl of Northumberland, whose deputy he was. Sir Henry was now, and for some years to come, on the Protestant side, and seems to have been a good deal trusted and employed by Cecil. His Catholic brother, the Earl, was the Northumberland of the rebellion of 1569, whom Moray caught and sent to Lochleven. Sir Henry then got his forfeited title and estates, only to fall into a similar trap a little later.

Whether the Duke sought Percy, or Percy, by instructions from Cecil, sought the Duke, there is nothing to show. The only report of the colloquy is contained in a letter of Percy to Cecil, dated the 22nd January 1559, and it gives no sure indication.[1] There must have been some preliminary correspondence, of which no trace remains.

D'Oysel, with the Regent's sanction, had made a proposal for an armistice in the petty Border warfare which had been going on since the breach of the

[1] S.P.F. i. 100; Keith, App. 21.

peace, already mentioned, in 1557. The principals, France and Spain, into whose quarrel England and Scotland had been dragged, were now, as we have said, negotiating for peace. It was natural that their allies should follow their example. Percy was doubtful about granting the request. But others were interested in it besides d'Oysel and the Regent, and with other objects in view. Maitland, in his official capacity, with Grange as his assistant, conducted the negotiations, and it is perfectly plain from the whole correspondence that they used the opportunity to put Percy in possession of the whole programme of the Protestant party, and to get his assistance in promoting it; and the Duke's main object in the colloquy was to associate himself and all his friends with the request, not in the sense of d'Oysel and the Regent, but in that of Maitland and Grange and the reforming Lords.

Percy began the conference by remarking on the danger to which Mary's French marriage had exposed the Duke's interest in the Scottish succession. The Duke thought he had lost nothing so long as Mary lived, and he hoped that, if she were to die childless, he and his friends would be able to defend his right, should Henry II. attempt to dispute it. He trusted also, he said, to have the favour of Queen Elizabeth. But what would avail the favour of Elizabeth, asked Percy, so long as the French remained in possession of the forts and strengths of Scotland? The Duke thought the French garrisons could at any time be starved into surrender. But how, continued Percy, could they expect the help of England, considering the wars they had recently waged against her, and the aid they had given to England's enemy? The Duke protested, truly enough, that in the last war they had tied the Regent's hands, and had prevented the invasion of England. Then, protesting that he

spoke only "as of himself,"—a common formula in delicate negotiations—Percy said: "What a happy thing it would be for Scotland if it could cast off all foreign entanglements, as England had now done, and live as of old a realm of itself, in avowed friendship with England." The Duke replied that they would much rejoice if God would send them the same hap as England; that, as to the Christian amity between the realms, Percy's desire for it could not be greater than his own; and that, if means could be devised for peace, he and all his would be as much bent thereunto as if they had been subjects of England.

Finally, Percy came to the point to which all the rest had been preliminary. "My Lord," said he, "seeing God hath sent a true Christian religion among you, as now the same, I doubt not, shall take effect with us, how could it be better, for the maintenance of God's Word, than to join with us of England, and we with you, for mutual defence against France." The Duke responded warmly. "Sir Henry Percy, this is the first time that I have spoken with you, but it is not the first conference that hath been between us by message, and both for the house you are come of, and the credit all men have of you, I will speak my fancy plainly unto you." It would be vain for him, he went on, to think of supplanting the Queen, if she lived;[1] but he offered a league with the nobles of his party which would render the Regent powerless to break the peace, if it were once made. "Therefore as I know there hath been moved to you the taking of an abstinence, I would wish the same might take effect." If it did, he would "show his friendship to the utmost of his power, and more than he could safely speak." He requested that their interview should remain a secret to all but Elizabeth and Cecil.

[1] Mary's health was at this time so uncertain that it was doubted if she could live.

The Duke was obviously working in concert with Maitland, and guaranteeing the support of all his party to Maitland's programme.

In transmitting his report to Cecil, Percy added that "the young Laird of Lethington, being chief Secretary to the Queen Dowager, and in great estimation with her, desireth no more than that there were an abstinence of one month, to the end he might but once talk with you, Sir William Cecil, whom he is most desirous to speak withal. This man is as much my lawful friend as can be."

A confidential servant of Percy accompanied the letter to Cecil, to give oral explanations.

The negotiations that followed, as told in the letters of Maitland and Grange, of Percy, Croft, the governor of Berwick, and Northumberland, are chiefly interesting as illustrating the *finesse* with which Maitland contrived to get the necessary co-operation of Bothwell, the Scottish Warden, Sarlabos, d'Oysel's lieutenant, and the Regent herself, without letting any of them perceive or suspect his secret understanding with the English officials.

At one of the conferences where all of both sides were present it seemed to Croft, Percy's colleague, that Maitland was overacting his part. He had stood out so long for a safe-conduct under Elizabeth's own hand, rather than under the Warden's, for the Scottish envoy who was to go to the English Court, that Croft took him aside, and remonstrated with him for wasting time. He should consider, Croft said, that the Princes who were desirous, by marriage or otherwise, to knit amity with Elizabeth, lose no time, and that she might join in amity with some Princes "*contrary to the faction of Scotland.*"

It is plain from these words that Croft understood, from Maitland himself, that he was acting, not in the interest of the Regent, but in that of the Protestant

Lords, and that the Arran-Elizabeth match was already in their minds.

On the same occasion, before leaving for Edinburgh, Maitland had a private interview with Croft. He told him he should probably be himself the envoy to London, and he asked his best advice how to make his mission a success. Was England so bound to Spain that if France and Spain should fail to come to terms at Câteau-Cambrésis, England would be debarred from making a separate peace with Scotland? Croft thought not. In his report to Cecil he told him that this man had spoken frankly in many ways, and that it would not be easy to put it all in writing. He would have liked to come himself to Court, to let him know all. At Maitland's request, Percy accompanied him to London.

Maitland left Edinburgh about the 4th March 1559, and Berwick about the 6th. Croft rode with him as far as Warkworth, and he reported their conversation by the way. Maitland "earnestly hoped his journey would not be in vain. He would speak frankly in London, and make liberal offers; and if they were found insufficient, he would labour to meet all Elizabeth's wishes." He was "inquisitive about her marriage," and "spoke of a common report in Scotland as to a claim of the Queen of Scots to the crown of England—a claim which had never entered into any wise man's head, and which could not prevail otherwise than by conquest." This was a not altogether superfluous disavowal of the policy of the Guises—a policy which, as we have said, Elizabeth thought so flattering to Scottish pride that she long continued to fear it, as a possible basis for the renewal of the old league between Scotland and France.

Maitland arrived in London on the 19th, and was at once admitted to the coveted interviews with Elizabeth and Cecil. We have no account of them,

but their purport can be guessed. It was probably his first introduction to both. But he quickly won that high place in their esteem which he long continued to hold, and which was only reluctantly withdrawn in the last years of his life.

His mission was entirely successful. His negotiations had indeed borne fruit long before his arrival in London. Their influence can be traced in the successive instructions sent to the English Commissioners at Câteau-Cambrésis.[1] From the date of the ducal interview, the peace with Scotland assumed new importance in the eyes of Elizabeth and Cecil. On the 28th February, the Commissioners were confidentially informed of the negotiations on the Scottish border, of which the Queen hoped, "daily and hourly," to hear more.

After a few days in London, Maitland passed over to France. Whether he proceeded to Câteau-Cambrésis, where the Treaty was on the point of being signed, may be greatly doubted. No Scottish diplomatist was needed there. The French Commissioners were empowered by Francis and Mary to represent Scotland as well as France—a characteristic indication of the position that country held in the estimation of Henry II. and the Guises.

On the 21st April, Maitland left Fontainebleau for London on his return, bearing the ratification of the Treaty by Francis and Mary. There he remained for a month, and saw more of Elizabeth and Cecil. He was in London when Throckmorton—one of the leading actors in the drama that was to follow—received his Commission as English Ambassador to France (3rd May). Another and a still more efficient combatant had passed to Scotland by sea from Dieppe. John Knox landed at Leith on the 2nd May. The battle of Western Europe was to be fought out in this little

[1] S.P.F. i. 137 ff.; Forbes, i. 59 ff.

northern kingdom, and the leaders were hastening to their posts.

Maitland left London for Scotland on one of the last days of May. He resumed his duties in Edinburgh on the same ambiguous footing as before. The first insurrection had already broken out. The Congregation's forces, starting with the retaking of Perth from the Regent's garrison of "Scots," swept over the country like a tempest, and occupied the capital. The Regent, bending before the blast, retired to Dunbar. She amused its leaders with negotiations till their men had to scatter for provisions, and then launched her army against the remnant. The Lords retreated to Stirling, and broke up for the time. Meanwhile Henry II. died (10th July) of a wound received in the tilt-yard; Francis II. reigned in his stead; and Mary Stuart was Queen of France. The power of the Guises was thus vastly enhanced; "they governed all."[1]

The first rising, as we have said, was spontaneous, a burst of religious passion. The second had to be more carefully prepared. Correspondence with England had already been resumed, Grange leading off (24th May) with a letter to Percy on the old footing. He wrote again a month later (25th June), enclosing another for Cecil. These letters passed through Maitland's hands. He personally delivered the first on his way home from London to Edinburgh, stipulating with Percy that he was "not to be acknowen" in the matter. The second was delivered by a servant of his, who had, besides, a verbal message from his master.[2] Knox takes credit to himself for Grange's second letter, which he believed to have inaugurated the correspondence. He probably never to the end knew of the secret negotiations on the Border.

[1] S.P.F. i. 379, 386; Forbes, i. 157–167.
[2] S.P.F. i. 295; S.P.S. ii. 217.

Cecil responded hopefully to Grange, and many letters followed, mostly written by Knox, who acted as Secretary to the Lords of the Congregation, as they were now called. In August, Sadler was sent by Elizabeth to Berwick, to feed the insurrection with funds. She also brought home from Geneva the young Arran, who had become a zealous Protestant, to be a spur in the side of the laggard Duke, his father.

The Lords reassembled their forces in October, and again occupied Edinburgh. The Regent retreated to Leith, which d'Oysel was now fortifying. The Lords suspended the Regent's Commission, and appointed a Provisional Government, with the Duke at its head. But they failed to take Leith, and had again to retreat from the capital (6th November).

During these months we hear little of Maitland. But that he was in touch, chiefly through Grange, with the leaders of the Congregation all through, is evident. On the 16th September, Croft wrote to Cecil that he had just received "commendations" from Maitland, and "offers of service" to Elizabeth, with the interesting news that "he attended on the Regent in her court no longer than till he might have a good occasion to revolt unto the Protestants." His Commission from the Lords to treat with Elizabeth on their behalf is dated the 24th September,[1] more than a month before he left the Regent. Randolph, the English agent, who was to accompany him on his mission, wrote to Sadler on the 12th October, that Maitland and he would be at Berwick within ten days, on their way to London.[2] He wrote again on the 22nd to say that their departure was postponed, Maitland having accompanied the Regent to Leith "for a good purpose"—a phrase on which a sinister interpretation has not unnaturally been put.[3] Three

[1] S.P.S. i. 252. [2] S.P.S. i. 252; Sadler, i. 498.
[3] S.P.F. ii. 48; Sadler, i. 509.

or four days later he escaped from Leith, and surrendered, on some more or less mythical plea, to his old confederate Grange.[1] He accompanied the Congregation in its second retreat from Edinburgh, and a few days later left by sea for Berwick as the accredited envoy of the Provisional Government.

With these facts before us it is idle to discuss the question whether Maitland "deserted and betrayed" the Regent. He did not desert her until she had herself deserted the policy which brought him into her government, and was betraying the country she professed to serve. That he deceived her, to some extent, seems plain. But she had herself deceived those who had trusted and supported her, of whom Maitland was, in some sense, the official representative. She had acted with great disingenuousness, and was now engaged in a policy which she dared not avow. She had become the enemy of the rights and liberties of the kingdom, and was justly deemed unworthy to be trusted with its government. Had he deserted her six months earlier, and done his utmost to overthrow her, there would have been nothing to challenge. As it is, we cannot justify his double-dealing; but at least Mary of Guise could throw no stone at him.

[1] Knox, i. 464.

II

THE ENGLISH ALLIANCE: MAITLAND AND CECIL
1559–1560

The Reformation in Scotland was due to the same general causes which had already produced similar results over the greater part of Christendom. The evils and abuses that had long overspread the mediæval Church had grown to a height which outraged the moral sense of the educated laity, and of the best of the priesthood. They had rendered its lofty claims to domination over the whole area of human life grotesque and incredible. Reforming movements of many kinds had sprung up from time to time within its own bosom. The Conciliar movement, the most powerful and promising of all, and the last constitutional resource of the Church, had failed like the rest. The Papacy itself, which, in its developed form, was the characteristic product of the mediæval Church, was the chief source and support of its worst abuses, and had proved powerful enough to paralyse all attempts at reform.

A drastic attack along the whole line was inevitable. Many tendencies co-operated in it—moral, intellectual, political, economic, and social. At the heart of all was a genuine religious revival, which furnished martyrs and confessors to the cause of a purified religion and a renovated Church life.

The degeneracy of the Scottish Church was extreme. Among a rude people, little accustomed to veil their actions, the full extent of the evil was exposed. For

a century before 1560 abuses had gone on increasing, with only occasional and temporary checks, to the scandal of the nation.

It can hardly be said that the Renaissance reached Scotland, not at least till a late date. But its influence was more or less felt by those students, clerical and lay, who resorted to the continental schools to complete their education. Hence the earliest reformers in Scotland were, with a few exceptions, monks and priests, who owed their light to these foreign sources. Patrick Hamilton, the first martyr to reform, brought the Lutheran doctrine to Scotland from the University of Marburg.

Hamilton probably hoped for reform from within. But the rise to power of the younger Beaton extinguished the prospect. He was the moving spirit of the Scottish Church for years before he became Primate, in succession to his uncle; and his iron hand sealed the fate of reform during his lifetime. Its representatives were harried, exiled, or burned, ending with the death of Wishart, which provoked his own.

His successor in the Primacy, John Hamilton, an illegitimate brother of the Regent, warned by all the signs of the times, took up the rôle of reformer. He was ill fitted for the part. But he was shrewd enough to see that the Church was sinking under popular hatred and contempt, that its only chance of regaining respect lay in vigorous measures of reform. He summoned a National Provincial Council of the clergy, which met under his own presidency in 1549, first at Linlithgow and afterwards at Edinburgh.[1] It prefaced its legislation with perhaps the most remarkable confession ever made by an ecclesiastical assembly. It declared that "the causes of all the troubles and heresies that afflicted the Church were the corruption, the profane lewdness, and the crass ignorance of

[1] Patrick, *Statutes of the Scottish Church*, p. 84 ff.; Statuta, ii. 81 ff.

churchmen of nearly all ranks." Reformatory statutes were passed, which sufficiently explain the declaration. But they were not enforced. They were re-enacted by a similar assembly in 1552, and again in 1559, on the eve of the insurrection. The ancient Church had lost the power to reform itself, even in face of the most threatening dangers. The few honest barons, who still took an interest in its fortunes, confessed, in their petition of 1559, that "the character of the clergy, so far from having improved since the passing of the statutes, had deteriorated."[1] The Church, in truth, had long been moribund. This fact alone explains the suddenness and completeness of its overthrow, and the feebleness of its defence.

From the time of Hamilton, the reformed opinions had continued to spread. Tyndale's New Testament, Luther's tracts, and similar writings, found their way into circulation from the eastern ports—Leith, Dundee, Montrose, Aberdeen—into which they were brought by merchants and mariners from the Continent. The *Godly Ballates* of the Wedderburns[2] brought home the evangelical teaching even to those who could not read, and the poems of Sir David Lindsay operated on a wider public, to prepare the way for a general revolt.[3] The severe measures of the Cardinal checked the open profession of the new opinions rather than their real diffusion, which went on in secret. The Act of the Parliament of 1543, which authorised the reading of the Bible in the vernacular—the only fruit of Arran's early and shortlived zeal for reform—gave a kind of legal sanction to Protestant tendencies; and the death of the Cardinal in 1546 removed perhaps the only whole-hearted persecutor that Scotland produced in the sixteenth century. The schism between the

[1] Statuta, ii. 146.
[2] Mitchell's *Wedderburns and their Work*, 1867.
[3] Ed. by Laing, in 3 vols., 1879.

Hamiltons and the Queen Regent, which resulted from Arran's fall, paralysed the arm of the Church, and under the mild rule of Mary of Guise the Protestant movement rapidly grew in numbers and influence, as the old Church continued to sink in popular estimation.

Knox's visit to Scotland in 1555, already mentioned, —which was prolonged over nearly a year, owing to its unexpected fruitfulness,—established his position as director of the movement, even during his absence in Geneva. The final struggle began with the *Band*, known as the *First Covenant*, of December 1557, followed by the two well-known *Resolutions* of the Lords and Barons—to introduce the Book of Common Prayer of Edward VI. and the public worship it prescribed into the parish churches they controlled, and to hold private assemblies for the reading and exposition of the Scriptures—thus laying the foundations of a national Protestant establishment.[1]

The reforming barons naturally acted on the ideas of feudal jurisdiction, with which they were familiar. Protestant services were introduced into the parish churches of which they were the hereditary patrons, and into town churches by the town councils, which claimed similar powers within their own precincts.

But gradual and peaceful permeation, which was the idea of the Resolutions, and was the very same process by which the Roman Church had supplanted the Columban some centuries earlier, was found to be difficult. The opposition of the Bishops and the rising anxiety of the Regent put obstacles in their way. The political ideas of Mary of Guise were those of absolutism, qualified only by good sense and prudence. The prelates—whose legal position was still intact, and outwardly seemed strong, though really undermined and tottering—made a last attempt to assert them-

[1] Knox, i. 273.

selves, and to intimidate the reformers. They seized, and sent to the stake at St. Andrews, the aged Mylne (April 1558), probably with the tacit consent of the Regent, who was now preparing to make common cause with them. The cruel deed only aggravated the situation, and give rise to the parliamentary Petition of 1558, already mentioned. The reformers demanded the abolition, or at least the suspension, of the heresy laws, which rendered such deeds possible, and protested when their demand was evaded. The Regent and the Bishops in concert summoned the Protestant preachers, and tried to silence them. The Barons and burghers rallied round their pastors. The Regent's duplicity[1] roused the temper of the Protestant host, and the "rascal multitude," long prepared for the fray, made itself the ready instrument of their wrath. The insurrection broke out, with the results sketched in the close of the last chapter.

The Lords of the Congregation were in Edinburgh when Maitland joined them, in the end of October 1559. He accompanied them, on that "dolorous night" of the 6th November, in their retreat to Stirling. He had done his utmost to dissuade them from abandoning their hold on the capital. But the ambiguous attitude of the Castle under Lord Erskine—a hesitating reformer, who, though he had signed the Invitation to Knox, was now a neutral—the loss of their English supplies at the robber hands of Bothwell, and the misfortunes that followed, produced a general discouragement which could not be resisted.

At Stirling, Knox put new heart into them by one

[1] It seems hardly worth while to marshal the evidence on this point. The modern apologists for Mary of Guise are much more concerned about her good faith than she herself was. She avowed the right of Princes to break promises when they found it inconvenient to fulfil them (Knox, i. 346; Calderwood, i. 438). And there is no indication, in her letter to her brothers in March 1560, that she was in the least ashamed of the forgery she explains to them.

of those piercing and rousing utterances which made him a host in himself. Temporarily disbanding their forces, the leaders resolved themselves into two committees, one for the West and another for the East, and awaited the issue of Maitland's mission to Elizabeth. They sorrowfully realised that, without the help of England by land and sea, they were impotent against the power of France.

Maitland reached Berwick on the 24th November, accompanied by Randolph, the English agent who had brought Arran from Geneva to Scotland, and had remained to assist the movement. He had a long secret interview with Sir Ralph Sadler, Elizabeth's agent there. Sadler communicated to him as his own some hints he had got from Cecil as to the best way of putting their case before the English Queen, whose position and prejudices had to be considered. Maitland gladly accepted them, and sent them on to the Lords, who returned them in the shape of instructions to their envoy. He reached London at a critical time (about 1st December). Throckmorton, at his own urgent request, had been summoned from Paris a few weeks before to lay before the Council the case for open intervention in Scotland. That body was meeting from day to day, anxiously debating the question, when Maitland arrived. Its members were much divided in opinion, and Cecil was in a minority. He offered his resignation in a letter still extant, written "with a sorrowful heart and watery eyes." It was refused by the Queen, and probably brought about her decision to support him.

But the issue remained in suspense for weeks, even after the preparations for the expedition were well advanced. A fleet under Winter was ready to proceed to the Forth, to intercept French reinforcements. A land force under Lord Grey of Wilton, Warden of the East and Middle Marches, was gathering at Newcastle

to join the Scots in reducing Leith.[1] Both were to be under the direction of the Duke of Norfolk, as the Queen's Lieutenant-General in the North.

Winter's instructions are dated the 16th December.[2] But he did not weigh anchor till the 27th, and but for a storm which wrecked the French fleet, and drowned most of the force it carried, he would have arrived too late. A "Protestant wind" on this occasion, as on some later ones, saved the Reformation.

To what extent Maitland contributed to Elizabeth's decision it is impossible to say. Skelton's summary ascription of the whole to Maitland's fascination is an example of his idealising habit, which often goes much beyond the evidence. The question was a momentous one, and only resolute Englishmen like Cecil and Throckmorton favoured open intervention. The English Queen was hardly yet securely seated on her throne; half her subjects were in doubt as to her title, and opposed to her in religion; England had not had time to recover from the miserable condition of poverty and inefficiency in which Mary Tudor had left it. To help the Scots was to run the almost certain risk of war with France; and Spanish jealousy of France, however keen (and it was one of Elizabeth's main safeguards throughout her reign), could hardly be reckoned on to countenance a war on behalf of heretics, who were at the same time rebels against their legitimate sovereign, the two objects of Philip's abhorrence.

But Throckmorton could show, from evidence which his position at Paris had enabled him to accumulate, and which was confirmed from other quarters, that the question was really one of self-defence; that England was as much interested as Scotland in the expulsion of the French from Scottish soil; that the designs of the Guises on Scotland were only ancillary to the invasion

[1] His Instructions are in Haynes, 229.

[2] Keith, App. 45.

of England in the interest of Mary Stuart. Even Philip, through his Ambassador at Paris, was warning Elizabeth of her danger from France. There can be little doubt that the representations of Throckmorton were the real grounds of the decision. But without the resolute support of Cecil they might easily have failed, and Cecil was no doubt effectively assisted by Maitland.

Some traces of his action remain among the State Papers. He had to answer a series of queries, emanating from the English Council, as to the strength of the Protestant Lords in Scotland, and the help they could offer to the English army and navy. His replies reveal all too plainly the poverty of Scotland in war-like resources.

Then there is a letter of the 10th January, addressed to Cecil "from Mr. Wade's house"—probably the secret residence Cecil had provided for him in Westminster. It expresses some anxiety as to the non-arrival of Winter's ships in the Forth, and his hope that the delay portended no change of policy. He had by this time gained some insight into Elizabeth's vacillating temper, and her habit of listening to backstairs counsellors. Nothing worse, however, than bad weather had delayed the fleet. Winter arrived off the Isle of May on the 22nd January, just in time to save the small army of Arran and Lord James from being worn down by a French force which was advancing on St. Andrews. A few days of Winter's lively doings "as of himself"—as he humorously told the Regent, in accordance with his instructions—turned the tables, and drove the French in headlong retreat to the shelter of the walls of Leith. His action satisfied all Scotland that the armed assistance of England was at last assured.

Maitland remained in London, partly no doubt to assist Cecil in keeping Elizabeth true to her resolution.

It was not an easy task. The decision was not a week old when she wrote to Norfolk, delaying the meeting of his army, and suggesting that less forcible measures might gain her end. On the same day (30th December), Cecil wrote to Sadler complaining of "backward advisers." Elizabeth's personal inclinations hardly ever coincided with her political interests. She was in a constant state of flux between the two. It was so now. She did not love the Scots; she hated Knox and all his spiritual kindred; she had no real sympathy with rebellion of any kind. She was a legitimist in politics and a latitudinarian in religion, though compelled by the exigencies of her position to be the champion of militant Protestantism, and the patron of rebellion over the half of Europe. She tried to evade inexorable political duties, and often only at the last moment, and with weakened effect, allowed the wisdom of her statesmen to prevail.

There remains also a remarkable letter of this time (20th January) written by Maitland, probably for circulation among the English Council. It is dated from "St. Andrews," a quite natural device in the circumstances, his mission to England being a secret one; and is addressed to "my loving friend James in London," who is doubtless fictitious. It is long, and has all the appearance of a political tract. It states, with his usual lucidity and force, the whole case for the armed alliance of the two nations, and may fairly be regarded as a summary of the pleas he offered to Elizabeth and her Council.

It begins by combating the distrust felt by many good Englishmen as to the *bona fides* of the Scottish nobles in seeking the English alliance, and as to the chances of their remaining faithful to it, after their present turn had been served. It points out, as delicately as possible, that the action of Scotland in formerly cherishing the French alliance, and in now

rejecting it, was quite consistent. The motive in both cases was the same. It was simply a question of self-defence. Powerful kings like Edward I. and Edward III. of England had thought to conquer and annex Scotland, and France had then proved a friend in need. But France had lately abused the alliance, and was now pursuing the same evil design on her own account. She was therefore now the enemy, and the help of England, which stood in equal danger from French ambition, was sought to expel her. Moreover, another potent influence was now working in the same direction. A common religion was drawing the two realms together, and severing Scotland permanently from the friendship of France. There was no longer the slightest chance of its revival. The present crisis was a great providential opportunity of closing for ever the secular quarrel between the two realms, and of uniting them in permanent bonds of amity. There could be no doubt of their common peril. "The preparatives in France, and levying of men in Germany, are not altogether ordained for us." They were too great for so limited a purpose. "Ye are the mark they shoot at. They seek our realm but for an entry to you." It would be folly to hesitate, to "drive time," till, after overrunning Scotland, the French forces should have entered England. Far safer and far less costly it would be, to assist Scotland now to expel the French from her soil, and thus to prevent the invasion of England, besides earning the gratitude and friendship of a people whose goodwill was more essential to the strength of England than that of any other nation. The cause of the Scots was worthy of support. The Lords were not lawless rebels, as some supposed. "We seek nothing but that Scotland may remain, as before, a free realm, ruled by Her Highness (Queen Mary) and her ministers, born men of the same, and that the succession of the Crown may remain in the lawful

blood," should the Queen die without issue. "Your ancestors have by all means most earnestly suited our amity, and yet it was not their hap to come by it." Let them not miss the present opportunity, which might not speedily recur.[1]

A month later (about 16th February) Maitland left London for Berwick, where the new Treaty of Alliance was to be concluded and signed by representatives of both nations. There had been rumours of a plot of the Queen Regent, who was naturally bitter at his desertion, to capture him. Elizabeth wrote to Norfolk to take measures for his protection, acknowledging the services he had rendered. Possibly the plot had been an idle threat. At all events he arrived safely on the 23rd. He was joined on the same day by Sir John Maxwell—the Lord Herries of later days, at this time a stout reformer—and on the following, by Lord James Stewart, Lord Ruthven, and Sir Henry Balnavis, his four colleagues on the Commission. The business, where all were of one heart—for Norfolk was their warm supporter—was soon despatched.[2]

The Treaty was signed on the 27th, by Norfolk on behalf of Elizabeth, and by the five Scottish Commissioners on behalf of the Duke of Chatelherault, heir-presumptive to the Crown of Scotland, whose commission they bore, in default of the Queen's. The document is a remarkable one. For the first time in history, England advanced no claim to superiority, sought no unfair advantage, and scrupulously respected Scottish susceptibilities. The English Government—one can hardly say the English Queen, in view of her later conduct—had at last learned the lesson of past

[1] Robertson, App. 2.

[2] Burton (*Hist.* iii. 366) and Mathieson (*Religion and Politics*, i. 73) have mistakenly ascribed to this meeting a display of national jealousy which belongs to a quite different one, of the year before (2nd May 1559, Treaty of Upsettlington), held with the Queen Regent's representatives. S.P.S. i. 215; S.P.F. i. 300.

failures. It set forth that Queen Elizabeth, "having sufficiently understood, as well by the nobility of Scotland as by the manifest proceedings of the French, that the latter intended to conquer the realm of Scotland, suppress the liberties thereof, and unite the same to the Crown of France perpetually, contrary to the laws of the realm, and to the pacts, promises, and oaths of France; and that, being thereto humbly and earnestly required by the Scots nobility, representing the whole realm, she took the country into her protection, only for its preservation in its old freedom and independence." For this purpose she had undertaken to send an expedition by land and sea to join with the Scots in expelling the French. She will make no peace with France without Scots consent. Any forts or strengths in Scotland taken by the English shall be at once handed over to the Scots nobility, and no forts shall be erected without their consent. On the other part, the Scots nobility shall give all possible support to the English forces; they shall be enemies to all such Scots and French as shall be enemies to England; and if France should invade England, they shall furnish at least 2000 horse and 2000 foot for its defence; the forces of Argyle shall assist in the pacification of Ireland; and hostages shall be given by the Lords for the fulfilment of these conditions. Lastly, to satisfy Elizabeth's legitimist scruples, and to ease the pressure of foreign remonstrances, the Lords are bound to entire loyalty to their King and Queen, within the limits of their ancient laws and liberties.[1]

The Treaty was to continue in force as long as Mary remained the wife of the King of France, and for a year longer.

Leaving the other Commissioners to go back to Scotland, Maitland returned to London with the signed Treaty. The Lords wished it to be confirmed under

[1] S.P.S. i. 323; Keith, 117; Knox, ii. 46; Haynes, 253.

the Great Seal of England, in order, as they said, to impress the neutral nobles in Scotland—those who had not yet joined them—perhaps also to impress Elizabeth, and to guard against any further vacillation.[1] Their caution was quickly justified. The French Court, advised by de Sevre, its Ambassador in London, of all that was going on at Berwick, was making strenuous efforts to prevent the conclusion of the Treaty. On the 2nd March, probably before Maitland reached London, de Sevre had made a show of offering that the French troops should be withdrawn from Scotland, and a native government granted, on condition that the Scots now in rebellion should offer "due obedience." Elizabeth, always willing to purchase safety at the cheapest price, listened to the French offers, and, to gain time, pretended some slight objections to the language of the Treaty. But delay was dangerous, the Scots were suspicious, and the chances were that the French were only "driving time" on their own account. To bring the matter to a point, Elizabeth at length (5th March) offered an ultimatum in three Articles. (1) The immediate and entire withdrawal of the French troops from Scotland—the embarkation to begin on 21st March, and one-third to be gone by the 24th, one-half before the 28th, and the whole before the 2nd April. (2) The use by Francis and Mary of the style and arms of England to cease forthwith. And (3) a joint commission to be appointed to dispose of all other grievances.

De Sevre objected to the shortness of the time allowed for withdrawal. Moreover, he asked to retain in Scotland four or five ensigns (equal to 800 or 1000 men). It was tolerably plain that England was being played with. Perhaps Elizabeth's tardy firmness was assisted by events in France. The enterprise known

[1] S.P.S. i. 326; Haynes, 255.

as the Tumult of Amboise—a plot to capture the King and to bring the Guises to account—of which neither Throckmorton nor the English Government was ignorant beforehand,[1] came to a head while the exchange of proposals was going on in London. It was extinguished in blood. But the Guises, profoundly alarmed, were henceforward powerless for any foreign undertaking. They needed all their forces at home to assure their own safety.

Meanwhile another envoy had been despatched from France. Monluc, the semi-Protestant Bishop of Valence, a veteran diplomatist, arrived in London on the 17th March. His real destination was Scotland, where he was not unknown.[2] He was to advise the Regent to detach the Scottish Lords from the English alliance by every possible concession, so as to gain time, till the troubles in France should be assuaged. Mary of Guise was just about that date writing the letter to her brothers, which, falling into the hands of Lord James, was to convict her of forgery on her own evidence. Her attempt to impose on Elizabeth as the Duke's own, a letter written by herself on a sealed blank of his, which had been found by accident among his old papers in Holyrood, in order to prove him faithless to the English Queen, has only recently become known, through the publication in the State Papers of her own letter.[3] The forged document, printed from the French archives, had previously been taken for genuine.

Monluc in London explained to Elizabeth that the quartering of the English arms with those of France had been intended as a compliment to the English Queen, by showing that the French Queen was her cousin! It was found that he had no authority to

[1] Arran and Lord James told Sadler and Croft of it on the 19th January. S.P.S. i. 298; Sadler, i. 691.

[2] Sir J. Melville's *Memoirs*, 10. Ed. 1827.

[3] S.P.F. ii. 480.

offer concessions, either in England or in Scotland. But Elizabeth, in her own interest, dallied with him. With an eye to keeping Spain quiet, she was full of ostentatious moderation. Monluc requested permission to go on to Scotland. Lethington and the Lords objected. They had no mind to give him the opportunity of sowing distrust among the neutral nobles, and hindering them from joining the rest. Elizabeth nevertheless granted his request, as far as she could. She sent him to Norfolk at Berwick. He was escorted by Killigrew, Cecil's brother-in-law, who, doubtless by Cecil's instructions, detained him as long as he could on the road. But Elizabeth did not wait for the result of his mission. The English Council, so long discordant, were now agreed that the naval and military expedition to Scotland was "just, necessary, honourable, and profitable."[1] No doubt the gulf that had suddenly opened under the feet of the Guises, along with Throckmorton's assurance that no danger was to be feared from Spain, which was fully occupied with a great naval expedition against the corsairs of Tripoli, had much to do with their unanimity. The Treaty of Berwick was ratified without amendment, and was forwarded to Norfolk for delivery to the Scots, on receipt of the hostages. Norfolk was told to go on with the war, and to permit no slackness.

On the 24th, the English Queen, to minimise the effects of her bold stroke, issued a proclamation defining the scope of the expedition. She ascribed all the trouble in Scotland and England, not to the King and Queen of France, who were too young to be held responsible, but to the Guises who, though foreigners in France, had seized on its government, to the exclusion of its ancient councillors and the princes of the royal blood, and were pursuing family schemes of their own. She would therefore make no

[1] S.P.F. ii. 469; Forbes, i. 390.

war on France, nor interfere with French trade or commerce. She would confine herself to the expulsion from Scotland of the French forces the Guises had introduced into it, and thus provide for the safety of both Scotland and England.[1] It was a bomb thrown into France, to assist the conflagration already raging. "Revenge everlasting they (the Guises) will seek," said Throckmorton to Cecil, when he read it in Paris. He circulated it in France as widely as he could.

Maitland, now delivered from all fears as to the Treaty, accompanied or followed it to Berwick. He did not venture farther till he could have the escort of the English army. Nevertheless he was not idle. He at once resumed his old occupation of bringing in the neutrals. Morton was his first care.[2] The Earl had long been an avowed Protestant. He had signed the First Covenant. But his estates lay close to the capital, easily within striking distance of d'Oysel and the Regent, had he given them serious offence. He had therefore temporised, unwilling to run risks until the issue should be more assured. He told Cecil, and probably with truth, that, had he done otherwise, he would have destroyed himself without benefiting the cause.[3] He gave no real help to the Regent, who probably quite understood his position. Since the help of England was now assured, he might be expected to declare himself, and to bring his powerful following into the field. But Morton had a keen eye for business. If he was to range himself under the Duke's banner, it was fitting that the Duke's wife, who was a Douglas, and a near relative, should guarantee him against possible claims to the Earldom of Angus, held by Morton's nephew, who was a minor, and to whom he was tutor, to his own profit. Mait-

[1] S.P.F. ii. 469; Haynes, 268; Paris, 317.
[2] S.P.S. i. 339. [3] Haynes, 315.

land negotiated the guarantee through the Duke, and attested the deed which secured the interests of young Angus and his tutor. By that date (31st May), Morton had signed all the Lords' engagements, and had brought his full strength into the field.

On the 29th March the English army moved out of Berwick, 8000 strong—6000 foot and 2000 horse —increased, a fortnight later, by 2000 more.[1] It was at Dunglass on the 30th, and on the 31st, in passing Dunbar, it had a slight skirmish with the French garrison there. On the 2nd April, it met the Scots force at Prestonpans. Here four days were spent in exchanging the ratifications of the Treaty, and arranging the delivery of the hostages, who were the near relatives of the principal Lords. On the 6th, the combined forces advanced towards Leith. They encamped at Restalrig, around the old Deanery, and within a mile of the French fortifications.

On the same day a skirmish took place, in which the French lost one hundred men, in killed and prisoners.[2] A proposal to attack Edinburgh Castle and capture the Regent, who had taken refuge there on the approach of the English army—never to leave it alive—was set aside for the time. The Lords in passing Dalkeith, on their way to Prestonpans to join the English, sent her a formal offer of peace on their own terms.

Elizabeth was still hankering after a settlement by negotiation. The expenses of the expedition were beginning to alarm her, and a Spanish envoy was said to be coming from the Netherlands to put pressure on her. Monluc had suggested that the French troops in Scotland might be reduced to the number that had been there before Queen Mary's marriage. Would not that satisfy the Scots, and assure their safety? Thus she wrote to Norfolk and Grey, and bade them

[1] H.M.C. Repts.; *Montague Papers*, p. 8. [2] S.P.S. i. 351.

consult with Lethington and the Lords on the one side, and with the Regent on the other. Lethington and the Lords wanted no further negotiation. They were bent on a clean riddance of the French, the Regent herself included, and they were satisfied that Mary of Guise would never submit to her dismissal except under the compulsion of war. Negotiation would only waste time, and sow doubt and hesitation among the neutrals, who had not yet all come in. But they could not afford to offend Elizabeth. They frankly stated their mind, but gave a reluctant assent to the sending of two English officers, Croft and Howard, to the Regent, on condition that they should insist on the Scottish terms. These, they said, were: (1) the withdrawal of the whole of the French troops; (2) liberty to suit Queen Mary for such Acts as were necessary for the pacification of the kingdom, and for its government according to its ancient liberty. The second was a tolerably plain anticipation of the Parliament of August following. The deputies saw the Regent, but her answer was not hopeful. Norfolk, who was in entire agreement with Maitland and the Lords as to the uselessness of treating, told the English Council that the Scots were resolute for their own terms, and that if they were not supported in accordance with the Treaty, they might turn round and make terms with the French against England.

These vacillating tactics, coinciding with doubts and difficulties and grumblings on the part of the English military leaders, greatly disturbed Maitland and the Lords, and brought their efforts to consolidate their strength to a standstill. The neutrals, such as Morton, would not come in, so long as the issue was doubtful.

Maitland, especially, was anxious and distressed. As he told Norfolk, "if all things did not proceed according to the expectation of his countrymen, he

himself would bear the whole blame." To his old friend Sadler at Berwick, who knew Scotland well, he could unbosom himself with confidence. "Truly," he wrote to him (9th April), "I never had greater care since I was born. How that difficulty (as to money) has been looked to beforehand, I cannot tell. You know the mark I always shoot at is the union of these two realms in perpetual friendship. There is no good to be wrought in this case that does not tend to that fine (Fr. *fin*, end). My determination always rests on two points—that unless all the French are removed, and the government left in the hands of the born men of the land, we shall neither be in surety ourselves, nor able to serve your turn hereafter. If we are forced to any other appointment than this, then we be undone, and the Queen hath lost all her great charges. She hath proceeded too far to leave off. The treating doth stay many noblemen who were ready to join us. It is too much for me to keep in the fire on all parts, entertain communications, and keep our own men in frame, who all mislike it, and desire no more friendship with the untrusty French. Now I begin to learn what misery it is for a man to bear a great burden of the common affairs. But I am so far proceeded that forward I must go." Come and help us.[1] He wished to have a friendly Englishman on the spot to advise Elizabeth and Cecil.

And the next day he wrote to Cecil: "I dare not write or speak all I think. But if your army retires with nothing done, or you drive us to a doubtful appointment for fear of it, I would wish the Queen had not proceeded, and that I had not been a meddler in it. Your men think battery not feasible, and that for lack of money the camp volant cannot continue. I cannot understand this; the hope of success never made me so rejoice as these doubts cast me in care.

[1] S.P.S. i. 352, abridged.

I pray you be a mean that these large charges borne by Her Majesty be not wholly lost, hoping the continuance for a short time shall end it."[1]

Cecil, who entirely sympathised with him, but had his own difficulties with Elizabeth, the King of Spain, and the Spanish party in the English Council, some of whom were Philip's pensioners, replied soothingly. He was sorry, he said, for the doubt and perplexity into which they had been cast. But it was needless. "Therefore in any wise collect your stomach again, and make assured account that ye shall either make the bargain yourselves, or else ye shall be too unreasonable." But they must make allowance for English difficulties and Spanish pressure, and, if possible, abate their terms as much as their own safety would bear. Could they not, for instance, divide the government with the Regent, and by giving a little titular honour to France, secure the substance of power for themselves? A few French soldiers left in Dunbar for a colour of sovereignty could not do them any harm. Or other devices might be thought of to satisfy the world, and pass over this heat of King Philip against England. But in any case "we prefer your weal before his power." Don't be offended by offers being moved. They will not really hurt you, and they don't come from me. "Fare ye well, and increase your strength."[2]

Cecil's letter is of the 16th April. Before it arrived, Maitland and the Lords were in the coils of a fresh negotiation. We left Monluc, the French envoy, on the way to Berwick, in charge of Killigrew. Norfolk, who, as we have said, was in cordial agreement with the Lords in their opposition to treating, detained him for a fortnight, fretting and fuming, and vainly asking the permission of the Lords to enter Scotland. At length they yielded, out of regard for

[1] S.P.S. i. 353, abridged. [2] S.P.S. i. 363.

Elizabeth. They gave him a safe-conduct available for eight days only. Killigrew escorted him to Edinburgh, where he arrived on the 21st, and went straight to the Queen Regent. In the afternoon he came to the camp at Restalrig, and delivered letters from the French King (now Francis II., Mary's husband) to the Duke, Arran, Lord James, and Glencairn. He made them a pompous oration, setting forth the King's benignity and goodwill. He offered them (1) an amnesty for the past; (2) the observance of treaty rights; and (3) the removal of all the French troops, *except those required to man the forts.* He added that the Queen Dowager had authority to grant anything else that was reasonable. The Lords deferred their reply till the following day, when Maitland, as usual, was their spokesman. In their name, he thanked the King and Queen for their goodwill, and for the amnesty, though it might well be judged, he said, that they had not taken up arms without sufficient cause. With Leith, strongly fortified, in their hands, the French could, in the event of the Queen's death, dispose of the Scottish throne at their will. The conduct of the French soldiery had been so insolent, cruel, and oppressive, that the people would no longer endure it. These things accounted for the rising.

Monluc tried to gloss over their grievances. Leith had been fortified by the Regent in order to give its inhabitants a sense of security against the English, who had twice burnt it. The succession to the throne would be regulated by the Treaties of 1548 and 1558, and if the Queen should die, the French would lose all interest in Scotland, which cost them tenfold more than it yielded. The faults of the soldiers would be punished by their chiefs, "as had often been done."

At this barefaced mendacity, the Lords rose in anger. They told him that women had been forced,

men killed, and houses burst open and burned, without redress. After further altercation, they said plainly that, without the demolition of the fortifications of Leith, and the dismissal of all the French soldiers, there could be no peace. Monluc, in reply, desired them to remember the rights of the Crown, and the obedience due to it, which the King and Queen intended to preserve, and that the present treating was between sovereign and subjects. The Lords rose and conferred apart. On their return they told him that, since he had no power to order the demolition of the fortifications of Leith, he had better go back to France at once. He had already broken the conditions of his safe-conduct by communicating with the army in Leith, but out of respect for the King and Queen they would not arrest him. And as the hour was late for his departure that day, he would be allowed to sleep in the town under guard. They consigned him to the custody of Sir John Maxwell and a band of soldiers, with instructions to let no one come near him. To soothe him a little, Lord James and Maitland called on him in the evening.

Next morning they requested him to depart. Instead of obeying, he sent an appeal to Lord Grey and the English Commissioners, who, with some difficulty, persuaded the Lords to meet him again, along with Sadler and Croft. Probably at the instigation of Sadler, who knew Cecil's mind, the Lords, for the first time, admitted the possibility of a few French soldiers being left in Dunbar and Inchkeith, provided these places, which had been enlarged and strengthened by the French, were reduced to their original dimensions. After two days' discussion, they allowed the Bishop, who had no powers of his own, to go to the Regent once more for a final answer to their demands. His interview with her was a stormy one,

as we know from Lord Erskine, who was a witness to it. Monluc returned to the Lords, accompanied by Erskine, Ogilvy of Findlater, and Spens of Condie, on behalf of the Regent. They stated that she would agree to no terms till she had conference with the French commanders in Leith—d'Oysel, la Brosse, and Martigues. The representatives of the Lords, who were Maitland, Lord James, Glencairn, and Maxwell, told them that, for military and other reasons, that could not be granted. After further altercation, Monluc undertook on the following day to submit in writing the final terms of the Regent. It may safely be said that neither Maitland nor the Lords were prepared for them. They were these: (1) that the Lords should return to full obedience to the King and Queen, dissolve the alliance with England, and recall the hostages they had given to Elizabeth; (2) that they should give hostages to the King of France for their obedience; (3) that a Parliament should be held within forty days, which should denounce and punish as rebels all persons found in arms without the French King's consent; (4) that they should recognise her own unimpaired power as Regent; and (5) that the Duke, as chief disturber of the peace, should surrender Dumbarton Castle to a nominee of the Regent till he had proved his obedience.[1]

The fate of the negotiations was sealed. The proud woman, far gone in a fatal disease, but still full of indomitable spirit, scorning to capitulate to those who had humiliated her, had simply nailed her colours to the mast, prepared to go down with the ship.

The Bishop, who had no responsibility for these extraordinary conditions, though he had to submit them, was accompanied by the Regent's representatives already named. They, by her command, denied the Bishop's authority to add to, diminish, or even explain

[1] Teulet, *Papiers*, i. 571; S.P.S. i. 381.

her terms, to which she required a categorical answer, yes or no. Writhing under his treatment from both sides, Monluc asserted himself, and the discussion went on. It was broken off on the sore point of the league with England.[1] Maitland and his three colleagues reported to the Lords, and on the following day Killigrew was sent to require his departure. He was granted an escort as far as Haddington, and there left to his own resources. He reached Berwick on the 30th, where Norfolk sardonically condoled with him on his ill-success. He went on to London, bitterly lamenting his lost labour, and cursing both the unbending Regent and the rebellious Scots.[2]

All thought of treating was now at an end. The siege went on with new energy. Fresh forces were brought in, including 1000 of Argyle's redshanks. A fresh Covenant was drawn up (27th April), and subscribed, among others, by Morton and Huntly. It bound all who signed it, as in the presence of God, to set forward the reformation of religion, to secure free passage through the realm for its true preaching, to expel the French, and to take plain part with the English army.[3] On the 29th a commission was given to Knox and his brethren to prepare a polity for the Reformed Church, the issue of which, within a month, was the first draft of the Book of Discipline of the future.[4] A Parliament was appointed to meet on the 10th July, to complete and sanction their work. Maitland resumed with new spirit his labours for unity.[5]

The progress of the siege need not be related at length. On the 15th April there was a skirmish, with nearly equal losses—about one hundred and fifty on each side. On the 17th, Winter, from his ships in the

[1] S.P.F. ii. 588; S.P.S. i. 381–3. [2] S.P.S. i. 396.
[3] Keith, 125; S.P.S. i. 383; Knox, ii. 61.
[4] Knox, ii. 183, 257 (dated 20th May). [5] S.P.S. i. 412.

roads, poured shot into the town, with unknown results. On the 30th, a third of it was consumed by fire. At length, on the 7th May, a general assault was ordered. It failed disastrously through mismanagement, and cost the besiegers about a thousand men. But neither English nor Scots were unduly discouraged. Norfolk sent additional troops from Berwick, and took measures to provide more. It was known that the Leith garrison was in straits for provisions, and that the end could not be far off.

Elated by the failure of the assault, the Regent (10th May) asked for another conference with the Lords. Maitland, Lord James, Ruthven, and Maxwell went up to the Castle. But nothing came of it. She could not digest the English alliance, and the Lords said they would give their lives for it.

It was the last time Maitland was to look on the woman with whom he had been so closely associated in happier times. The interview must have been a painful one on both sides. Mary of Guise was slowly dying, a lonely and defeated woman, in a strange land, the victim of the House to which she belonged, and of the cause with which it was identified. A month later (11th June), after a parting scene with the principal nobles, she breathed her last within the Castle walls.[1]

Mary of Guise deserved a better fate than that which France had forced upon her. Her faults were those of her age, her country, and her caste; her virtues and her great qualities were her own. She was probably the wisest, and not the least able, member of her family. Had she lived a century earlier, and come to Scotland as the consort of one of the earlier Jameses, history would probably have spoken of her as one of the best of Scottish Queens. It was her misfortune that her lot was cast on a period

[1] S.P.S. i. 422, 426; Spottiswood, 146.

of our history with which, from her entanglements, she was unfitted to cope.

At length the Guises, seeing no help for it, gave way. They sent the Sieur de Randan, a gentleman of the great house of Rochefoucault, armed with full powers, to make the best terms he could, with the assistance of Monluc. Preliminary conditions were adjusted at Newcastle, and completed at Berwick; and on Sunday morning, the 16th June, they arrived in Edinburgh. The Regent had died five days before—an event which greatly simplified their task. They were accompanied by Sir William Cecil, and by Dr. Nicholas Wotton, Dean of Canterbury and York, the last of the old race of English ecclesiastical diplomatists—whom Elizabeth, much against Cecil's will, had chosen to conduct the negotiations.[1]

It happened that Cecil and Wotton were in time for the morning service at St. Giles. They attended it, perhaps as the readiest way of finding the Scottish Lords, and presumably heard Knox preach. At all events, they saw a sight they had never seen before—penitents in strange raiment, undergoing discipline in presence of the congregation.[2] Their after-reflections on the scene, strange to say, were not unfavourable. At the close of the service, they met with the Duke and many of the Lords, who had also been present, produced their Commission, and exchanged courteous speeches.

A truce was proclaimed in both camps on the following day, to last for a week, with renewal, if necessary, by common agreement.[3] The relations of the Scots and English representatives were, in the main, cordial throughout. Cecil thought some of the Lords at times unduly exacting. But the influence of Maitland and Lord James, whose co-operation he

[1] S.P.S. i. 413; Forbes, i. 489. [2] S.P.S. i. 430.
[3] S.P.S. i. 425.

cordially acknowledged, sufficed to keep them in check, and to secure agreement. They knew Cecil to be their sincere friend, and they had confidence in his judgment.

On the 25th the Lords, at the desire of Monluc and Randan, submitted a "Declaration of General Requests," setting forth the conditions which they believed necessary to pacify the kingdom, and to secure loyal obedience to the King and Queen.[1] The requests are eleven in number, and correspond in substance with the Articles ultimately agreed to. The dismissal of the French troops—payment of their debts—the demolition of all the recent fortifications—the exclusion of foreigners from State offices—government by the Three Estates of the realm during the Queen's absence—a law of oblivion to cover the past, "such as was sometimes established among the Athenians" (a touch of Maitland's hand, as we may guess)—these are the main points, in addition to the sixth, which, for its significance, may be quoted more fully. In it they humbly desire that, as they are accustomed to hold Parliaments every two or three years, the King and Queen may be pleased to ratify an order already made by them for assembling one on 10th July next, and be content that the Estates "may, according to the consuetude of the realm, used in all ages, repeal, confirm, alter, eik, or of new establish, such laws and ordinances" as they shall find necessary for quietness of the realm, "as well anent the civil policy as uniformity of religion, wherein there is such controversy already risen, that, without order be speedily taken by advice of the Estates, and an uniform rule be devised, the unity of the lieges cannot long continue"; and that it may please their Majesties to confirm the same.

The Lords Deputies, Monluc and Randan, could

[1] S.P.S. i. 432.

hardly mistake the meaning of this request, which may be usefully compared with Articles 4 and 17 of the final Treaty, and with the proceedings of the Parliament in August.

With reference to the statement in the last request as to the conditions of "the unity of the lieges and the quietness of the realm," which is more significant than the casual reader may perceive, it may be well to point out here that, in the sixteenth century, all over Europe, Catholic and Protestant, the question of uniformity of religion within a State—that is to say, the question of toleration—was as much or more a political than a religious one. It was the universal belief that diversity of religion within a State threatened its unity, its efficiency, and even its existence—that the enforcement of religious uniformity was a political duty which every State owed to itself. Thus Maitland and the Lords, in formulating their demands, were simply echoing the general sentiment of Europe. The apparent exception of the *Politiques* of France, led by l'Hopital, who contended for a partial toleration of both religions, is not a real exception. These distinguished men fully shared the general belief; but they regretfully held that, in the special circumstances of France, torn by two infuriated and sanguinary parties of not unequal strength, a compromise was absolutely necessary to avert the ruin of the nation. It may be added that it was, to a large extent, as this belief gave way before the teaching of experience and the spread of dissent that intolerance declined in Protestant lands.

Cecil found the English Treaty more difficult to adjust than the Scottish. The negotiations were on the point of failing, when, by a "brawling" interview with the Bishop, he succeeded in gaining the substance of what he wanted.

The Treaty was signed on the 6th July, by Monluc

and Randan for France, and by Cecil and Wotton for England. To save appearances the Scottish portion of it was cast in the form of a Royal grant, made in response to the "petitions" of the Scottish nobility. It formed an annexe to the English Treaty, which contained an article guaranteeing its fulfilment by the French. As a grant it was signed only by the Lords Deputies of the King and Queen, Monluc and Randan; but underneath was an indorsation in these terms:—"And we subscribers, in our own name, and in the names of the rest of the nobility of Scotland, do promise and shall bind ourselves to the within contents.—Jas. Stewart, Ruthven, W. Maitland."[1] On the 7th, peace was proclaimed in both camps.

The substance of the English Articles may be briefly stated. The retirement of the French army from Scotland—the demolition of the fort at Eyemouth—the cessation of all warlike preparations in France and England—the disuse by the French King and Queen of the arms and style of England in all time coming—reparation for their past use—the obligation to fulfil the Scots Articles—the ratification of the whole within sixty days: these are the chief provisions.[2]

The Scots Articles are more important for our purpose. They may be thus summarised:—

1. The French soldiers, with the exception of sixty in Dunbar and sixty in Inchkeith, shall be sent away, and no foreign soldiers shall be brought into Scotland in future without the consent of the Three Estates.

2. The fortifications of Leith shall be demolished, and those of Dunbar reduced to their former dimensions.

3. The debts of the French army shall be paid.

[1] Keith, 144.
[2] Keith, 134; Rymer's *Fœdera*, 591-7; Knox, ii. 73.

4. The Estates shall assemble in Parliament on the 10th July, and adjourn to the 1st August, provided that before entering on business all hostilities shall have ceased, that so the votes of the meeting may be unconstrained. "And during the interval of adjournment the Lords Deputies" (Monluc and Randan) "shall order a dispatch to the King and Queen to advise them of this concession, and supplicate them most humbly that they will be pleased to agree to what they have herein accorded. And this assembly shall be as valid in all respects as if it had been called and appointed by the express commandment of the King and Queen, provided always that no matter be treated of before the aforesaid 1st August."

5. Peace and war shall only be proclaimed with consent of the Three Estates.

6. The Three Estates shall choose twenty-four persons, from whom the Queen shall select seven (or eight), and the Estates five (or six), to govern as a Council of State during the Queen's absence.

7. No foreigners shall be appointed to important offices of State, and the Crown revenues shall not be alienated without the Council's assent.

8. An Act of Oblivion shall be passed for all political offences committed since 6th March 1558–59.

9. The Estates shall be summoned to Parliament according to custom, "and it shall be lawful for all those to be present who are in use to be present, without being frightened or constrained by any person." All disturbers of the peace to be punished as rebels.

10. A general reconciliation of parties shall take place.

11. The King and Queen will bury the past in oblivion, provided obedience be given in future.

12. The nobles shall not convene in arms, nor bring in foreign soldiers under the pains of rebellion.

13. The complaints of Bishops, Abbots, etc., shall be considered in Parliament, and reasonable reparation for losses shall be given.

14. The nobles shall join in punishing any who infringe these Articles.

15. The nobles who have lands, benefices, or pensions in France shall be reinstated in them.

16. The artillery belonging to France shall be restored.

17. The Lords Deputies (Monluc and Randan) cannot meddle in the matter of religion. The nobles have engaged that in the ensuing Parliament persons of quality shall be chosen to repair to the King and Queen, to remonstrate to them the state of their affairs, especially in the matter of their religion, and to understand their pleasure concerning what remonstrance shall be made to them on the part of the Kingdom. They shall carry along with them the Parliament's ratification of the Articles of Peace, to be exchanged for that of the King and Queen.

Of these Articles, the fourth and seventeenth deserve to be noted. The fourth is ambiguous, and seems to be constructed for the express purpose of enabling the King and Queen, by delaying or withholding their assent to the meeting of Parliament, to leave an opening for disputing its legality, notwithstanding the amplitude and clearness of the rest of the Article, and the full powers the Lords Deputies possessed. And the seventeenth, by the roundabout procedure it points to, seems to attempt to limit the competence of Parliament to entertain projects of reform without the previous permission of the Crown —a limitation which was almost certainly illegal, inconsistent with "the consuetude of the realm used in all ages," and was therefore ignored.

The former, though suggested by the wily Archbishop of St. Andrews, their principal councillor, was

probably due quite as much to the Lords Deputies themselves, who did not expect the Treaty to be ratified by France. The origin of the latter is clearly visible in the Memorandum of the Archbishop, submitted to Monluc and Randan during the negotiations, of which the last paragraph is as follows:—

"Item, that the Bishop of Valence cause the Commissioner that should come here from the King and Queen for holding of the Parliament, be so restricted that it be not left to these Lords to abrogate any Acts passed of before, or yet to make any alteration of any Estate, or yet to the prejudice of any of the Three Estates, in this Parliament. But if there be found by the whole Three Estates any point in this Parliament which has not been of before, that the Article thereof be noted allanerly (only), at this Parliament, without any resolution, or voting, or pronouncing; but to be sent first to the King and Queen, to be considered by them to another Parliament, that, if their Majesties find the Acts good, they may give first their consents, and thereafter propone it here in Parliament."[1]

It was an attempt, by an arbitrary stretch of power, to prevent, or at least to postpone, the religious revolution they knew to be impending.

[1] Keith, 486.

III

THE REVOLUTION: MAITLAND AND KNOX. 1560

The siege and surrender of Leith, followed, in terms of the Treaty, by the departure of the French troops by sea (between the 15th and the 18th of July), were the final acts in a long chapter of Scottish history—that of the old league with France. Arising out of the Wars of Independence, the Franco-Scottish Alliance had for more than two centuries served the interests of both nations. It had bridled the ambition of the Plantagenet kings of England, directed now against the one, and now against the other. It had at length led to the definitive expulsion of the common enemy from the territory of both. But its day was past. Scotland and France had recently entered on divergent roads. On the supreme question of the day they were now in keen opposition. Scotland, at the call of Hamilton and Wishart and Knox, had opened its eyes to the new light that was streaming from Wittemberg and Geneva, while Guisian France remained its bitter enemy and persecutor. Thus France became the object of Scottish fear and hate. England, at length definitively Protestant, saw its opportunity. It took advantage of the religious sympathies which drew Scotland towards itself to gain its old end by a new and more excellent way. The Treaty of Berwick was the first step, and a very long one, in the new path; and the Treaty of Edinburgh—the seal of a memorable service to Scotland—rendered the *entente*

practically permanent. Cecil, on the conclusion of the Peace, could justly boast that, by the course she had followed, Elizabeth "had procured the conquest that none of her progenitors with all their battles had ever obtained—the conquest of the whole hearts and good-wills of the nobility and people of Scotland—which surely is better for England than the revenues of the Scottish Crown."

The English army simultaneously departed by land. It was gratefully escorted by the Lords as far as Haddington, and by Lord James and Maitland to Berwick. A collective letter of thanks to Elizabeth went along with it.

The demolition of the fortifications went on apace.

On the 10th the Parliament met *pro forma*, and adjourned to the 1st August. On the 19th, the military hurly-burly being mostly over, a thanksgiving service was held in St. Giles. At the close of it, the most of those who had come together for the Parliament —Lords, Barons, and burgesses—met to make arrangements for the distribution over the country of preachers and superintendents. Knox clung to St. Giles; he could have no better watch-tower.

The whole nation rejoiced at its deliverance from the French soldiery, whose embarkation the English had to protect from the popular revenge. But here its unanimity was not unlikely to end. It was by no means certain that the French would not return, when their strength had been recruited and their present troubles allayed. There was still the nucleus of a French party in the Bishops and churchmen, leagued with the disappointed Cock of the North and his large *clientèle*.

Huntly's uncertain attitude caused much anxiety to Lord James and Maitland. In February, when it became plain that the sword of England was to be thrown into the scale, he had begun reforming in his

own domains—*i.e.* setting up the reformed service in the churches on his lands.[1] But this was merely a bid for offers from the Lords. He had written to Maitland while the latter was in London, and to Cecil and Elizabeth, feeling his way. He had conferred with young Arran and Lord James. He had tardily turned up at Leith, with a few followers, and had signed the Band of 27th April, promising great things. But he had also presented his bill. He wanted the Lieutenancy of the North, carrying with it a semi-regal authority over all that region. The Council replied that they were making no permanent appointments, but that if he joined them effectively his interests would be considered along with those of other Lords. This did not suit Huntly's pretensions. He gave no real assistance, and, apparently, dealt also with the Queen Regent behind their backs. Within a month he found it necessary to go home, and, as was expected, he did not return. Later, he wrote to Cecil, apologising for not seeing him in Edinburgh, and Cecil devoted some of the last moments of his stay there to warning him against defection.[2] Huntly, in fact, with his great position and his incurable duplicity, was the chief obstacle to the unity of the nobles, for which Lethington and Lord James were labouring.[3]

Randolph's letters give interesting glimpses of their assiduous efforts, during the interval between the Peace and the Parliament, to detach the northern nobles from Huntly's influence. "This day," he writes on 29th July, "Lord James and Lethington have returned from Inverkeithing, from meeting with Athole, Gray, Crawford, and Innermeath (northern nobles), who are all coming to the Parliament, to

[1] S.P.S. i. 313.
[2] S.P.S. i. 329, 373, 388, 437; Haynes, 316; Tytler, vi. 462.
[3] S.P.S. i. 313. The list of his dependent Lords is here given.

further their country's cause. Huntly is sick—no man is deceived in him."[1] Huntly did not venture as yet to throw off the mask, which perhaps made the task of Maitland and Lord James a little less difficult. In the end, they were fairly successful in securing a good attendance of the nobles at an assembly that was to shape the future of Scotland.

It was a matter of much importance. For the old Scottish Parliaments differed greatly from those with which we are now familiar. The Three Estates did not meet to examine public questions, and, after free discussion, to decide them by a majority of votes. They met, as a rule, simply to register a foregone conclusion —a conclusion reached sometimes in the field, sometimes by the predominance of a faction, or of a league of factions. The formal sanction of a Parliament was needed simply for legal security, to guarantee the dominant party against future prosecution for their proceedings. Those who were in opposition merely stayed at home, and held themselves uncommitted by what was done in their absence.[2] The executive of those days had no far-reaching power. The attributes of the Crown, as we conceive them, were, in fact, largely in commission among the Lords. Every noble house had its own army of retainers. Its head had the government of his wide domains mostly in his own hands. He dispensed criminal justice (in all cases except treason and the four so-called pleas of the Crown)[3] in his own local courts, attended by his vassals, who owed him suit and service in peace and war. They could, and often did, ignore Acts of Parliament of which they disapproved. It is in this state of matters — this virtual distribution of the attributes of sovereignty—that we find the natural

[1] S.P.S. i. 452.

[2] Rait's *Scottish Parliament*, passim.

[3] Rape, rapine, arson, and murder. See *Regiam Majestatem*; Macgill and Bellenden's *Discours de l'Ecosse*; Innes's *Legal Antiquities*, 60.

explanation, as already pointed out, of the action of the reforming Lords, and of Knox's theory of their duties and responsibilities. They were practically, by feudal law and custom, petty sovereigns, each within his own domains.[1]

The military phase of the revolution was now at an end. Maitland and Lord James, with a few of the Lords, had dominated it. The party of Knox had been in the background, though it had had to be taken into account, and reasonably satisfied. Its influence is visible in the Band of 27th April, and in the commission of the 29th, for the preparation of an ecclesiastical polity. With the return of peace it came again to the front. With the barons and burgesses at his back, Knox could contend on something like equal terms with Maitland and the politicians. He was keenly alive to the critical importance of the coming Parliament. He had his own clear conception, which had been long maturing, and was now well thought out, of the duty to which it was called, and he lost no time in setting it forth. Between the Peace and the close of the Parliament, Edinburgh swarmed with nobles and barons and men of influence, all intent on the one great business. Knox drew them all to St. Giles, where he preached almost daily on the questions that absorbed them. The rebuilding of the Jewish temple furnished a suggestive text for the topics of the day, and Knox could at all times command the rapt attention of his hearers. The building up of a national reformed Church, within a reformed State, was the great task incumbent on them; and along with that, and as an essential part of it, to provide for the universal education of the people, in schools, colleges, and universities; and for the care of the deserving

[1] The powerlessness of Parliament is probably one of the reasons why the penalty of death was so freely attached to its enactments. It was a mere *brutum fulmen*.

poor, which in the last days of the old Church had been grievously neglected.

Knox was far more of a statesman than an ecclesiastic. His plan embraced the whole national life. Church and State, in his view, as later in that of Hooker and Arnold, were coextensive—only different aspects and relations of the same national life. Every Scot owed allegiance to the Church as he did to the State, and both were entitled and bound to enforce it. Excommunication was the ultimate weapon of the Church, corresponding to outlawry (horning) in the State, though without effect on body or goods, which were beyond its sphere. The Church was concerned with sin, the State with crime. But each owed co-operation to the other to attain their united ends. Church and State were alike departments of the one Kingdom of God, the *Civitas Dei*, to which all earthly kingdoms should rise, and in which the Word of God, accessible to all, familiar to all, and in essentials intelligible to all, should rule. Such was Knox's theocracy. It was not a clerical conception, like the Hildebrandine, or even the Melvillian.

For these great ends—religion, education, and the relief of the poor—there were ample resources in the patrimony of the ancient Church, now at the disposal of the Parliament. It amounted to nearly half the property of the kingdom. Knox and his contemporaries took for granted, as did all Protestant Europe, supported by many old Catholic authorities, that the religious funds of the nation followed the nation's religion, and could be redistributed at its will. Moreover, the objects to which they were to be applied were precisely those, under new conditions, for which they had been originally given.

Into the seething ferment of the Scottish capital these discourses fell with powerful effect. They appealed to generous and patriotic minds in all classes.

But among the great landowners, these were a small minority. To the higher nobles especially, who had long been enriching themselves, by various devices, with the lands of the Church, in collusion with the prelates, who were mostly their relatives or dependants, they were highly unwelcome. The compensation for actual outlays, which Knox was willing to allow, as the solatium for restitution, had no sufficient attractions. So they scoffed at the enthusiasm of the preacher. "We must now forget ourselves, and bear the barrow to build the houses of God." The gibe was Maitland's, but he was the spokesman of a powerful constituency.

To Maitland himself the beneficent vision of Knox did not appeal. Neither a theocratic government nor a highly educated democracy belonged to his scheme of things. Moreover, he knew that Knox's plan was impracticable, "a devout imagination." He knew that the Lords, who had "greedily gripped" the Church lands, would not part with them, and he was not sure that they ought. There was an element of rough justice in their claim to the resumption of property, originally obtained chiefly from their own class.[1] And the precedent of England, to which they were always apt to look, was in their favour, all the more strongly that even the Catholic Restoration under Mary had not ventured to dispute the titles of the earlier spoilers. Maitland, as we have suggested, had probably encouraged the expectations of the nobles, and so generally was the idea of resumption accepted, that even an earnest reformer like Grange, at the outset of the civil war, would have bestowed the monastic lands on the Crown, if the Queen Regent would have come to terms with the Protestant

[1] "They might have said that they were only rearranging, on a reasonable and modern basis, what had long been for practical purposes the property of their class." F. W. Maitland, in *Camb. Mod. Hist.* ii. 554.

party.[1] The ultimate arrangement, by which the "thirds of benefices" were appropriated to the service of the Church and of the Crown, and the rest left in liferent to the present possessors, probably represented Maitland's idea of what was fair and practicable. But this is to anticipate.

The Parliament met, as appointed, on 1st August. But the muster was as yet incomplete, and no Commission had arrived from the Queen, in accordance with Art. 4 of the Treaty. On both grounds it was convenient to postpone for a few days the formal opening. Those members who had arrived met informally, and talked over the business. A week passed, and the gathering was as large as it was likely to be. But the Royal Commission was still awanting, though the Lords Deputies had fulfilled their undertaking by sending a special messenger to the Queen.[2] Longer delay was impossible, in view of the urgent business assigned to the Parliament by the Treaty itself. Considering the whole circumstances, and the tenor of Art. 4, it seemed to most that the Commission was rather a matter of form than of substance. Nevertheless the Primate, who, in collusion with the Lords Deputies, as we have seen, had prearranged the difficulty, disputed the Parliament's right to sit or legislate in the absence of a royal representative. But he was easily outvoted, and it was resolved to go on.

On the 9th, the formal opening took place, prefaced by the usual procession of its members from Holyrood to the Parliament House. They were mustered according to rank, headed by the Duke, as heir-presumptive, in place of the absent sovereign. Starting at 10 a.m., they marched up the long ascent of the Canongate and the High Street to the Tolbooth, with armour, banners, and music. The Crown, Sword,

[1] S.P.S. i. 220. [2] Teulet, *Papiers*, i. 605 ; Paris, 423.

and Sceptre, instead of being borne as usual in front of the sovereign or his representative, were quietly brought down from the Castle and placed in the royal seat, which remained otherwise vacant. The members took their places in the order of precedence. Huntly, as Lord Chancellor, should have made the opening speech. But Huntly was absent, owing to a "sore leg," as he gave out, and Lethington was appointed his substitute.

Maitland could always be trusted to do a thing of this kind with tact and dignity. He began by excusing his own insufficiency for the position in which they had placed him. Then he briefly referred to the history of the last few years, how they had been forced to take up arms in defence of their native land, the success that had been vouchsafed them, and the debt they owed to the sister nation that had helped them. He adverted to the misconceptions of their purpose on the part of some who had held back. He advised all Estates to lay aside personal interests, and to bend themselves wholly to the true service of God and of their country, which had long lacked good government and the exercise of justice. He exhorted them to hearty friendship one with another, as members of one body, and enforced the duty by an apposite fable. He ended by praying God long to maintain them in amity with all Christian princes, and especially with their good ally, Elizabeth of England.

The first business done was the ratification of the Articles of Peace. Then came the demand of the lesser barons for the acknowledgment of their right to sit and vote. Over a hundred of them—mostly earnest followers of Knox—had been drawn to the Parliament by the paramount interest of religion; and as they had long ceased, in any considerable numbers, to attend Parliaments in which they had little interest

and no influence, their large muster on this occasion, outnumbering all the other ranks put together, naturally raised some question. There could be no doubt of their legal right, which stood precisely on the same footing as that of the greater barons or lords. The law knew no distinction of greater or lesser among these vassals of the Crown, who were all equally entitled, or rather bound, to attend, under the penalty of a fine, which had sometimes been exacted.[1] But their long neglect of the right, which on ordinary occasions they regarded as a burden—for a journey to Edinburgh and a week's residence there cost money, of which they had little to spare—made it desirable to have it definitely recognised. It was admitted with little difficulty, and six representatives of their class were ordered to be added to the Lords of the Articles, who were immediately thereafter chosen.[2]

This Committee, which was elected at the opening of each Parliament, was the real legislature of Scotland. It sat daily, and prepared all the Articles (or Bills) for the sanction of the House, which was commonly given *en bloc*, with little or no discussion, on the last day of the session. The whole House assembled only on the first day to elect them, and on the last to approve their work.

The method of choosing this Committee, as told by Randolph, is an interesting memorial of an older time. "The Lords Spiritual," he tells us, "elect the Lords Temporal, the Temporal the Spiritual, and the Burgesses their own"—a device, apparently, for securing the supremacy of the clergy.

It may be doubted, however, whether this, or any rule, had been uniformly followed. The Scottish Parliaments had a happy knack of ignoring precedents

[1] See Rait's *Scottish Parliament.*
[2] S.P.S. i. 455–8; Robertson, iii. 273–9.

when they were found inconvenient, and of creating new ones.[1] On this occasion the old plan answered very well. The Lords Spiritual in attendance were mostly reformers. Three or four of the Bishops had swum with the tide, and of the Abbots and Priors the majority were Protestant laymen with ecclesiastical titles, Commendators of the rich Abbeys and Priories, which had long been secularised. Lord James was one of them. He sat as Commendator of the Priory of St. Andrews, to which, while still a child of six or seven, he had been appointed by his father, not without papal sanction, which provided similar fat benefices for three of his infant brothers.[2] Other noble families had been accommodated in the same way. Thus a Committee was chosen almost exclusively Protestant. It consisted of 36 members—10 Prelates, 10 Earls and Lords, 10 Burgesses, who were mostly Provosts of the large towns, and 6 Barons. Three of the unreformed Bishops—St. Andrews, Dunkeld, and Dunblane—were present, but none of them were placed on it. The whole assembly consisted of 26 Prelates, 14 Earls, 19 Lords, 110 Barons, and 22 Burgesses.[3] Lethington "did not remember to have seen in his time a more frequent" (*i.e.* better frequented, better attended) "Parliament."[4]

It was probably during the preliminary sittings that the religious question was first introduced, by the Petition of "the Barons, Gentlemen, Burgesses, and others."[5] It called for a final settlement of the controversy which had so long distracted and weakened the realm—the abolition of the Roman doctrines and practices—the reformation of the Church—the reappropriation of its patrimony—and the sequestration

[1] See in *Registrum Hon. de Morton*, pref. xxvi, an example of a different order followed a few years later.

[2] Theiner, i. 611; *Epist. Regum Scotorum*, ii. 72; H.M.C. Rep. vi. Sec. 8.

[3] Keith, 146. [4] S.P.S. i. 459. [5] Knox, ii. 89.

of the unworthy clergy from Church and Parliament. As a beginning they were desired to present to the Lords of the Articles "the sum of the doctrine" they wished to be established. The Confession of Faith—probably already long on the stocks, like the Book of Discipline—was ready in four days, and was first shown informally to some of the Lords, who suggested that Maitland and Wynram, as representing the moderates, should look over it. They are said to have advised some toning down of strong words, and the omission of a chapter on the Civil Magistrate.[1] It is doubtful if any part of their advice was followed.[2] The document was then formally presented to the Lords of the Articles, who called before them representatives of the old faith as well as of the new, to assist in their deliberations. But the old Bishops fought shy of the business. They knew little of theology, to which they were no more addicted than to preaching. Hamilton's *Catechism* of 1552, though it bore the name of the Primate, was almost certainly the work of another hand.[3] The Committee, after considering the document, article by article, approved it for submission to the House. It was in substantial agreement with all the other reformed Confessions, with some of which Knox and his brethren were probably armed at the conference, to facilitate the reception of their own.

A week was the usual duration of a Scottish Parliament. On this critical occasion it sat for fully a fortnight. And the whole House assembled on four separate days, instead of on the usual two. The first full meeting after the opening day was on the 15th,

[1] S.P.S. i. 477.
[2] Knox, ii. 92.
[3] It has been pointed out by the late editor of the *Catechism* that no reference to the Pope occurs in this compend of Catholic theology. But this is true also of Kennedy's *Compendious Tractive* and of the *Tractates* of Wingate, and is probably due to the same cause—the Gallican training of all the three.

when the Confession came up from the Committee. It offered the nearest approach to a modern debate that our early Parliaments furnish. The document was read over, article by article, as in the Committee, and Knox and some of his colleagues were in attendance, to answer questions or objections. But none were offered, and the 17th was appointed for resuming and concluding its consideration. On that day it was again read over in the same manner, and the vote taken. The three unreformed Bishops excused themselves on the ground that they had not sufficiently considered the matter—a matter that had been convulsing Europe for forty years, and of which the literature was abundant. Calvin's *Institutes* had long been a European classic. But these things were not in their line. The Bishops were simply feudal nobles, in their lives, habits, and pursuits, bearing ecclesiastical titles, but doing no clerical work.[1] Two or three of the Lords voted in the negative, and six or seven absented themselves from the division.[2] The vote was, therefore, 11 to 180, if we include the Barons; without them, it was 11 to 70. It was the first battle of the parliamentary campaign, and gave rise to a scene of enthusiasm which has often been described. There were many there who remembered the days of the two Beatons, the Archbishop and the Cardinal, the burning of Hamilton and Wishart, and the other atrocities of the time. Perhaps the most interesting speech was that of old Lord Lindsay of the Byres, the father of Mary's enemy: "I have lived many years, I am the oldest of my sort in this company; now that it hath pleased God to let me see this day, when so many nobles and others have allowed (*i.e.* approved) so worthy a work, I will say with Simeon, *Nunc dimittis.*" Others followed in a similar strain. Maitland, in writing to Cecil an account of the sitting, spoke of "the great

[1] Cf. Statuta, 290–2; Keith, pref. xiv. [2] Keith, 487, Note.

victory the truth obtained," and how "the Bishops uttered their ignorance to their own confusion."[1]

The next business was a thing of difficulty and delicacy. It had been long in view, and had been much considered, especially as to the manner of presenting it. It was the offer of Arran as a husband to Elizabeth. In the end, it was resolved to approach her with a formal suit, so as to secure a definite reply. She was asked to be pleased to accept the hand of the Earl.[2] As an appropriate preliminary, the titles of the Duke and Arran as heirs-presumptive to the Crown of Scotland were confirmed. Maitland had wished the matter to be negotiated more privately, out of consideration for Elizabeth, perhaps also to moderate the effects of a possible refusal.[3] He was as earnest in the prosecution of the project as any of the rest. But after repeated attempts to interest Cecil in it, he had failed to get much encouragement, and he was in doubt as to the issue. He continued, however, to do his utmost to the end.

The advantages the marriage promised to both kingdoms were great. If Mary should die, and her life was often reported to be precarious; or if she were set aside, as Cecil from the outset, and perhaps apart from the marriage, had calmly contemplated,[4] —Lethington's darling project of Union would be at once realised. If, on the other hand, she should live, and her children by the French King should come to the Scottish throne, the French yoke would again be fastened on the realm; and without the aid of

[1] S.P.S. i. 465. The *Confession* is printed in Knox, vol. ii., and will bear comparison with any of the Reformation symbols. It has been preferred by many good judges to that which superseded it a century later.

[2] Keith, 154.

[3] S.P.S. i. 464, 479.

[4] S.P.S. i. 249; Robertson, iii. 263. This notable Memorial is the best clue to Cecil's real and permanent mind on the Scottish question. He had afterwards to concede much to Elizabeth's legitimist prejudices, and to foreign menaces.

England, which the marriage might be expected to guarantee, the last state of Scotland would be worse than the first. Moreover, England would share its peril as before. It was, of course, well enough known that the weak Arran could not be in all respects the most eligible of suitors in the eyes of a virile lady like the English Queen, who had already had opportunities of taking stock of him. But personal considerations were not often allowed in those days to stand in the way of royal marriages that were politically desirable, and Elizabeth herself in later years had seriously to entertain less plausible offers than that of Arran.

The next full meeting of the House, and the last, was a week later. On that day (the 24th) the Treaty of Berwick was confirmed; the twenty-four Lords from whom the Council of State, the governing body in the absence of the Queen, was to be chosen under Art. 6 of the Treaty, were selected; and the Ambassadors to France and England were appointed. Lethington was, of course, among the twenty-four, and he was also one of the ambassadors to Elizabeth, with Morton and Glencairn as his colleagues. Sir James Sandilands, created Lord St. John by heritable right, as a reward for his acceptance of what was regarded as a perilous mission, was the sole ambassador to Mary. He took over with him the Acts (or Bills) approved by the Parliament, as constituting the remonstrance provided for in Art. 17 of the Treaty, along with other documents, for her information and acceptance.[1]

But the chief work of the day, in the eyes of posterity, was the passing of the three Acts on the subject of religion. The first abolished the Pope's jurisdiction. The second annulled the old heresy laws. The third prohibited the saying or hearing of Mass, under the penalty, for the first offence, of forfeiture of

[1] Keith, 152. In 1563 he became Lord Torphichen.

goods; for the second, of banishment; and for the third, of death.[1]

Considering the close and confidential relations between English and Scottish statesmen at the time, especially between Maitland and Cecil, and their constant interchange of plans and documents, as well as the traditional tendency of Scottish lawyers to look to English precedents for guidance in shaping their legislation, there can be little doubt that these Acts were modelled by the Lords of the Articles, assisted by the Law Lords, on the corresponding Statute of the English Reformation—the Act of Supremacy[2]—passed only a year before. They closely agree in the graduated penalties they provide, including the final one of death. In neither case, however, were the Acts intended for everyday application. They were essentially defensive, and simply armed the executive with powers to be used at discretion, as the safety of the State might require. That this was well understood—and indeed it was then a common form of legislation—is apparent from the extent to which in both kingdoms the letter of them was waived by all parties in ordinary times, and only enforced, in any degree, under provocation. It was the universal belief, as we have said, of European Governments—then and for long after—that only one religion could be authorised in a State, consistently with its safety, its unity, and its efficiency. England, Germany, and Switzerland were as firm in this conviction as were the Catholic States, though they were vastly more humane in enforcing it. It was a political rather than a religious idea, inherited from the Holy Roman Empire, with its close union of Church and State, and it was reinforced by the circumstances of the time, especially by the overbearing attitude of Rome and its allied powers. It was quite

[1] Acts of Parliament, vol. ii.

[2] Cf. Prothero's *Select Statutes*, pp. 9–11.

distinct from either Catholic or Calvinistic theories of the proper punishment of heresy.

It is creditable to Scotland that there is no authenticated case of the infliction of the death penalty,[1] and few of either of the others, apart from charges of treason to the State. It is only fair to add that, even under the old Church, sanguinary persecution was neither general nor popular. Cardinal Beaton, as we have said, was the only whole-hearted persecutor, the only man of blood, in sixteenth-century Scotland, and there can be no doubt that he was held in general abhorrence for his cruelty. Notwithstanding all their coarseness and frequent violence, the Scottish people, and even most of the Bishops, had little taste for sanguinary proceedings on grounds of religion. Race no doubt counts for much in this as in other things. The Latin and the Teutonic nations present a striking contrast in their methods of giving effect to the same principle. Hardships enough were inflicted by the intolerance of the German States, of England and of Scotland; but they are not to be named in the same breath with the bloody orgies of France and Spain and the Netherlands. It was the short spasm of persecution under Mary Tudor in England, more than any other single cause, that determined the Revolution under Elizabeth. It gave to her name the epithet that still clings to it (Bloody Mary).

A few other Acts were passed by the Parliament.[2] As the question of the Patrimony had not yet been dealt with, it was provided that, as in the previous year, the teinds (tithes) should remain in the hands of those who held them, till their destination should be fixed. The claims of the Bishops and churchmen to compensation for their losses (under Art. 13 of the Treaty) were disallowed for non-appearance to prosecute

[1] The two cases usually quoted are extremely doubtful.
[2] Keith, 151; Teulet, ii. 148, Note.

them—doubtless a practical evasion. The clergy were not the only persons who had lost much in the struggle, and there was no disposition to show them exceptional favour.[1] Others, like Lord James, had spent in it their whole available means, without the slightest prospect of reimbursement. Then the Consistorial Courts—those nests of lucrative abuses[2]—were also abolished ; secular ones were to take their place. The Law of Oblivion was approved. And, lastly, as a temporary measure, it was arranged that six members of the former Council should, in rotation, remain in Edinburgh to carry on the government, until the new Council should be formed in concert with the Queen under Art. 6.

The Parliament was prorogued on the 24th,[3] to re-assemble when the embassies to England and France had returned, and were ready to report the results of their missions.

Thus fell, in one short week, the hoary edifice which had so long been crumbling. It offered little defence. The letters that passed between the Primate and the fugitive Archbishop of Glasgow, who sailed away with the French army and never returned, furnish the measure of its official guardians.[4] If the writings of Quintin Kennedy, the Abbot of Crossraguel, and of Ninian Winzet, the schoolmaster of Linlithgow,—the only clerics who broke a lance on behalf of their Church,—give us a more favourable idea of the culture to be found, here and there, among the priesthood, they also prove the absence of men capable of dealing with the crisis. Their censures of the clergy were as pungent as those of Knox, but their do-nothing pleas for patience and prayer only excited derision.[5]

[1] S.P.S. i. 477. [2] See Lindsay's *Satire of the Three Estates.*

[3] Keith, 489. Keith himself as well as others have overlooked this statement.

[4] Keith, 406.

[5] Keith, App. 193–255 ; Wodrow, *Miscellany*, 87 ; Hewison's *Winzet.*

It has been a question whether the Parliament that carried through these revolutionary measures had a majority of the nation at its back. Probably it had, even by mere count of heads. The reformed doctrines had been spreading with increased rapidity during the last few years—since the movement of December 1557, and the final advent of Knox. They had gained a strong footing in the towns, which then contained half the population of the kingdom. They were widely diffused over the populous counties of central and southern Scotland, under the fostering influence of the Protestant Barons. From Clydesdale and Ayrshire in the west to the Lothians and Fife in the east, and northward through Angus, Mearns, and Moray, they strongly prevailed. But the moral authority of the Parliament did not rest on mere numbers. It represented the religious earnestness, the intelligence, the public spirit of the nation, with a far greater preponderance. And although there were large tracts of territory, mostly thinly peopled, as in the Highlands and Islands, to which the reforming movement had not yet penetrated, there was good reason to believe that the adhesion even of these backward regions was only a question of time and means. Nearly all that was left to the old Church was the passive and inert masses, of which all countries have a large share, who are led merely by custom; and the long moribund condition of the Church, and the inefficacy of its ministries, account for the readiness with which they conformed to the new establishment.

At the close of the Parliament, Maitland reported to Cecil that all was concord. Huntly was the only source of anxiety. He sent in writing his approval of the embassies to France and England. But no confidence was felt in his sincerity. Lord James, with Argyle and Athole, proceeded to the North, and remained there for some weeks, making arrangements to

"bridle him," should he mean mischief. From his semi-regal seat at Strathbogie, he dealt with foreign powers as a kind of independent potentate, beyond the cognisance of any government in Edinburgh.

Long before St. John set out on his mission (12th September) it became known that it was likely to prove fruitless. The French Court was evading, on one plea and another, the ratification of the Treaty. As early as the 29th July, Lethington had written to Cecil, anxious for any information as to its prospects. Had he obtained a sight of the letter which the Lords Deputies themselves (Monluc and Randan) wrote to the Queen Mother on the 9th July, when transmitting the terms of the Treaty just concluded, his curiosity would have been satisfied. They told Catherine that of two evils—the loss of 4000 French soldiers, or the acceptance of the English conditions—they had chosen the one which brought with it only loss of words, "*perte de parolles*."[1] And when they reached London on their way home (1st August), they told the Spanish Ambassador there that the King would never recognise England as the friend or ally of Scotland, or even as its intercessor, though in the Treaty they had practically acknowledged both — certainly the latter. Moreover, they contended, on the ground of the arrangements made, with their own consent, at Newcastle and Berwick, in order to prevent them communicating with the army in Leith, that, during the whole negotiations, they had been prisoners under guard, and could not therefore be held bound to anything agreed to under duress.[2] They said that the Scots were not yielding the obedience they had promised, although the Parliament at that date had done nothing; and that the King would not ratify the Treaty.[3] But nothing of this was known to Maitland

[1] Teulet, *Papiers*, i. 605.
[2] S.P.S. i. 422–3.
[3] Sp. Cal., Hume, i. 171.

or Cecil, who had to gain their information through the ordinary official channels.

Throckmorton in Paris, on the 12th July, received from London a summary of the Treaty, which he communicated on the 14th to the French King and to the Cardinal of Lorraine. They professed, perhaps truly at that date, to have heard nothing of it, and received the paper with angry questionings. Throckmorton believed they did not mean peace, and advised Elizabeth meanwhile to keep up her forces by land and sea. Again on the 9th August—the day on which the Scots Parliament was being formally opened—he reported interviews he had had on the 6th with the King, the Queen,[1] and the Queen Mother. They had all been equally evasive. The Cardinal denied that they had yet received from the Lords Deputies the full text of the Treaty. This was probably untrue. Valence and Randan in their letter from Edinburgh on the 9th July, already referred to, enclosed its terms —perhaps the signed and sealed document itself, as reported by Aquila to Philip.[2] The letter, with its enclosures, was sent by the hands of their messenger, Lignerolles, probably the same who returned in 1567 as ambassador. He passed through London before the 15th, and arrived in Paris on the 17th or 18th.[3] On the 28th, the French King sent to his ambassador in Spain, to be shown to Philip, "an extract from the Treaty of Edinburgh, so that he might see the iniquity of it, and the hard and intolerable conditions to which, for the repose of Christendom, he had accommodated himself."[4] And a letter of the same date, written to the same authority by another French official, lets out the Cardinal's reason for his false pretence. They had

[1] Throckmorton mentions that Mary spoke to him "in Scottish," one of many proofs that she never lost the fluent use of her native tongue, though she did not care to write it.

[2] Sp. Cal., Hume, i. 165.

[3] Ven. Cal. vii. 239.

[4] Teulet, *Papiers*, i. 606; Paris, 429.

not yet made up their minds what to do with the Treaty, and wished to "drive time," by pretending to have heard only the "generalité" of it.[1]

These facts make it tolerably plain that, from the first, neither the Lords Deputies who negotiated the Treaty, nor those whom they represented, had had any serious intention of fulfilling the conditions which had been imposed upon them by dire necessity. The Peace had been simply an expedient to save the army shut up in Leith, and to adjourn the contest to a more favourable opportunity. Evasion was kept up till the sixty days allowed for ratification had expired. Then on the 16th September, Throckmorton was informed that, as the Scots had failed to do their duty, their Articles could not be confirmed; and that, as the Scots and English Articles were mutually dependent, neither the one set nor the other could be ratified.[2]

The cardinal offence of the Scots was, of course, the religious revolution. "The resolutions taken by the Scots as to religion disengage the King and Queen from all obligation to confirm the Treaty," wrote the French King to his Ambassador in Spain on the 5th October.[3]

About the middle of that month, St. John arrived in Paris. Notwithstanding Mary's previous threat to seize him and send him to Malta, to be judged by his old Order (he had been Preceptor of the Knights of St. John), he was well received at the French Court, and soon gained personal esteem. But he gained nothing else. On the 16th November, he got his final answer in a letter from Francis II. to the Scots Estates.[4] It stated that the King was much displeased with their proceedings, and it exhorted them to return to their duty. He was still willing to forget past offences.

[1] Teulet, *Papiers*, i. 608; Paris, 444. [2] Paris, 550.
[3] Teulet, *Papiers*, i. 636. [4] Teulet, *Papiers*, i. 638; Paris, 692.

He would send two noble persons, as his deputies, to explain to them why the Articles could not be ratified, and to hold a new Parliament. The Cardinal of Lorraine told St. John that the Scots were setting up a republic—alluding doubtless to the powers claimed for the Parliament and the Council of State. He left the Court on the 26th November, with "good words" from the Queen, and the usual present of plate due to an ambassador. The young King was unable to see him. He was already stricken with the cerebral disease of which he died nine days later.

Meanwhile the embassy to Elizabeth had also been despatched. On the 15th October, Morton, Glencairn, and Lethington, with a retinue of seventy-four horsemen, passed through Berwick, on their way to London. Lethington was, of course, the real negotiator, and he still pressed the marriage on Cecil. But Cecil, though friendly enough, was still reticent. On the 8th December they got their answer from the lips of Elizabeth herself. She thanked them for their goodwill, and recognised their upright meaning. She would do all in her power to promote permanent amity between the realms. But she "was not presently disposed to marry."[1]

The reply was dilatory in form, but the proud Scots took it to be decisive in substance, and did not persist in their wooing, as Elizabeth afterwards professed to think they might have done. It would have been lost time. For the English Queen, besides her legitimist prejudices, which inclined her to protect the interests of Mary, and her want of love for the Scots, was unwilling to challenge the increased hostility of France and Spain, which would have followed her compliance.

Maitland and his colleagues were in perplexity. How were they to face the Parliament that had sent

[1] Keith, 156.

them, and confess the failure of the long cherished scheme, from which so much had been hoped? How would their report be received, and what was to sustain the alliance so recently contracted, and so greatly exposed to peril?

Their trouble was quickly alleviated. Within a day or two intelligence arrived that Francis II. had died on the evening of the 5th December. Their whole outlook was changed. Their Queen was now a childless widow, with no claim on France except for her dowry. The nightmare of a succession of French princes, entitled by treaty to the throne of Scotland, was dissipated. The Guises, as well as their niece, were fallen from power, and were unlikely to recover it, so long as the Queen Mother, who now became Regent, could prevent them. Catherine de Medici, the *fille des Marchands*, was not likely soon to forgive the *fille des Rois*, who had slighted her, and ousted her from all influence on affairs. Nor was she likely to second Guisian designs on Scotland, to help them back to power.

There was joy in the Protestant camp all over Europe at the opportune event, most of all in France and Scotland, the countries specially concerned. It was a signal relief to both. In France it saved the lives of Condé and Navarre, and averted a daring *coup d'état* on the eve of its consummation. From Scotland it lifted a cloud of apprehensions. It was "a wonderful and most joyful deliverance."[1]

There was only one unfortunate consequence of the event. The Treaty of Berwick had been arranged to hold good as long as Mary remained Queen of France and a year longer. It would therefore terminate, *ipso facto*, in the following December. Scotland would then cease to have any claim on English assistance for protection against France, from whom danger might

[1] Knox, ii. 132.

still arise. And Elizabeth had just refused the alliance which might have been an efficient substitute for the Treaty.

All these things set Maitland thinking, with notable results. Before leaving London he propounded to Cecil in outline the great scheme to which all his powers were to be devoted for years to come. In lieu of the alliance between Elizabeth and Arran, as well as in view of the lapse of the Treaty of Berwick, he proposed to bring Elizabeth and Mary together, by means of a compromise which should reconcile their interests, and bring over the Scottish Queen to the Protestant side. He suggested that Elizabeth should declare Mary the heir-presumptive to the throne of England in return for her ratification of the Treaty of Edinburgh, which affirmed Elizabeth's exclusive right, during her own lifetime and that of her issue.

Cecil was startled, but not convinced; and he was probably not sorry when Maitland and his colleagues left London in the end of December. St. John had reached Edinburgh a fortnight before them.

IV

THE RETURN OF THE QUEEN: MAITLAND AND MARY. 1561

When the news of Elizabeth's rejection of the marriage reached Edinburgh, the poor Duke, sadly disappointed, for himself and for his son, summoned a Convention, to receive the reports of both embassies, and to consider what was now to be done.

All parties were already gravitating towards one conclusion—the return of the Queen. She herself desired it, partly from wounded feeling and the hostility of the Queen Regent; much more for ulterior purposes. Her uncles are said to have advised it. England, or at least its Ambassador in Paris, favoured it, believing that Mary would be less dangerous in Scotland than in France. The Scottish Lords, having no acceptable alternative, were not averse to it, if only they could guarantee themselves against a counter-revolution.

Within a few days of his return, Maitland, intent on his new policy, wrote to Cecil. 'The French King's death,' he said, 'concurring with Elizabeth's doubtful answer to our nation, which our men take to be a plain refusal in good terms, is making many enter on new discourses. Men here begin to make court to the Queen their sovereign more than they were wont, and press to put themselves in her good graces.' He has done his utmost to keep them in hope that all will be well, and he does not fear but the most part

will remain in touch with England. It was a gentle reminder of the effect produced in Scotland by the rejection of the suit, and of the need of finding some other bond of union to replace it, such as he had suggested before leaving London, if the amity was to be maintained.

Among the first to enter on "new discourses" was the disappointed Arran. Smarting under Elizabeth's repulse, he promptly offered himself to Mary. Knox, curiously enough, was his chief confidant in the affair. The reformer doubtless thought that to marry Mary, of whom he knew little or nothing, to a zealous Protestant like Arran, might prove a fair solution of a difficult problem. It would secure a Protestant King and Protestant heirs to the throne, and might even win over the Queen herself. Had he known her as he came to do within the next twelve months, he would probably have been more wary. Mary had other and higher views, and a capacity for pursuing them suspected by few. With the help of her uncles, she was moving in the direction of Spain.[1] A match with Don Carlos, the heir of Philip and of his great empire, was the object on which she was set—an object she never ceased to pursue till it was found to be unattainable. So she gave Arran a polite rebuff. The poor youth, twice foiled, was greatly depressed.

The only British politician who really knew anything of Mary at this time was Throckmorton, and he had formed a high estimate of her capacity. He warned his Government that "one of the special things they ought to have an eye to was the second marriage of that Queen." She had shown herself wise and prudent beyond her years, and might prove dangerous. Little account had been made of her during her husband's lifetime. But she was now showing rare discretion. Then, glancing at her

[1] S.P.F. iii. 489.

suspicious intimacy with the Spanish Ambassador, he expressed a fear lest, through any oversight, they should give her an opportunity of advancing her own interests at the expense of those of England.[1]

Other Scottish Lords and gentlemen were following Arran's example in paying court to the Queen, as Lethington had forewarned Cecil. Some sent letters and messengers, some went over in person, till the stream attracted the attention of the Council, who at length put a check on it. Mary recognised the turn of the tide, and readjusted her plans to suit it. She abandoned her intention of organising a party in her interest, under the lead of Huntly and Bothwell. With rare insight and courage, she resolved to throw herself on the whole nation without distinction of party, to appeal to the slumbering loyalty of the people to their ancient line of kings, and to trust to her personal influence, aided by the natural resources of the Crown, to mould them all to her purpose.[2] In conjunction with Charles IX., and with the consent of the Queen Regent, who was not loath to hasten her departure, she despatched four Scottish gentlemen as her envoys to the Lords. They were officially to inform them of the King's death—of her own long and earnest labours in the cause of conciliation—of the desire of Charles IX. for the continuance of the old alliance—and of his intention to send an ambassador to renew it. They were to assure the Lords of her confidence in their continued loyalty and their future obedience, notwithstanding all that had passed, and to desire a deputation of their number to be sent to her, bringing with them provision for her journey home out of her hereditary revenues, and a list of nominees for the offices of Treasurer and Comptroller.[3]

Mary had set herself a harder task than she

[1] S.P.F. iii. 467. [2] S.P.F. iii. 514.
[3] S.P.S. i. 506; Labanoff, i. 85.

imagined. But she was sanguine and high spirited: she had confidence in her right, and in her resources: and she had a goal in view, to which success in Scotland was a necessary stepping-stone.

The Convention assembled on the 15th January. But it was the 21st before the muster was complete. Six days were spent in the examination, presumably by the Lords of the Articles, of the Book of Discipline, which had now been definitely submitted.[1] It is not necessary here to discuss Knox's great plan of ecclesiastical polity, of education for all classes of the people, and of relief for the poor. The document is embodied in his *History*, and remains a permanent memorial of his genius, if also of his theocratic ideal of the national life. Though never sanctioned by the State, it remained the ideal of the Church, and, with even its poor resources, was fruitful of beneficent results. Coleridge thought it "worthy of Lycurgus."[2]

Maitland, as we have said, was one of its opponents, and he had influence enough to obtain the adjournment of its consideration to the next meeting of the Convention. Knowing the meaning of the move, Knox was deeply chagrined. He was anxious to have his polity legalised before Mary's return, so that it might be out of danger from her influence. He was partly consoled by the personal adhesion of the Duke, Lord James, and a considerable number of Lords and gentlemen, who "thought the same good, and conform to God's Word in all points," and promised "to set it forward to the utmost of their power"—a promise they did little to redeem.[3] Maitland afterwards made merry with the idea that the Duke, and perhaps others of the subscribers, seriously intended to fulfil their obligations. Knox and Maitland were drifting further and further apart.

[1] Knox, ii. 128, 138; S.P.S. i. 511. [2] *Notes on Eng. Divines*, i. 5.
[3] Knox, ii. 129.

Though not sanctioned as a whole, some of the provisions of the Book were adopted. Maitland, writing to Cecil, says that many things had been determined for the policy of the Church, and order taken for establishing religion universally, "something more vehement than I for my part at another time would have allowed," *i.e.* approved. But he does not, in present circumstances, regret it. "Marry, as things are fallen out, this time doth require some vehemence, and it will serve to good purpose. Earnest embracing of religion will join us straitly together, and make the danger appear greater if the one part should swerve from the other." Maitland's supreme care, as we have said, was always for unity, and he was not straitlaced as to the means of obtaining it, from whatever quarter it might come.[1]

A curious feature of the Convention was the debate arranged for between the representatives of the old faith and the new. Lesley, parson of Oyne, the future Bishop of Ross and defender of Mary, and Anderson, sub-Principal of Aberdeen College, for what reason we do not learn, were ordered to submit to examination at the hands of Knox, Willock, and Goodman. The theological learning of the examinees does not seem to have been great. The nobles were satisfied of their defeat, and their verdict is worth noting on other grounds. "We have been miserably deceived hitherto," they exclaimed. "For if the Mass may not obtain remission of sins to the quick and to the dead, wherefore were all the Abbeys so richly doted with our temporal lands."[2] The point of view is instructive, and explains their attitude to Knox's demand. The result of the debate was that the Catholic champions were ordered to "ward themselves in Edinburgh, and not to preach in any wise in time coming." The Act of Parliament was not invoked, and

[1] S.P.S. i. 509.

[2] Knox, ii. 138.

their punishment was nominal. Within three months, Lesley was in France as the envoy of Huntly to the Queen; Anderson soon found his way back to his College, from which he had to be ejected as late as 1569.[1]

The chief business of the Convention was with the reports of the ambassadors to France and England. That of St. John had lost much of its interest since the death of Francis, and even the rejection of the marriage suit by Elizabeth, though resented as a national slight, had lost a good deal of its sting. There was a disposition to make light of the English alliance, if not to cast it off. The snapping of the chain, which, since 1548, had bound Scotland to France, with the prospect of endless entanglements, was a deliverance which threatened to turn men's heads, and to make them oblivious to the dangers that remained. Both Maitland and Knox combated this temper. Both knew well the unstable condition of French parties, and the possibility that the Guises, with the secret help of Spain, might soon recover their lost ground. The great Duke and the astute Cardinal were too powerful, in and out of France, to be so easily disposed of. They had the militant Catholicism of Europe at their back, and were sure to be further heard of. Both Maitland and Knox, from different sources, had learned that they were negotiating with Philip, and that the hand of Mary, with her great claims and possibilities, was their most tempting bait, their trump card in the bold game they were playing. To exchange a Spanish King of Scotland for a French would be no gain.

Maitland, therefore, with all the wiser heads of the party, contended strenuously in the Convention for the continued cherishing of the English alliance, and the grateful acceptance of Elizabeth's assurances of continued support. Never at any time, Randolph

[1] Calderwood, ii. 491.

reported to Cecil, did Lethington show the excellence of his wit, love to his country, or goodwill to England, more than on that day. His exertions were not unsuccessful. Of those who had signed the Treaty of Berwick, Randolph in the end doubted the fidelity of none but Huntly, "of whom never man at any time was assured."

The question remained, What was now to be done? There was no legal government, Mary having refused to carry out the stipulations of Art. 6 of the Treaty, by choosing her quota of Councillors from the list submitted to her by St. John. The provisional arrangement they had made in August last had been wonderfully successful in maintaining public order, but it could not be indefinitely prolonged. They resolved, before deciding on any further steps, to send a deputation to the Queen, to know from herself what they might expect from her if she returned—"to grope her mind," as Maitland phrased it—and to be guided by the result. Lord James, from his great position, his high character, and his relationship to the Queen, was judged the fittest to be placed at its head. He was "zealous in religion and one of the precise Protestants, known to be true and constant, honest, and not able to be corrupted."[1]

The position and character of Lord James Stewart were almost equally unique. A scion of the royal house, though of illegitimate birth, he had been educated at St. Leonard's College in St. Andrews, of which, as Commendator of the Priory, he was the nominal head. At the age of seventeen or eighteen he went to Paris, where he studied under the celebrated Ramus in the Collège de Prêsle. Under various influences, including that of Knox, he became a convinced and earnest Protestant, in whom the Huguenot type was perhaps more recognisable than

[1] S.P.S. i. 510. The words are Maitland's.

the Scottish. His last appearance as a Catholic was at the reforming Council of 1549, at the age of eighteen. Before the next met in 1552, he had become an avowed Protestant. In 1554, when Mary of Guise was made Regent, he was the chief of the reforming Lords who, in return for promises of religious toleration, became her warm supporters. He continued to uphold her till her promises were thrown to the winds, and a policy of deceit and thinly veiled persecution was adopted. Then, counting the cost, which he paid with distinguished liberality, he threw himself into the cause of the Congregation, and took a great part in the civil war that ended with the death of the Regent and the Treaty of Edinburgh. A deeply religious man, whose gravity was tempered by a natural vein of *bonhommie*, as the letters of Randolph attest, his combined zeal, moderation, and integrity, added to his high rank, made him a tower of strength to the Protestant cause. He had earned the confidence, not only of his party, but of the nation, which trusted him as it trusted no other. Untouched by jealousy or greed of power, he readily supported Maitland, whose great gifts he recognised, giving him full scope in the management of public affairs, and reserving to himself only a moderating influence.

Lord James was to invite the Queen to return, if she was found willing to accept the necessary conditions—namely, that she should attempt nothing against the order recently established, and "that she should bring no armed force and no foreign council with her." He was to report to a meeting of the Convention, to be held in May. But his departure was delayed by the arrival of Mary's envoys, and in the meantime the situation continued to develop.

Maitland, as usual, wrote to Cecil an account of the Convention. There was over-security among them, he said, because of the French King's death. He could

not share the general feeling, believing their peril to be as great as ever. All were beginning some devotion to the Queen. Yet she must continue, he thought, to be ruled by her uncles, and could not quite forget the past. He feared many simple men, among those resorting to her, would be carried away with vain hopes, and brought to bed with fair words. But Lord James was going over to probe her mind, whether she would trust her subjects. If she was prepared to do that, they would meet her at Dover, and convoy her to Elizabeth. If not, and if she proposed to bring a French force with her, they were not bound to receive her, and would consult with Elizabeth for defence. Lord James would see the English Queen on his way to France, and lay the whole matter before her. "You know something of his nature. He is no dissembler, and will deal frankly with Her Majesty." There had been, he added, a proposal to authorise Lord James to renew the French alliance, as no longer dangerous, but he had succeeded in staving it off. If Lord James could persuade the Queen to trust her subjects (*i.e.* to accept the *status quo*), he would take courage. If not, he saw the peril greater than ever, and his own the worst. And he ended with a fresh and more urgent reference to the proposal he had offered. "I made you some overture at London how to salve all matters, and wrote to you more amply on it from Sir Ralph Sadler's house. I would be glad to understand what you think in it, and how it should be followed."[1]

We have already stated the substance of the plan—that in return for Mary's ratification of the Treaty of Edinburgh, including its acknowledgment of Elizabeth's just title, Mary should be publicly recognised as her successor, should the English Queen die childless. The object was, of course, to bring Mary

[1] S.P.S. i. 509–13.

Earl of Moray.

FROM THE PICTURE IN HOLYROOD.

into the Scoto-English alliance by giving her a large personal interest in its maintenance, and to sever her from the subversive designs of her uncles and the Catholic Powers.

Considered *per se*, the proposal seemed a just one. Mary was undoubtedly the nearest relative of Elizabeth, and to waive, on the one hand, her exclusion from the English succession under the will of Henry VIII., and, on the other, the question of Elizabeth's legitimacy, as the daughter of Anne Boleyn, born during the lifetime of Catherine of Aragon, seemed a fair compromise.

But there was another aspect of the matter, arising out of the conditions of the time. Catholics everywhere, in accordance with Canon Law, regarded Elizabeth as the offspring of an illicit union, and the usurper of a throne to which Mary was the rightful heir. The Catholic Powers of Europe, with the hesitating exception of Philip, in his own interest, were ready, by any means in their power, to subvert Elizabeth's throne, as the prelude to a Catholic restoration. If, therefore, Mary were to remain a Catholic, and to hold herself, openly or secretly, at the disposal of the Catholic Powers, there was reason to fear that her recognition by the English Parliament as the next heir would, sooner or later, be followed by Elizabeth's assassination. Maitland in making his proposal, and Lord James in supporting it, appear to have ignored, or at least greatly underestimated, this danger.

Cecil and Throckmorton were afraid to meddle with the proposal, and Elizabeth herself, though she sometimes dallied with it for temporary purposes, never seriously entertained it. Though personally favourable to Mary's candidature, she was determined, in the interest of her own security and of her undivided supremacy, to have no public or irrevocable decision as to her successor. She wished to keep

Mary in a condition of dependence on herself for the fulfilment of her hopes. She would proclaim neither her nor any other as her heir during her lifetime. Elizabeth, in fact, would fain have had the power, given to her father, of naming her successor by will.

We have already stated the immediate object of Lethington's scheme. But it had other recommendations, hardly less important in his eyes.

The first was its relation to his lifelong project of Union. He had been foiled in his attempt to reach this end directly through the Arran-Elizabeth marriage. He was now seeking it by a less direct and immediate route. The new plan was so far preferable to the old that it offered no shock to legitimist opinions, and the event, though more distant, might be all the more sure. Time would be given for the general and gradual approximation of the two peoples and Governments. It involved, of course, some risk to the Protestant interest should Mary persist in remaining Catholic. But Maitland believed (or perhaps tried to believe) that they would have "ways enough to induce her to favour the religion." He reckoned that the prospect of obtaining the English succession through Protestant influence would go far to bring her round. Moreover, his interest in the cause of the Reformation was not so keen as in that of Union, and he was doubtless prepared to run some risks to secure the great and urgent ends in view. He could see no other way by which Mary could be reconciled to the Scoto-English alliance, which was essential to the safety of both realms. Without some such pre-established harmony she would continue its enemy, and might succeed in subverting it.

The second was his own personal interest in the plan, and that of his colleagues, who had been active in promoting the recent revolution. He believed that unless they could do Mary some signal service, and

earn her gratitude, they could look for nothing but revenge at her hands, not perhaps all at once, but as soon as she had got firmly seated on the throne, and had gained the necessary power. And the skilful use of the natural resources which the Crown in those days possessed would go far to provide that power.

It may be thought less easy to understand why Lord James, whose devotion to the interests of the Reformation is undoubted, should have so readily fallen in with Maitland's plan. But, in the circumstances, there was hardly any choice. Mary's return seemed now inevitable. They had no acceptable rival to set up in her place. Arran was a cipher in the eyes of all but Knox, and the Duke was odious. It was Elizabeth, and not Arran, they had sought in the recent suit. And Lord James was probably as convinced as Maitland that they were powerless to force upon the Queen any other conditions than the two essential ones they had agreed on. Moreover, Lord James was a Stewart; the Queen was his sister; and a young woman of eighteen might be expected to prove accessible to new influences, and not beyond the control of able and experienced statesmen. The actual Mary proved a revelation to them all.

Knox and his party offered no opposition to the return of the Queen. But they took for granted that she would be required to conform to the law in the matter of religion. Knox held, with his usual decision, that the head of a Protestant State should be a Protestant, and that to place an avowed Catholic in that position would introduce a schism into the heart of the Government which would paralyse its action. When he found that Lord James intended to ignore the law in her favour, and to grant to Mary the private exercise of her religion, he remonstrated, and warned him of the inconveniences that would follow.[1]

[1] Knox, ii. 143.

Knox's contention has been often condemned as mere irrational bigotry. But a little reflection might suffice to show that—however harsh in its bearing on the lot of Mary, and however difficult to apply—it had practical truth and insight in it. It was justified by events then; by the history of later times, which passed it into a law, first in Scotland, and then in England; and by the fact that, notwithstanding great modifications in the conditions of the question,—due to the progress of constitutional government, the limitation of the power of the Crown, and the growth of tolerance,—it still holds the field, without any visible prospect of change.

Knox had special justification for it in his own day. It is only necessary to recall the methods by which the government of Scotland was then carried on. The supreme administration was in the hands of the sovereign, assisted by the Privy Council,[1] the Cabinet of those days. That body usually consisted of about a dozen nobles, and half a dozen officials. These were now practically (whatever they had once been) chosen by the sovereign, who presided over their deliberations; and they could at any time be changed by the power that created them. Moreover, their advice on any question might be taken or refused. They had no means of enforcing their views in opposition to the royal will, however far it might stray into arbitrary or dangerous courses. Beyond moral influence, force, and the fear of force, were the only weapons they could bring to bear on an erring sovereign. The power of the purse, that potent weapon of the Commons of England, had no counterpart in Scotland. The revenues of the Crown were hereditary, and there was no regular taxation to grant or to refuse.

The Crown was thus the ruling factor in the

[1] Secret Council was the common name in Scotland.

government and policy of the State. A Catholic sovereign in a Protestant State—especially in one not yet consolidated, and with many important questions of organisation still undetermined—was a serious anomaly, dangerous in exact proportion to the force and ability of the sovereign, who, in the prestige, the patronage, and the feudal rights of the Crown, had a mine of resources for building up a party in its own interest. The six years of Mary's active reign are a continuous illustration of the anomaly.

The position of Knox and his party is therefore quite intelligible, and far from indefensible. Whether, in the circumstances, his plan was practicable, and whether the attempt to carry it out would have been attended with greater difficulties and disturbances than arose out of the course actually followed, are questions that cannot now be answered with any confidence. A recent able and accomplished writer has claimed for Maitland's opportunist policy the merit of staving off a bloody conflict, and of reaching the same end by peaceful means. But the chronic conspiracy against the peace of both realms which led up to the Darnley marriage—the rebellion that naturally followed it—terminating in the attack, in which Maitland took part, on Mary's personal government—the civil wars that followed her deposition—and the deadly plotting of her nineteen years' captivity in England—are serious obstacles to this optimistic view. Had they crowned Arran and left Mary stranded on the Continent, which was doubtless Knox's alternative to Mary's refusal to conform, it may be doubted whether she could have excited greater troubles than these in Scotland and England. Cecil apparently would have taken the risk as cheerfully as Knox, had he not had Elizabeth to reckon with.[1]

[1] Mr. W. L. Mathieson's *Politics and Religion in Scotland*, i. 147.

With the exception of a momentary hesitation, for the sake of peace, in the first days of Mary's return, Knox adhered to his contention with unflinching tenacity, and in the first Parliament after the Queen's fall, he had the satisfaction of seeing it become the law of Scotland. He supported the Scottish claim to the English succession, subject to this fundamental condition, applied to both realms.

Lord James, who had no ambition for an invidious place at his sister's expense, and no regard for the next heirs, probably thought that little would be gained by a merely negative conformity to the law, which was the utmost that could be expected from Mary, so long as her private convictions remained unaltered; and that it would be wiser to trust to the new influences by which she would be surrounded in order to reach the end which he desired quite as much as Knox.

Within a fortnight of the close of the Convention, Mary's four envoys arrived (20th February). Maitland at once sought them out. At Craigmillar, the residence of one of them, who happened to be his brother-in-law—Sir Simon Preston, afterwards well known—he extracted from them the substance of their instructions.[1] They brought with them some three hundred letters, written or signed by the Queen. Maitland described these as "the seed of sedition"—the good words, fair promises, etc., which he had anticipated in his letter to Cecil. "Some of it is ordained for my garden," he told Cecil, "yet I change not." One of the letters was for himself, and it contained something material—perhaps a promise of the French pension to which he afterwards plainly refers. Whatever it was, it made no difference. Maitland never thought it worth while to reject such things; he received them with a kind of polite indifference,

[1] These are in Labanoff, i. 85.

tinged with scorn. Covetousness, as we have said, was not one of his faults. He was nearly as contemptuous of pelf as Knox, though less scrupulously clean-handed. He lived in an atmosphere which these things did not reach.

The envoys brought also a Commission from the Queen, addressed to the Duke, Argyle, Huntly, Bothwell, Athole, Lord James, and the Archbishop of St. Andrews. It authorised them, or any four of them, to summon a Parliament, to meet the ambassador of Charles IX., already on his way, and to reply to his demands.[1] The document was delivered to the Duke. He declined to take any action till he had time to consult with the Lords, who had dispersed to their houses after the Convention.

One of the Ambassador's demands was to be the renewal of the old alliance. Maitland felt it to be an awkward one. He feared there would be difficulty in evading it without a rupture. Meanwhile he took counsel with Cecil, and urged anew his plan for "salving all interests."

The situation in Scotland, he told him, was becoming more complicated. The party of the reforming Lords was now splitting into two. The Hamiltons were, as usual, bent on their own interests, and saw no safety for themselves except in requiring the Queen to marry Arran, as Elizabeth had suggested. The rest thought it good policy to invite her to return unfettered as to marriage, provided only she should bring neither force nor council of strangers, but trust only in her native subjects. They believed there would be found ways enough to induce her "to favour the religion," to overlook the past, to put all things amiss in order, and to live in concord and unity with her subjects. This party thought it hard to propound any other conditions to her, and "not plausible in the

[1] S.P.S. i. 518-20.

world abroad," where Mary had powerful friends, who required to be taken into account. The renewal of the league with France, he thought, might by policy be delayed for a season; but he feared it would at length be granted, unless England looked circumspectly to the matter. The Lords would not care to make both France and Mary their enemies by rejecting it, unless they were well assured of the alliance of England. But the marriage suit had been rejected, and they remained in doubt. His object in writing, he said, was to warn Cecil of these matters beforehand, that he might advise in time. If the proposal he had made could not be entertained, let Cecil say what other remedy he saw or could invent. Unless the Queen could be allured to friendship with England, amity between the two nations could not long continue.[1] Two days later (28th February), he returned to his plea with similar urgency.

On the 11th March, the French Ambassador announced by Mary arrived. Gilles de Noailles, Abbé de l'Isle, was the youngest of three brothers, who had successively represented France at the English Court. The Lords assembled on the following day to receive him. They were bolder than Lethington had hoped. They listened to the oration with which he introduced his proposal for the renewal of the old league, in the course of which he offered his services to reconcile them to their Queen, and admonished them to do the duty of good subjects. Knox, and others who perhaps follow him, say that he asked also that the English alliance should be abandoned, and that the Bishops and churchmen should be restored to their places and livings, as Mary was asking at the same time. If he did, it would be in Mary's name, as his instructions warranted him to do.[2] The Lords heard him in no good humour, which is all the more intelligible if

[1] S.P.S. i. 516.

[2] Teulet, *Papiers*, i. 643.

Knox's account is accepted. So direct a challenge to undo all that they had done could not but rouse their temper. They retired to consult, and on their return informed him, in somewhat sharp terms, that they must reserve their answer till the meeting of Parliament in May. Meanwhile they hastened the departure of Lord James, that he might be back in time to give them the necessary data on which to found it.

Noailles was naturally displeased, but he resolved to await the meeting. Precautions were taken to prevent him stirring up mischief during the absence of Lord James, who had practically ruled the country since the death of the Queen Regent.

Huntly and his friends in the far north had in the meantime met, and sent Lesley as their envoy to the Queen, to traverse the mission of Lord James. He was in their name to advise her to seize and detain her brother in France, and to land with a French force at Aberdeen, where Huntly would meet her with 20,000 men. Together they would march on Edinburgh, and overthrow the Protestant Government. Lesley, who went by sea, reached the Queen a day in advance of Lord James, but his advice was not taken. Apart from other considerations, Mary knew enough about Huntly to distrust him. This secret proceeding did not prevent the Earl from hastening to Edinburgh, before Lord James's departure, in order to profess great zeal for the English alliance; nor did these professions interfere with his remaining in Edinburgh to intrigue with Noailles in Lord James's absence, and to stir up plots against the coming Convention.

Lord James left on the 18th, taking with him a considerable retinue, and after spending a few days in London with Elizabeth and Cecil, passed over to France. He overtook the Queen at St. Dizier in Champagne (15th April), on the way to Lorraine, and spent four or five days with her on her progress. He was received

with much cordiality. Mary and her brother were almost equally open and candid, each trying to convert the other. Lord James defended the Scoto-English alliance, and Mary, assisted by her uncle the Cardinal, did her best to turn him from it. Both apparently ended where they began. But he delivered the invitation of the nobility, and assured her of the loyal obedience of all her subjects on the conditions named.

The Cardinal is said to have plied Lord James with offers of all kinds, including a Cardinal's hat, to induce him to turn his back on political life, and to resume the clerical career for which his father had intended him.[1] If he did, he found his labour lost.

Throckmorton, who knew little about Lord James except his youth and his lineage, had feared the result of the Cardinal's diplomacy. He was soon relieved, and was the loudest of all in the young statesman's praise.[2] Following without scruple in the Cardinal's footsteps, he urged Elizabeth to reward his virtue.[3] That thrifty lady paid him with good words, though his mission was in the interest of England as well as of Scotland, and was undertaken at his own expense, no public funds being available.[4]

Lesley, in his *History*, says that Lord James at this time asked from Mary the Earldom of Moray.[5] Lesley's statements are generally the better of confirmation from more trustworthy sources, but this one is not intrinsically improbable. The suggestion would come in as a convenient alternative to the Cardinal's offers. Lord James had no rank corresponding to his great position in the country. He was simply the lay Commendator of the Priory of St. Andrews. The Earldom had been held by his uncle,

[1] S.P.F. iv. 44. [2] S.P.F. iv. 75–82.

[3] Throckmorton urged Elizabeth to pension all the leading Scots Lords in order to counteract the influence of the French pensions—the "seed of sedition."

[4] Knox, ii. 142; S.P.S. i. 543–4. [5] Lesley, 294.

who bore the same relationship to James IV. as the Prior to James V. At his death in 1544, this Earl left no legitimate heir, and his estates returned to the Crown. They had since, under various tenures, been mostly in the hands of Huntly. The possession of the Earldom by Lord James would serve a useful public purpose. It would reduce Huntly's overgrown bulk, and it would enable Lord James to "bridle him" with effect, by qualifying his domination over that wide region.

Mary, advised by d'Oysel and her uncles, had already made up her mind to give her confidence, provisionally, to the Protestant party, as the most powerful in the kingdom, and to make Lord James and Lethington her principal ministers. She hoped, through their influence with Elizabeth and Cecil, to gain the English succession—the immediate object of her desires, and the foundation of her further hopes. She had been informed of Lethington's great plan, and it coincided with her own, so far as it went. She was not to be coerced in religion, and she was not to be compelled to ratify the Treaty of Edinburgh, till she had obtained the guarantee of the succession. Thus her way for the present seemed clear.

Lord James left her about the 20th, some four leagues from Joinville. She was on the way to a family council in Lorraine, to be held, as was reported, in connection with the Spanish match. He arrived in Paris on the 23rd,[1] and had a "secret" conference

[1] S.P.F. iv. 75. It is plain that Mary's letter of the 22nd from Nancy, in which she said that Moray was then *devers moi*, has been misunderstood. See the same words in an earlier letter of Mary, in Dr. Hay Fleming's *Life of Mary*, p. 491. Moreover, Moray could not possibly have been in Nancy on the 22nd and in Paris on the 23rd. The supposed lying of Moray is therefore imaginary, and so is the treachery. The "secrecy" of his interview with Throckmorton had reference to local considerations of personal safety. Cecil on the 4th April had charged Throckmorton to look to Moray's surety in returning. As to his betraying Mary's secrets, he had none to betray, and Mary knew from himself his confidential relations with the English Ambassador and the English Government.

with Throckmorton, awaiting the arrival of a Commission for the government of Scotland, which was to have followed him by the hands of a messenger he had left behind for the purpose. The messenger arrived without it, Mary having in the meantime changed her mind. Throckmorton heard that his avowed devotion to the English alliance was the reason of the change. Lord James left Paris on the 4th May, spent a few days in London with Cecil and Elizabeth, and reached Edinburgh on the 29th.

The Convention was already assembled. He at once appeared before it, and in the course of his report stated, without prejudging them, the wishes of the Queen. She desired three things. (1) That no Parliament should be held at that time, nor until her own arrival at the end of July. To this the Assembly willingly assented. (2) That as she had appointed their nominee Richardson, the Commendator of St. Mary's Isle, to the office of Treasurer, she desired Villemore, the former French Comptroller, to be retained in his old capacity. This request was refused, as inconsistent with Art. 7 of the late Treaty. And (3) she desired that the Bishops and churchmen should be restored to their benefices—the demand already made, according to Knox, by Noailles. To this proposal an emphatic negative was given. They grudged no man, they said, the just reward of his labour. But the Bishops and churchmen did nothing, and to restore them to their large revenues would be injurious to the Queen, and dangerous to the peace of the kingdom. Both nobles and people, they said, were bent on the reformation of all such abuses. Moray reported these answers to Mary in a long and interesting letter, in which candour and courtesy are equally conspicuous.[1]

The Lords were now in a position to reply to the

[1] Knox, ii. 166; Philippson, App. A.

French ambassador. They gave a distinct, and apparently a somewhat outspoken, negative to all his demands. They would neither renew the French League, nor abandon the English one, nor would they restore the Bishops and churchmen. With this verbal message, which the official letter translated into diplomatic language, Noailles left on the 7th of June.[1]

Lord James's report and the Queen's requests had evidently shown the necessity for firmness. Other causes had contributed to exacerbate the temper of the Assembly. During Lord James's absence, Huntly, Athole, and Bothwell, not without the complicity of the Ambassador, had plotted to take military possession of the capital, and to prevent the meeting of the Convention. The project somehow leaked out, and the Protestant Barons, who were preparing to set out for the General Assembly, which was to meet alongside the Convention, hastened their arrival, and foiled the plot.[2] Both assemblies met in a state of exasperation, the effect of which was soon visible in their joint action. The ecclesiastical court adopted a *Supplication* to the Privy Council, in which it prayed that "idolatry, and all the monuments thereof, should be suppressed throughout the whole realm"—that the Act of 1560 anent the Mass should be enforced[3]—that the support of the reformed ministry should be assured out of the tithes and Church lands—and that the importation of the Pope's bulls for the alienation of Church lands (a collusive process for retaining them in Catholic hands) should be prohibited.[4]

These proposals were promptly adopted by the Council, which appointed noble Commissioners to

[1] S.P.S. i. 534. It is perhaps significant that the official letter was signed only by Huntly.

[2] S.P.S. i. 535; Knox, ii. 161.

[3] An illustration of the statement at p. 86. The emergency called for its enforcement.

[4] Knox, ii. 161–3.

conduct the final campaign for the purification of the churches from all Roman symbolism. It was no longer the "rascal multitude," nor even the local magistrates, but the responsible rulers of the State, who undertook the task, and performed it with a measure of system and discrimination. Lord James, with Maitland as his colleague, was appointed to deal with the north, to beard the reputed lion in his den; Arran, assisted by Argyle and Glencairn, went to the west; and others "of note and credit to the in-countries," says Spottiswood, whose lurid account of their operations, probably much exaggerated, has given the cue to many later critics. It was a political quite as much as a religious measure, adopted in view of the Queen's return, and of the hopes of a counter-revolution founded on it; and was intended to signify the final resolution of a powerful majority of the Scottish people to render such a revolution impossible. And the fact that a statesman of the calibre of Lethington, with his cool judgment and habitual moderation, his sceptical temper and his entire freedom from fanaticism, took part in the measure, might well have given pause to censorious criticism, and suggested a presumption of its comparative rationality. The loss to posterity could hardly be great.[1]

Maitland and Lord James spent forty days on their mission—"advancing the religion," as Maitland described it in a letter to Cecil—and the valiant Huntly, in whose territory they operated, offered no opposition. He even professed to concur in it.

While Maitland was thus engaged in destroying the hopes of reaction, he received a remarkable letter, in curious contrast with his work of the moment. It was from the Queen. He had apparently written to her, in reply to her letter brought by the envoys — the "seed of sedition" letter—probably in concert with

[1] Spottiswood, 175.

Lord James, who wrote on the same day (10th June), just after the dismissal of Noailles. Lord James's letter is printed in Philippson ; Maitland's does not appear to be extant.[1] Its conciliatory tenor may be inferred from Mary's reply, of which the following is the substance :—

"I have received your letter of the 10th. Employing yourself in my service, according to the goodwill you assure me you have to it, you need not fear calumniators or tale-bearers, who will never have much credit with me. I look to deeds before giving faith to what is told me. And as to your scruples arising from your relations with England, they will cease when these are dropped. It is easy for you to remedy them if you will. And inasmuch as you have been the principal negotiator in all the practices of my nobles in England, if you desire that, besides the oblivion of all past offences which I have already promised, I should trust you, and in good earnest avail myself of your services, cause the hostages to be withdrawn from England, and employ yourself in dissolving the connection you have set up there, so that I may be able to assure myself of your good affection. You have the ability and dexterity to do more than that. Nothing passes among my nobility without your knowledge and advice. I will not conceal from you that if anything goes wrong after I have trusted you, you are the one I will first blame. I wish to live henceforward in friendship and good neighbourhood with the Queen of England, and am on the eve of departing to my kingdom, where I hope to be at the time mentioned to the Prior of St. Andrews. On my arrival, I shall have need of money, for household and other expenses. There must be a good sum in hand out of the last year's profits of the Mint, and from other casualties. You will do me the favour of taking

[1] Philippson, App. A.

care that, from the one source or the other, the money may be promptly available. And meanwhile you will write to me, and tell me all. I see by your letter that you have published and executed the instructions I sent you about the alienation of ecclesiastical lands. The declaration of my further intentions I will postpone till my arrival. Paris, 29th June 1561." [1]

Although Mary can have seen little of Maitland during his flying visits to the French Court, she was evidently well acquainted with his position and influence. She had many around her who could tell her all about him, and about his services and disservices to her mother, the Queen Regent. But she had apparently a very insufficient idea of his political constancy. To bring back the hostages and dissolve the alliance with England was about the last thing he would have dreamed of attempting. That Mary should think of demanding it must have awakened his worst fears, which were soon by other means increased.

Maitland returned from the north in the first week of August. There is nothing to suggest that during these six weeks' absence he knew what was going on in Edinburgh and London. Evidently he only learned the course of events in relation to Mary on his return. Randolph at once waited on him with a budget of papers.

There was, first, a copy of Throckmorton's despatch to Elizabeth of the 23rd June, which had been sent to him by the English Queen for the information of the Lords. [2] It is the remarkable one in which the Ambassador relates his long conference with Mary on the 18th of that month, and her surprisingly frank and outspoken avowals of political and religious opinion, and of the course she intended to follow

[1] S.P.S. i. 536; Tytler, vi. 468, who gives the French text of the letter.

[2] Owing to the impression it produced, it found its way into Knox's *History*, ii. 169.

in Scotland. As an index to Mary's principles and programme, it is worth all the commentaries that have been written upon them. It was no casual utterance. She knew that every word she spoke would go to Elizabeth, and probably also to Scotland.

The stout and able envoy of Elizabeth had been instructed to demand once more the ratification of the Treaty. Mary once more excused herself, on the plea that she must first consult the nobles and Estates of her realm, which she would shortly be able to do. She was going to send d'Oysel to Elizabeth for a safe-conduct, and would herself sail from Calais in galleys lent her by the French King. After her arrival in Scotland, she trusted that Elizabeth and she would live together as good cousins and neighbours. To take away all cause of offence, she was going to withdraw the few French soldiers left there by the Treaty, and would leave nothing undone to satisfy all parties. She trusted that Elizabeth would do the like, and that henceforth none of her disobedient subjects would find aid or support at the English Queen's hands.

The Ambassador suggested that the best way to satisfy all parties was to ratify the Treaty. There could be no doubt of the consent of the Scottish Estates, for they were parties to it. "Some of them," replied Mary, "but not all. It will be seen when I come among them whether they be of the same mind that you say they were then of."[1] She was very desirous to have the perfect and assured amity of Elizabeth, and she would do all she could to convince her of it. Throckmorton was sure his Queen would do the same. "Then," replied Mary, "I trust the Queen your mistress will not support nor encourage any of my subjects to continue in their disobedience, nor to take upon them things which appertain not to subjects. You know there is much ado in my realm about the

[1] The knowledge of Maitland's plan is here apparent.

matter of religion, and though there be a greater number of the contrary religion to me than I would there were, yet there is no reason that subjects should give a law to their sovereign, and specially in matters of religion, which I fear my subjects will take in hand."

The Ambassador thought the case of Scotland was not unlike that of other countries, such as France itself. Religion was a thing of great force, and those of the contrary religion to hers had gained the upper hand in Scotland since she had left it. The Queen Regent, he said, had great peace till she began to constrain men's consciences. You think it unmeet to be constrained by subjects, and subjects think it equally intolerable to be constrained by you. "Why," rejoined Mary, "God commandeth subjects to be obedient to their Princes, and commandeth Princes to read His law, and govern thereby themselves and the people committed to their charge." In things not contrary to His commandment, interposed the Ambassador. "Well," quoth she, "I will be plain with you. The religion which I profess, I take to be most acceptable to God, and indeed neither do I know, nor desire to know, any other. Constancy becometh all folks well, but none better than Princes, and such as have rule over realms, and especially in matters of religion. I have been brought up in this religion, and who might credit me in anything if I should show myself light in this case. For my part, you may perceive that I am none of those who will change their religion every year. And as I told you in the beginning, I mean to constrain none of my subjects, but would wish that they were all as I am; and I trust they shall have no support to constrain me."[1]

Thus had Mary enunciated, with perfect lucidity, with entire conviction, and not without deliberate forethought, her principles and her programme—principles

[1] S.P.F. iv. 150; Knox, ii. 169.

as absolutist as those of her mother, and a programme intended to avoid the rock on which she had split. Philippson summarises the latter quite fairly thus:—"No conversions by force, but constant and general favour to Catholicism, in order to lead back to it the greatest possible number of her subjects."[1] It was the course she actually followed, and with surprising success.

Here was food for thought to Maitland and the Lords. And the despatch had been accompanied by a letter from Elizabeth (1st July) to the Estates,[2] which Maitland now also saw for the first time. The English Queen's suspicions had been aroused by Mary's reference to a possible change in the mind of the Scottish Estates as to the obligation of ratifying the Treaty. She demanded, therefore, in a very plain-spoken style, to know their resolution. She reminded them of her services to Scotland, for which she had exacted no compensation. She had protected the interests of all, even those of the Queen herself. Yet Mary persistently refused to ratify the Treaty, on the plea of consulting the Estates, who had themselves been parties to it. She required them to consider, and make trusty answer. If they adhered to their obligation, all would be well. If they supported Mary in her refusal, they should repent it. A prompt answer was requested.

Here again was food for thought. For Maitland was really contemplating the support of Mary's refusal as a means of extorting the recognition of her claim to the succession. That he did it in the interests of union and friendship did not alter the fact.

To prevent offence, Elizabeth had taken care to soften this sharp language in separate letters to the Duke and Lord James. To them she had explained

[1] Philippson, i. 309. [2] S.P.F. iv. 164; Keith, 167.

that the official letter was not meant for those, like themselves, in whom she had entire confidence, but for others of whom she was doubtful, in order to make them declare themselves.[1]

The other letters of Randolph's budget showed that Elizabeth and Cecil had been greatly perturbed by Mary's language to Throckmorton, and especially by the announcement of her imminent return.[2] They had wished her arrival to be delayed till the new state of things in Scotland should be more firmly established than the recent plot of Huntly indicated, and they had desired the help of the Lords to secure that result. Elizabeth had suggested that they might press for the ratification being given by Mary before her departure from France—and thus practically make it a condition of her reception—a step which would probably lead to negotiation and delay. Cecil had wished for but "one hour with Lethington." He had formed the worst impressions of Mary's principles and programme, as avowed to Throckmorton, and of the danger of both in the present circumstances of Scotland. D'Oysel was to arrive about the 8th July to ask for a safe-conduct for the Queen, and another for himself, authorising him to go on to Scotland to prepare for the Queen's reception, and they were meditating the refusal of both. But they wished to be sure of the concurrence of the Scottish leaders, and Randolph had been requested to obtain it. Maitland and Lord James being then out of reach in the north, and few of the Lords left in Edinburgh, Knox was probably the only leader he had been able to consult. There can be no doubt of *his* ready assent to any plan for delaying the Queen's advent. He was even more anxious for it than they, for the sake of the Book of Discipline, for which he still hoped to obtain parliamentary sanction before her return.

[1] S.P.F. iv. 166. [2] S.P.F. iv. 163; Stevenson, 89; Wright, i. 61.

D'Oysel had arrived in London about the appointed time, and had presented both of his requests. Both had been refused with some asperity — not to be wondered at, considering that Mary's included permission to land, if necessary, with all her train at an English port, and to pursue her journey overland through the northern counties. He was sent back to Mary to tell her that, until she ratified the Treaty, no favours could be shown to her. Cecil explained to the surprised and not altogether approving Throckmorton that the passports had been refused in order to daunt Huntly and his friends in Scotland.[1] It was in this letter that he first mentioned to Throckmorton Maitland's proposal as to the succession, now six months old.

Faced suddenly by all these things, Maitland and Lord James were in deep perplexity. They were very willing that Mary's advent, which they had not expected to be so soon, should be delayed for a time. They approved of the "stay" of d'Oysel, who could only have done mischief in Scotland. But they did not approve of the brusque refusal of Mary's passport, and they said so to Cecil. It could not hinder her from coming in her galleys, if she was bent upon it, for no English ships of war could cope with these vessels in speed;[2] and it raised a fresh quarrel between the two Queens, at the very moment when they were labouring to reconcile them, as the necessary means of saving the alliance. And again Maitland returned (9th August) with increased urgency to his old proposal. He saw as yet no shrinking, he said, and if Elizabeth would go through with them they would be bold enough. But he could never change his opinion, that the amity could only be placed in security by bringing Mary into it, and he begged Cecil to make

[1] S.P.F. iv. 187; S.P.S. 538, 540; Hardwick, i. 172.
[2] Teulet, *Relations*, ii. 166.

that opinion known to Elizabeth.[1] Lord James supported him in a letter to the English Queen.[2]

On the following day, Maitland unbosomed himself more fully to Cecil in a long letter which throws a striking light on the situation at this anxious moment, and on Maitland's thoughts and feelings with regard to it. He was doubtful of Mary's real intentions, and apprehensive of civil war, as was the whole Protestant party.

"Since our returning," he says, "he has learned the stay of M. d'Oysel, and judges that Cecil has wisely foreseen the inconveniences that would have followed his coming to Scotland. He also approves Cecil's opinion anent the Queen's journey" (*i.e.* he favours delay), "whose coming, if she be enemy to the religion, and so ill-affected towards England as she yet appeareth, could not fail to raise wonderful tragedies." Protestantism here (he goes on) has the upper hand, and few dare to profess the contrary. Yet they know the hollow hearts of many (Huntly and his friends) who would gladly see it and them overthrown, and would willingly join with the Queen to that effect. It would be difficult to do, and therefore what was principal in intention would be last in execution. He was sure that suppressing of religion was what was chiefly meant, but it would be sought by indirect methods. The correspondence with England would first be cut off, and the Papists would assist her in that. Then the Protestants were not all equally zealous to maintain the alliance. Some had been accustomed to French fare—some were covetous—some inconstant—some so careless and ignorant that they would prefer present ease to a little temporary incommodity. These formed a large number, as they had found in the late danger. The best sort would constantly and stoutly bear out that

[1] Haynes, 369. [2] S.P.S. i. 540.

which they had begun. "But what difficulty and hazard shall be in it you may judge when the Queen shall so easily win to her party the whole Papists," and so many facile Protestants. "So long as she is absent there is no peril. But Cecil can judge what the presence of a Prince, craftily counselled, is able to bring to pass." And he goes on to show how the favour of the Crown can be used to set its vassals at feud with each other, and thus to split up any party. "Every man once in a year has to do with his Prince's benevolence. If at that time, when his particular business occurs, her countenance shall be but strange to him, in what case shall the subject then be? Every man hath in his private causes some enemy or unfriend; what boldness shall not they take, seeing an advantage, and knowing their adversary to be out of the Prince's good grace?" Then again, in the choice of her Council and ministers, she will refuse to be served by those that bear any goodwill to England. "Some quarrel shall be picked with them, not directly for religion at first; but where the accusation of heresy would be odious men must be charged with treason. The like of this in that realm (England) I think hath been seen in Queen Mary's days.[1] A few men thus disgraced, despatched, or dispersed, the rest will be an easy prey; and then may the butchery of Bonner plainly begin."

He did not wish that the Queen should be debarred from ever returning, but he desired such things as were necessary so to be provided for in the meantime that "neither she, by following the wicked advice of God's enemies, should lose the hearts of her subjects, neither yet so many as tender the glory of God and liberties of their native country should be the sons of death," like Cranmer and his fellows. The best security against these dangers was the increase of the intelli-

[1] Mary Tudor.

gence begun between the two kingdoms, the breach whereof would be attempted by all means possible. If the Queen could not be induced by good means, such as he had so often urged, to enter into the alliance, he could not but doubt of success in the end.

He freely acknowledges his personal interest in the reconciliation. He desires it "chiefly for the common cause and public estate, yet doth my own private not a little move me to be careful in this behalf. In what case I stand you will easily judge by sight of the enclosed" (probably the letter of the Queen already given), "which I pray you to return to me with speed. I know by my very friends in France that she hath conceived such an opinion of my affection towards England that it killeth all the means I can have to enter in any favour. But if it might be compassed that the Queen's Majesty and Her Highness might be as dear friends as they be tender cousins, then were I able enough to have as good part in her good grace as any other of my quality in Scotland. If this cannot be brought to pass, then I see well that at length it will be hard for me to dwell in Rome and strive with the Pope."

This whole realm, he continues, is in a miserable case. "If the Queen our sovereign come shortly home, the dangers be evident and many; and if she shall not come, it is not without great peril." For two years now they have lived in a manner without any legal government, "which when I consider sometimes with myself, I marvel from whence doth proceed the quietness which we presently enjoy, the like whereof I think, all circumstances being weighed, was never seen in any realm. It would seem impossible that any people could so long be contained in order without fear of punishment and strict execution of the laws; and indeed I cannot by searching find out any probable reason but only that it has pleased the

goodness of God to give this glory to His truth preached among us. But by all worldly judgment the policy cannot thus long endure. So that for this respect her absence to us is most pernicious. Thus, whether she come or not, we be in a great strait."

Cecil might perhaps say that the Council had the government in their own hands. 'But there was no legal Council, since the Queen had refused to accept the nominations made by the Parliament. Some of those nominated have been acting provisionally. But they are subject to the jealousy of those who, as Papists or unapt for counsel, were not included among the nominees. Some of these, thinking themselves nothing inferior to the others, can hardly be supposed to obey willingly, and they are now stirred up privily, and comforted by the Queen, to disallow our proceedings. If the Council were to assert its authority, it would, in eschewing Scylla, fall into Charybdis; for it has not the necessary resources. It cannot touch the Crown revenues for fear of being charged by the Queen with usurpation, and the nobles who act on the Council are barely able to sustain the extra charges they incur by periodical residences in Edinburgh.'

Finally, he appeals to Elizabeth and Cecil for advice and support. 'If the English Queen approves of their doings, they will care little for foreign opinion. He will do his utmost to prevent division between the Duke and Lord James, the leaders of the two sections of their party, on whose concord the weal of their cause depends. If Elizabeth will assure them of support, in case the Queen should attempt the overthrow of religion or the persecution of its supporters, they will be encouraged to go forward. He has thought of a less invidious way of renewing the Treaty of Berwick, on its expiry in December, by substituting for a Scoto-English league a league of all the Protestant

powers—Germany, Denmark, Sweden, the Huguenots of France, England, and Scotland. Meanwhile they have summoned a Convention for the 31st August, nominally to meet the Queen, whom they do not expect so soon; really, to consult as to what is to be done. At its close they will send Randolph to Elizabeth to report, and to get her advice; and thus save their own hand from being seen.'[1]

Such were the thoughts and fears and forecasts of the acutest and best instructed intellect in Scotland only nine days before Mary's landing at Leith.

Some other interesting glimpses of the situation at this critical moment are furnished by Randolph. Writing to Cecil (9th August), he has heard, he says, 'of Mary's persistent intention to come by sea, notwithstanding the refusal of the passport. It would be a stout adventure for a sick, crased woman, especially as she knows not what reception she will get from some of those who are persuaded she intends their utter ruin. There is small preparation for her coming; few believe that she really intends it. He has shown Cecil's letter (of the 1st August) to Lord James, Morton, and Lethington. They wish as you do, that she might be stayed yet for a space; and if it were not for their obedience sake, some of them care not though they never see her face. If the Queen thrusts all Englishmen out of this country (Throckmorton had reported that she threatened to do so), I, for one, shall be ready to go. We shall be remembered with some kindness by many of her subjects. You wish that the Lords should continue stout yet for one month. I assure you they yield nothing, and believe that if, after bringing things to this point, they should not now prevail, they would be unworthy of their lives. Lethington will leave nothing untold to you of the state of things here.

[1] Keith, App. 92.

Knox, as you will know from himself, is determined to abide the uttermost, and others will stand by him while he lives.'[1]

A more acute alarm followed. On the 14th a Captain Anstruther arrived, sent by Mary with letters to most of the nobles. In these she complained bitterly that Elizabeth had not only refused her a safe-conduct, but had threatened to bar her passage home. Nevertheless, she was determined to venture. She would come without forces, with only two galleys, accompanied by three of her uncles and a son of the Constable, with a few nobles and servants. She charged those most affectionate to England to receive no English ambassador, and to renew no league with England, pending her arrival, which Anstruther intimated would be before the 26th.[2]

Maitland immediately wrote to Cecil (15th August). He cannot judge, he says, what this message of Mary's means. He marvels she lets out her mind so freely. He disapproves of Elizabeth's threat (to bar her passage), for which they in Scotland are likely to smart. If two galleys may quietly pass (as he obviously has no doubt they can), he wishes the passport had been liberally granted. "Why open your pack and sell nothing, or declare yourself enemies to those you can't offend?" (*i.e.* why indulge in idle provocation?).[3] It passes his wit to imagine what this sudden enterprise (*of Mary*)[4] may mean. But they are determined to trust no further than they can see. He fears the issue, for lack of men and money. If anything chances amiss, they in Scotland will feel the first dint, but he is sure Cecil sees the consequences for England too. It would

[1] S.P.S. i. 542; Robertson, App. 5. [2] Tytler, vi. 469.

[3] That this is the language of plain fact, and not of ironical reproach, as Philippson thinks, seems to me beyond doubt.

[4] Skelton (i. 315) misreads this sentence. It clearly refers to Mary's enterprise, which was considered bold and hasty. See Randolph's letter of 9th August quoted above.

be well that Elizabeth should keep some good force at Berwick, till the upshot be seen. It will discourage their enemies in Scotland (Huntly and his party), and make their friends the bolder. "My wit is not sufficient to give advice in so dangerous a cast, but I mean well. God maintain his cause, and those that mean uprightly."[1]

He did not know that Mary was already on the high seas, on her way to Scotland, wistfully looking back on the receding shores of France, with the too true premonition that she would never see them more.

To complete the tale, we must go back for a moment to France. Mary received Elizabeth's answer to d'Oysel with deep vexation. She had probably counted on landing somewhere north of the Humber, and on pursuing her journey overland through the Catholic counties of the north, with a plentiful sowing of dragon's teeth by the way, which would by and by spring up armed men. This was the one thing that Elizabeth would, in any case, prevent. The threat to stay Mary on the high seas, if really made, was mere bluff—a favourite weapon of the English Queen, as some of the Lords were yet to find to their cost. Nobody believed she would attempt such a thing—neither the Guises, nor Throckmorton, nor Maitland, nor Mary herself. It was at most an attempt at intimidation, to secure the delay she so much desired. Elizabeth could not, and probably dared not if she could, have seized the Queen's galleys, with three Guises and a son of the Constable on board. The insult to France and to Catholic Europe would have been intolerable, and would have led to a war, for which she was far from being prepared. She sent no sufficient navy to sea, but she took precautions against the land journey, and she did not countermand them.[2]

Elizabeth's refusal of the passport was confirmed

[1] S.P.S. i. 544; Tytler, vi. 469. [2] H.M.C. Rep. xii. App. 4.

to Mary by Throckmorton at an interview (20th July). Mary told him she regretted asking for it. She could do without it, just as well now as when she first came to France. She had had no ill meaning, and if Elizabeth had valued her friendship she would not have refused it. But the English Queen preferred the amity of Mary's disobedient subjects, forgetting that she too had discontented subjects, who would be very willing to hear offers, if she were disposed to practise with them. She could find friendships elsewhere, and other princes would think Elizabeth's conduct strange. She was as much a Queen as his mistress, and was entitled to equal respect. As to the Treaty, her Council in Scotland required to be consulted, and Elizabeth would neither let her go to them, nor let her send d'Oysel. If her preparations had been less advanced, Elizabeth's unkindness might have stayed her, but she was now determined to venture. She trusted the wind would favour her. But if she should be driven into an English port, she would be in Elizabeth's hands, to work her will with her.[1] If death came, it might be best for her. Throckmorton suggested that she could still mend all by ratifying the Treaty. Mary thought Elizabeth might have been satisfied with her reasons for delay. She trusted they might yet agree better than some wished. She would do her best, and she trusted Elizabeth would do the like.[2]

From Abbeville, on her way to Calais, she sent again for the Ambassador (8th August). She asked whether she could do anything to content Elizabeth. Ratify the Treaty, he at once replied. Mary went over its Articles, seriatim, from memory. She pointed out that some of them were obsolete, some already fulfilled, and some beyond her power to fulfil, since

[1] Mary, it is plain, did not fear capture on the high seas.
[2] Keith, 170.

she was no longer Queen of France. But she was prepared, she said, to do all that was possible. She was sending St. Colm[1] to Scotland to assemble the Estates, and get their advice. He would take over to Elizabeth the written answers she had prepared to all the Articles. These she asked Throckmorton to look over, along with St. Colm, while she busied herself with her preparations. St. Colm, in their conference, told the Ambassador, on Mary's authority, that the Duke and the Lords of the Congregation would have the settling of the matter, and that she intended to trust much to her brother. Mary saw the Ambassador again, and expressed the hope that there was now an end to all unkindness.[2]

St. Colm left for London the same night (8th August). On the 10th, Mary moved on towards Calais, and on the 14th, a servant of the vigilant Ambassador saw her galleys sail out of Calais harbour at noon.[3] It was the 16th before St. Colm got his answer from Elizabeth, granting the safe-conduct, which he carried with him to Edinburgh.[4] Mary had arrived four days before him, having landed at Leith on the 19th, a full week before the date named by Anstruther.[5]

The Lords had now to deliberate, with Mary and her uncles in their midst. Speculation was at an end.

[1] James Stewart, Commendator of the Abbey of Inchcolm, afterwards Lord Doune.

[2] S.P.F. iv. 243.

[3] S.P.F. iv. 262.

[4] Robertson, App. 6.

[5] S.P.S. i. 547; Knox, ii. 267.

V

THE ENGLISH SUCCESSION: MAITLAND AND ELIZABETH. 1561–1565

THE ideas and intentions with which Mary came to Scotland are shown by her frank avowals to Throckmorton, repeated in substance to Knox within sixteen days of her landing; by her correspondence; and by her actual proceedings. They may be briefly summarised.

1. She came to Scotland as an avowed and accepted Catholic, armed with the guarantee of the nobility for the private exercise of the Catholic rites, which were forbidden to all her subjects. The indulgence was intended to be private and personal, and was expected to be temporary. But Mary had no responsibility for this expectation, and she had no thought of fulfilling it. She knew, and wished to know, no other religion than her own. And she saw in the concession an opening by means of which, with the natural resources of the Crown, reinforced by her personal influence, she might be able to drive a wedge into the parliamentary settlement of the previous year, which she had refused to ratify.

A purpose, "fixed as the stars," to undo the Scottish Reformation, has been ascribed to her by a modern historian. It was neither more nor less fixed than the other objects of her ambition, with which it stood in necessary connection. She had lost a great position as Queen of the most brilliant monarchy in

Europe, and she hoped to gain another as great or greater. All the circumstances that had made her eligible for the throne of France remained to commend her for any other. The Crown of Scotland in possession—her claim to that of England, indisputable in Catholic eyes—her relationship to the Guises, who, with Philip of Spain, led the militant Catholicism of Europe—all combined to mark her out as the chosen vessel of the counter-Reformation, the most valuable asset of the Catholic Powers, the lever by which the Protestantism of England, Scotland, and France might be overthrown. Mary, with her precocious intelligence and the tutoring of her uncles, was well aware of her value on the political chessboard of Europe, and she meant to make full proof of it in the service of her ambition.

Nor, from her own point of view, can we wonder that she clung to her own programme. To have followed the path marked out for her by Maitland and Lord James would have been to make a great renunciation. To forfeit her French dowry, the favour of her Guisian kindred, the friendship of France, the sympathies of Catholic Europe, and the chances of the throne of Spain, not to speak of the immortal fame to be earned as the restorer of the lost dominions of the Catholic Church—and all for the sake of the doubtful friendship of Elizabeth, and the remote chances of the English succession—this was a sacrifice hardly to be looked for from a young, able, and ambitious woman. There are ample grounds for believing that the visions we have named were those that floated more or less steadily before Mary's eyes during the early years of her active reign. And in the fact that, one after another, they faded away—through successive accidents, mischances, and mistakes—the murder of Guise, the frenzy of Don Carlos, the jealousy of Elizabeth, the fatuity of Darnley, and the unbending

tenacity of Knox—and in the aching void left by their disappearance—may be found the psychological clue to her strange descent into the disgraceful imbroglio that brought about her ruin.[1]

It can hardly be said that she was a missionary of the Catholic Church in any other sense. She was far from being the slave of the priesthood—confessor, Cardinal, or Pope. She could throw them all over with little ceremony when it suited her immediate purpose. She was not even careful of the proprieties usually observed by a Catholic ruler. She dealt freely with the Church lands without troubling herself about papal sanction. She married Darnley weeks, probably months, before she was in possession of the necessary papal dispensation.[2] In the teeth of her confessor's remonstrances, she wedded the Protestant Bothwell, with Protestant rites, in the Great Hall of Holyrood, and, according to the testimony of one of her bishops, forsook the Mass altogether for a time. The truth is that, with many amiable qualities, Mary was mainly the child of her ambitions, ardent in the quest of position, of power, and of pleasure—a pupil of the Renaissance, yoked by the accidents of birth and training to the car of Reaction.

2. She came to Scotland full of the ideas of continental absolutism. They were those of her mother, and of all her kindred. She had known no other, and to her they were as axiomatic as Euclid. They were ill adapted to the atmosphere of Scotland at any time—most of all at the present crisis. The Scottish monarchy had long been the weakest in Europe. The nobles had maintained a not unequal contest with their kings, whom they regarded as little more than *primus inter pares*. The Estates claimed

[1] This passage was written long before the publication of Mr. T. F. Henderson's *Mary Queen of Scots*, in which the same thought is expressed.

[2] See Pollen, *Papal Negotiations in Scotland*, Sec. vi.

great prerogatives, including those of peace and war. Power really belonged to whomsoever was strongest for the time—King or faction. Law and precedent were little regarded in the pursuit of present advantage. The first and wisest of the Jameses had been murdered by the nobles for his too successful assertion of regal power. The third had earned the same fate by slighting them. The fifth, Mary's father, had died of a broken heart, due to their successful thwarting. Her mother's attempt to make war on England had been foiled by their opposition. Mary was ill prepared by her French education for dealing with the feudal chiefs of her native land, whose power had as yet suffered little decline.

As for the Protestant party — the Barons, the lairds, and the burgesses of the towns—she understood them still less. They were saturated with the political ideas of Knox and Buchanan, ideas far older in Scotland than they, which had been quickened into life and power by the religious movement, and by the consequent conflict with the rulers in Church and State. Of the spirit that animated these men, she had not the slightest conception. Her absolutist ideas were destined to many a rude shock from those who upheld the Bible and the Mutual Contract.

3. Mary came to Scotland with the full intention of making good her claim to the English succession, and, if possible, to the English throne. She had persistently declined to acknowledge Elizabeth's right by refusing to ratify the Treaty which asserted it; and although she fell in with the proposal of Lethington to waive her full claim during Elizabeth's lifetime in return for a parliamentary recognition of her right to succeed her, it is morally certain that this was little more than a feint, a temporary concession, intended on her part to pave the way for further developments. Mary cared little for distant prospects of national

advancement, in which she might have no personal share. What she did care for, as she freely admitted, was "present commodity." What to her was the value of a prospect which might never be realised during her own lifetime? Elizabeth was only nine years her senior, and might quite possibly outlive her. She might marry and have children of her own to succeed her. Mary's recognition as Elizabeth's heir-presumptive would at the most enhance her position in the eyes of Europe, and heighten her attractiveness to foreign suitors. She doubtless hoped it would prove to Philip that she was more than "a process," and perhaps induce him to bestow on her his heir—the prize she so greatly coveted. But is it conceivable that these things would have satisfied her ideas of "present commodity," or proved the limit of her ambition? Would they not rather have acted as incentives to further developments? What, on the footing of heir-presumptive, would have been her relations with the Howards and Percys and Cliffords, and all the old Catholic nobility of England, and with the ambassadors of Philip—the Quadras and Guzmans and Gueraus, who were the spies of their master, and the secret organisers of rebellion in his interest? We know what she attempted in order to force recognition; would she have done less, after it had been granted, to gain the end for which alone she valued it? Is it possible to conceive of Mary, with such instruments ready to her hand, quietly awaiting, through long years of hope deferred, the natural term of her rival's reign, doing nothing, directly or indirectly, to foster the discontent of Elizabeth's Catholic subjects, refusing to trouble the peace of England at home or abroad, while native treason and foreign Powers were inviting her to promote the revolution which would hasten the downfall of Elizabeth, and her own accession to the throne?

It is not, of course, to be forgotten that these ideas and purposes of Mary, however hostile to the peace of Scotland, were the natural and almost necessary offspring of her position and environment, and of her Catholic consciousness. They are not to be set down as conscious wrongs towards her native land. They doubtless appeared to her in the guise of duties; and if her course in pursuing them was marked by a good deal of craft and duplicity, that was little more than could be said of the politicians of all countries and parties. Her ambitions were the natural and almost inevitable result of her Guisian birth and training—of the influence of all those to whom she was bound by the deepest ties of affection and gratitude, her mother, her uncles, and the French Court. It was the misfortune, perhaps the fault, of Scotland, that it had consigned its Queen at a tender age to the care and training of one of the worst schools of moral and political education in Europe. It was now to reap the fruit of its own weakness. And so was Mary herself, though without responsibility for its act. Scotland, since 1548, had entered on a new path. By parting with its Queen at this juncture it had forfeited the chance of carrying her along with it. When she returned, it was almost as an alien in the land of her fathers, with heart and mind preoccupied with ambitions in which Scotland had a very inferior place.

It seems strange at first sight that Maitland, who knew the whole network of foreign politics, should have imagined that his plan could succeed—that the recognition could be granted with safety to Elizabeth—that, if granted, the Catholic Powers, the English Catholic party, or Mary herself, would have remained quiescent. The thing was impossible in the Europe of that day, the day of the counter-Reformation, when England was the mainstay of the Protestant cause in the West, and the focus of the Catholic attack. Even

if Mary could have resisted every impulse of ambition —the last thing to be expected of her—the influences to which she was amenable would not have permitted her.

Maitland was, of course, more than willing to consider the question of securities for Elizabeth's life and reign. But where were these to be found? It passed the wit of man to invent securities for such a situation at such a time.

There is little wonder, therefore, that Elizabeth and Cecil steadily evaded Maitland's proposal. They were sceptical of the good faith of Mary, and still more of those behind her, the Guises and their Catholic allies, who had already given England so much trouble. They did not doubt his own good faith, nor his sincere regard for England, which he had proved in many ways. But they knew his dilemma. They knew the difficult position in relation to Mary in which he and his colleagues were placed. They recognised that Elizabeth's refusal of the marriage suit, and the death of Francis II., had made the return of the Queen almost inevitable. They were aware of Maitland's conviction that if the renewal of civil war in Scotland was to be averted, it could only be through some sort of reconciliation with their sovereign. Elizabeth, as Maitland afterwards stated,[1] had offered the renewal of the Treaty of Berwick, with its guarantee of mutual defence, on condition that the Estates should undertake to confine Mary's choice of a husband to the ranks of the Scottish or English nobility, so as to exclude foreign and Catholic complications. It was a fair offer, which Knox would have gladly accepted. But Maitland did not believe they were in a position to give such a guarantee, which would only widen the breach between them and the Queen, and make a reconciliation impossible. It was natural that, in these

[1] Sp. Cal., Hume, i. 305 ff.

circumstances, he should grasp at a project which seemed to offer a prospect of reconciling all interests —of gratifying Mary, of protecting the *status quo* in Scotland, of preserving the alliance with England, and of promoting the ultimate union of the realms, on a basis honourable to both.

Elizabeth and Cecil saw and appreciated all these considerations, so tempting to the Scottish statesman. But they saw also that the one thing needful to the safety of the plan was that Mary should sincerely, and *ex animo*, separate her cause from that of the Guises, and embrace the Protestant interest, at least in a political sense. Maitland persuaded himself that they could count upon this result in course of time, and that the recognition of her claim would be the principal means of securing it. The wish was to a great extent father to the thought. Elizabeth and Cecil doubted the prospect. They thought a different result quite as possible, and that at least it would be time enough to grant the recognition when this indispensable condition had been fulfilled.

Moreover, they knew—Maitland did not hide it, as we have seen—that he was strongly tempted by personal interest, "his own particular," to stretch a point in favour of the Queen. His political career, all the objects of his public life, were bound up with the success of his plan. It was only to be expected, therefore, that he should bend all his faculties to secure it, that he should be prepared to run some risks in pursuing it, and that he should underestimate the risks he was willing to impose on others. Though a far-seeing politician, he was ready, when hard pressed, to take refuge in short views. We find him arguing with Cecil (9th August) that "in things uncertain, which do depend *a futuro eventu*, more frankness may be used to put our estate in security and quietness. *Multa cadunt inter calicem supremaque labra.* I

think you have heard the apologue of the philosopher, who, for the Emperor's pleasure, took upon him to make a mule speak (within a given time). In many years the like may yet be—either the mule, the philosopher, or the Emperor may die, before the time be fully run out." Such an argument was hardly likely to carry weight with the cautious Cecil.

We return to the narrative of events.

Mary's arrival at Leith on the morning of the 19th August took the nation by surprise. The Lords had been summoned for the 31st, and they were still dispersed all over the country. Lord Robert Stewart, the Commendator of Holyrood Abbey, another of the Queen's half brothers, was the only one at hand. He hastily prepared the Palace for her reception, where she arrived in the evening. The news quickly spread, and the Lords, with whatever trepidation, dutifully appeared to welcome her. The Duke, says Randolph, was the first to arrive, and others quickly followed. "The repair was great, all welcome, all well received, with great cheer and fair words."[1] Protestants, neutrals, and Catholics alike flocked to the Court. Huntly arrived in great state from his northern domain, to pursue his old game. The people of Leith and Edinburgh joined in lively demonstrations of loyalty, kindling bonfires, and serenading the Queen with their homely music under the Palace windows. She and her uncles were banqueted in the city (31st August), and two days later she made her formal entry amid general jubilation.

Mary hastened to show her hand in accordance with her promise to Elizabeth by St. Colm. Within a week of her arrival Randolph, who was now appointed resident Ambassador of England, could report to Cecil that "Lord James does most, and next in credit is Lethington." Maitland was at once recognised as

[1] S.P.S. i. 547 ; Hardwick, i. 176.

Secretary of State, apparently without, as we have said, any fresh appointment. On the 6th September, while he was on the way to London, the Privy Council was chosen. The Catholic Athole and the versatile Huntly were both placed on it, and the latter was continued in the Chancellorship. But the great majority were Protestants—the Duke, Arran, Argyle, Marischal, Morton, Glencairn, Erskine—mostly allies of Lord James.[1] Huntly and his friends, who had hoped for Catholic predominance under a Catholic Queen, were deeply disappointed, and remained restive and discontented.[2]

The religious question, of course, in various ways at once obtruded itself. On the first Sunday after the Queen's arrival (24th August), she had Mass in the Palace Chapel. To prevent disturbance, Lord James himself guarded the door. Apparently the concession was unknown even to some of the Lords. The discovery created surprise and commotion —quite naturally, for the religious question then included nearly every interest of the national life. There was excitement and remonstrance. Maitland exerted himself to soothe the discontented. The indulgence was temporary, he assured them, and due to the Queen's uncles, who would soon be gone. Then they would do as they pleased.[3] But stronger measures were needed to ensure the public peace. A Proclamation was prepared, and issued on the following day. It forbade any attempt "to make alteration or innovation, privately or openly, on the state of religion publicly and universally standing at the Queen's arrival in her realm," pending the assembling of a Parliament which should take a final order in the matter. It likewise forbade any interference with the Queen's domestic establishment "for any cause

[1] Keith, 187. [2] S.P.S. i. 552, 555, 574 ; Keith, 188 ; Wright, i. 71.
[3] Knox, ii. 270 ; S.P.S. i. 547.

whatever," including, of course, her officiating chaplains, who otherwise would have been amenable to the law. Both prohibitions were enforced by the usual penalty of death to the transgressor.[1]

It was a skilfully devised compromise, probably the joint work of Maitland and the Queen, and was well adapted to secure peace. It provisionally recognised the *status quo*, as stipulated at the conference with Lord James in April, and the bulk of the Protestant people looked forward to its permanent confirmation by an early Parliament. On the other hand, the Queen remained uncommitted to any final decision, and time was given her to operate on the situation. All the resources at her command could be used during the interval before the meeting of Parliament, an interval, moreover, which she could indefinitely prolong.

Knox, as we have seen, did not approve of the concession to the Queen. He distrusted the hopes of Lord James and Maitland as to her conformity, and was dissatisfied with the Proclamation. But he exerted himself to secure peace, till the issue of the ministerial experiment should be seen. Meanwhile, he did not think it necessary to conceal his misgivings, to which he gave utterance from the pulpit of St. Giles on the following Sunday (31st August). Within a day or two he received a summons to the Palace, where he presented himself on the following Thursday (4th September).[2] Mary, who knew a good deal about him, and apparently owned a copy of the *Blast* on female government, was no doubt anxious to take stock of the rugged reformer, as of all those with whom she had to reckon. It was only natural that she should hope to influence him.

It is not necessary here to discuss the interview, of which Knox's account is well known.[3] There was,

[1] Keith, 504. [2] S.P.S. i. 551. [3] Knox, ii. 277.

of course, plain speaking on both sides, though the report is doubtless condensed, and therefore seems more abrupt than the reality. There was nothing that transgressed the canons of courtesy, as then understood in Scotland, and there was more than courtesy in the parting salutation of Knox. "I pray God, Madam, that ye may be as blessed within the commonwealth of Scotland, if it be the pleasure of God, as ever Deborah was in the commonwealth of Israel." The colloquy opened the eyes of both, and it left on the reformer's mind an impression very unfavourable to the success of the ministerial experiment. Mary's whole attitude and speech seem to have suggested to Knox that for her the religious question was foreclosed—that *per se*, as a question of truth or duty, she had no real interest in it—that she cared only for its political bearings; and he was well aware that, from that point of view, Rome had more to offer her than her Protestant ministers.

Maitland, relieved from his fears as to the Queen's action, for the present at least, by the trust she reposed in Lord James and himself, abandoned all his precautions, and at once resumed, with new spirit and a rising sense of authority, the policy to which he was pledged. Within a fortnight of the Queen's arrival, he was on his way to the English Court, armed with Mary's commission, and with a letter from the Lords signifying their adhesion to his proposal.[1] We have his own report of his mission, and it is full of interest.

After formally intimating the arrival of the Queen, and her desire to continue and increase the amity between the realms, with the similar desire of the nobility, as shown by their letter, he introduced his old proposal as the only means of rendering the amity permanent. Elizabeth replied that she had looked for a different message from the Queen, one

[1] Keith, 185.

more in accordance with her promise by St. Colm. She had expected the long-delayed ratification of the Treaty, now that Mary had reached Scotland, and could consult her Council. Maitland explained that when he left there had been no time to assemble the Estates, and that the Queen had not expected that her answer would so soon be looked for. In a second audience, Elizabeth discussed his proposal, and laid down the position from which she never really departed.

"So long as I live, I shall be Queen of England. When I am dead, they shall succeed that have most right. If the Queen your sovereign be that person, I shall never hurt her. If any other have better right, it were not reasonable to require me to do a manifest injury. If there be any law against her, as I protest to you I know none, for I am not curious to inquire of that purpose, but if any be, I am sworn, when I was married to the realm, not to alter the laws of it.

"Secondly, ye think that this device of yours should make friendship betwixt us, and I fear that rather it should produce the contrary effect. Think ye that I could love my own winding-sheet? Princes cannot always like their own children, those that should succeed unto them.

"But the third consideration is most weighty of all. I know the inconstancy of the people of England, how they ever mislike the present government, and have their eyes fixed upon that person that is next to succeed. And naturally men be so disposed; *plures adorant solem orientem quam occidentem.* I have good experience of it myself in my sister's time, how desirous men were that I should be in place, and earnest to set me up. And if either not giving rewards to men at their discretion, or yet any other cause, should miscontent any of our subjects, it is to

be feared that if they knew a certain successor of our crown, they would have recourse thither; and what danger it were, she being a puissant princess, and so near our neighbour, ye may judge. So that, in assuring her of the succession, we might put our present estate in doubt."

Maitland suggested that "security might be provided that neither of their subjects should have recourse to the other Prince but upon the knowledge and good leave of their own sovereign, nor yet the Prince to have intelligence with the other's subjects." Elizabeth was not satisfied, "but still harped on that string, saying, It is hard to bind Princes by any security where hope is offered of a kingdom. And for herself, if it were certainly known who should succeed her, she would never think herself in sufficient surety."

At a third interview, Maitland asked what answer he was to take back to the nobles who had signed the letter. Elizabeth replied that she commended their loyalty to their sovereign, but, the matter being so great, she could not for the present directly answer. When the Queen had fulfilled her obligation anent the ratification, then it would be time to require her to do her any pleasure. Until then she could not in honour gratify her in anything.[1]

This decisive repulse seems to have nettled Maitland. He told Elizabeth that he had no commission from the Queen to declare whether she would, or would not, ratify the Treaty. He had not even spoken with her on the matter. But if Elizabeth wished to have his own opinion, he would freely give it. He confessed that he thought that Treaty so prejudicial to Mary's right that she would never confirm it, and that, conceived in such form as it was, she was not in honour bound to do it. "It is true," he ventured to add, "that although your Highness takes

[1] Philippson, App. B.; Pollen's *Letter of Mary to Guise*, App. 1.

yourself to be lawful, yet are ye not always so taken abroad in the world. First, all that follow in religion the Kirk of Rome, your Highness knows, think the King your father's marriage with your mother unlawful, and consequently the issue of the marriage siclike. The Queen my sovereign's subjects must, and all others, who are for any reason affectionate to her, will, think favourably of her title. The impression of it (*i.e.* of her prior right to Elizabeth's), belike, is deeper rooted in her head than she will be easily persuaded to forego it, and specially if she perceive that difficulty be made to assure to her that (posterior) title, which, not only in the judgment of foreign nations, is without all controversy, but also your Highness, upon your conscience, nor the wisest of your subjects, can nowise disallow." It would be better, in his opinion, that the two Queens should come to an accord that might endure, rather than to press for what would be ineffectual, even if it were done. He questioned the authority of the French Lords Deputies to give away the Queen's title to the succession. Their commission was slender for so momentous a transaction.

Such was the bold diplomacy of Mary's minister, already devoted to her interests, fused with his own great aims. Elizabeth was not thin-skinned, as he knew, or she might have resented his freedom. Content with her *de facto* position and power, she treated questions of legitimacy as academic disputes, which she somewhat profanely compared to those about "the sacrament of the altar."

Maitland returned to Edinburgh (24th September). A few days later (2nd October), Sir Peter Mewtas arrived from Elizabeth, to congratulate the Queen on her safe arrival, and to require the ratification of the Treaty. Mary had just returned from a short progress through part of her dominions. She received him with profuse courtesy.

In reply to his demand, Mary suggested that as the Treaty was now out of date—some of its Articles fulfilled, some no longer applicable, and some beyond her power to fulfil, as she had pointed out by St. Colm—it would be better to appoint Commissioners on both sides to revise it, and to adapt it to present circumstances. Cecil thought, and probably with truth, that her object was to get rid of the Treaty altogether, and to substitute for it a short agreement on the lines of Maitland's policy.[1] 'What effect that would have had on the Scottish Articles, which were guaranteed by the English Treaty, and on which the Parliament of 1560 had acted, is hardly doubtful.

Elizabeth was in no hurry to reply to this suggestion. Maitland, anxious to know how it had been received, wrote to Cecil (25th October). He would be glad to learn, he said, Elizabeth's determination, since Mary had shown her disposition to join with her in tender amity. 'What a happy thing it would be if Cecil and he could be the means of such a conjunction. He knew how unwilling Cecil was to enter on matters of such consequence. But considering what surety, quietness, and commodity it offered to England, he supposed he would express his opinion frankly. God hath betimes offered many means of a godly conjunction between the realms. How they have all failed, I cannot tell. But the present opportunity has most promise, being grounded on equity, and of equal advantage to both realms. If overthrown like the others, it might be judged that God is not well pleased with us, and has appointed us ever to be a plague to each other. Let us do our duty, and commit the success to Him.' Then, lest Cecil should have been led by his correspondence with Knox to judge unfavourably of Mary's conduct in the religious sphere—she had just dismissed the Provost and Bailies of

[1] S.P.F. iv. 389.

Edinburgh for an offensive Proclamation—he put in a word for her. 'The Queen his mistress,' he said, 'is showing herself as reasonable and gentle as they can require. If anything is amiss, the fault is rather in ourselves. You know the vehemency of Mr. Knox's spirit, which cannot be bridled, and yet doth sometimes utter such sentences as cannot easily be digested by a weak stomach. I would wish he would deal more gently with her, being a young Princess unpersuaded. For this I am accounted too politic. But surely in her comporting with him, she doth declare a wisdom far exceeding her age. God grant her the assistance of His Spirit. I see in her a good towardness, and think that the Queen your sovereign shall be able to do much with her in religion, if they once enter on a good familiarity.'[1]

This letter is a fair specimen of the highly optimistic, not to say saccharine, style in which Maitland plied Cecil in the early stages of this negotiation. Whether he had come under the influence of Mary's fascination, and really took this view of the situation, or whether it was mainly diplomatic, may be left to the judgment of the reader.

On the 11th November, Randolph told Cecil that the Queen "longed greatly to hear of Elizabeth's resolution."

Thus importuned, the English Queen wrote to Mary (23rd November). She was glad, she said, to see her own goodwill to the Queen so well understood. She saw no reason, however, to be so well satisfied with Mary's answer by Mewtas, as she had expected to be. But as there seemed to be so much amity on both sides, she would gladly pursue the matter further. She did not think the appointment of Commissioners a good plan. It would be better that Mary should write to herself, either directly or through Randolph,

[1] S.P.S. i. 564.

disclosing the real reasons that moved her to stay the ratification.[1]

It is evident that Cecil, who was probably influenced a good deal by his correspondence with Knox, had much doubt of Mary's sincerity, which Maitland's roseate representations did not remove. He challenged Maitland himself on the subject, and he directed Randolph to make close and careful observation. He threw out hints of "doubleness" and "pædagogy,"[2] and he warned Lord James against "legerdemain." He evidently feared that Mary was acting a part, and he was not without suspicion that both Maitland and Lord James were becoming her dupes. Randolph, after doing his best to see through everything, could only report that if the Queen's friendship was insincere, "it was the deepliest dissembled, and the best covered, that ever was."[3] Maitland protested that "as God is my Judge, I make the matter appear no better than it is in itself, and if I thought not myself assured that it should thus prove in the end, I would not hasard to write thus far."[4] Probably there was for a time a certain amount of superficial sincerity in Mary's professions, which, however, had her immediate object been once gained, would have succumbed to other influences.

It is difficult to resist the theory of fascination when we find Maitland in the same letter (7th December) going on to ask Elizabeth's favourable regard for the Queen's uncles, the Duke and the Cardinal, and their inclusion, for Mary's sake, in the common friendship. He knew well the detestation in which Elizabeth and Cecil had always held the Guises, as the worst enemies of England, and the chief authors of all the troubles of Scotland, England, and France. He could hardly have forgotten the

[1] Keith, 212.
[2] S.P.S. i. 591.
[3] S.P.S. i. 596.
[4] Keith, 203; S.P.S. i. 572.

Proclamation of March 1560. And this request is followed by a plea for close correspondence between the two Queens, founded on Elizabeth's invitation to Mary, and making the most of it. "I see her Majesty," he says, "in nothing more delight than often to visit and be visited by letters of such as she doth love. Let it not, I pray you, be neglected on your part, until such time as it shall please God to grant the occasion that an interview may be betwixt them, which I know, for her part, the Queen my mistress most earnestly wishes may be soon. If you see the like disposition in yours, let us, I pray you, advise the means thereof, and begin betimes to confer by letters how and in what manner it shall be, the time and place, for thereupon methinketh doth depend the felicity of both the countries. I must think it either a natural instinction, or that God hath put it in her heart, otherwise her love could not suddenly have been brought to such a high degree."

Both Queens played up to this sentimental tune, perhaps with about equal sincerity. A personal interview was now in view, in which the two Queens were to fall upon each other's necks in loving embrace, and seal the treaty of union for all time. Mary, when marriage was suggested to her, protested she would have no other husband than Elizabeth. She only wished one of them had been a man, so as to end the matter.

But apart from these honeyed exchanges, the project made no real headway. Cecil did not favour Mary's succession, and wished to have as little to do with her as possible. He took little part in the play, though Maitland tried hard to interest him. The latter postponed Mary's answer to Elizabeth's letter of 23rd November till he could get Cecil's advice upon it. Cecil did not reply to his request for guidance, and Maitland wrote him again. Cecil was not to be

drawn, and Maitland had to write the Queen's letter (5th January) without his help.[1] When Cecil did write, he showed himself offended at Maitland's importunity. Not to be discouraged, Maitland still pleaded for co-operation. 'It was the desire of both their sovereigns—they shot at one scope, the union of the Isle—they should not deal as strangers seeking advantage one of the other. Cecil, he said, knew the full extent of Mary's demand, and if it was accorded, she would not stand on forms or ceremonies; she would conform to any plan they chose to suggest. But, to be plain, unless recognition was to follow, the proposed interview would do more harm than good. If it was to be the means by which the common object was to be attained, then neither letters nor ambassadors should be spared.'[2]

Cecil did not oppose the interview, since Elizabeth seemed to favour it. But he remained cold and distant and evasive. Maitland charged him with "writing in parables, at least in brief and dark sentences." He had even, he said, thought of complaining of his reticence to Elizabeth, believing it to be against her wish, and he might still be bold enough to do it, if Cecil did not open himself more at large. Yet he would rather guess at dark letters than get none at all, and so he prayed him to keep on writing. As his personal friend, Cecil might consider how much Maitland was risking in advising the interview. If it should fall out amiss, it was likely not only to dissolve the amity, but to overthrow the credit, and end the career, of those who were responsible for promoting it. He had plenty of ill-willers at home who would not be sorry to witness his fall. In their eyes his long friendship for England was his chief offence.[3]

What Maitland wanted was some definite assurance

[1] Keith, 213; Labanoff, i. 123; Haynes, 376.
[2] S.P.S. i. 588.
[3] S.P.S. i. 594.

that the recognition was favourably regarded by Elizabeth and Cecil, and that it would be forwarded by the proposed interview. He would have liked that the whole ground should be cleared by preliminary correspondence between Cecil and himself, leaving as little as possible to be done at the meeting of the Queens.

Cecil remained on the defensive, and evaded all importunities. At length, seeing that further progress was impossible with Elizabeth's minister, Maitland resolved, at the urgent solicitation of Mary, to take all the risks of a mission to London to see what could be done with the Queen herself. He was a *persona grata* at the English Court. He already knew Elizabeth well, and he was believed to have a good deal of influence over her. He shared with his mistress the enchantment by which men, and still more women, are bewitched, and the English Queen was among his warmest admirers.

Meanwhile Mary did all in her power to lubricate the wheels of diplomacy. She pressed for Elizabeth's portrait, and kept a jewel, shaped like a heart, ready for the man who should bring it. At Lord James's grand wedding (February 1562) she proposed Elizabeth's health, and handed over to Randolph the gold cup out of which she drank it, as a memento of the occasion.[1]

The Scottish Privy Council, which had at first disapproved of the interview, no longer offered any opposition. Armed with full powers to negotiate, Maitland prepared for the journey. He wrote to Cecil (28th February) to apprise him of the resolution, and to make a last appeal for his co-operation. He pleaded for it on personal grounds. Cecil knew his position. "I am sure you consider in what case I have sometimes been with Her Majesty (Mary)—in

[1] S.P.S. i. 603.

what case I am presently—and how many, if they could find any ground, would be glad to take occasion, were it never so small, to disgrace me once anew."[1] Cecil had been a father to him. He was often called his creature, and he would never disavow it. He had in a manner consecrated himself to the union of the Isle. He had pressed it in Queen Mary's days,[2] "and ever as one occasion doth fail me, I begin to shuffle the cards anew, always keeping the same ground. I shall not weary while hope remains."[3]

His departure was delayed by the troubles that followed Arran's denunciation of a plot laid by Bothwell and his own father against the Queen and her ministers—the sad affair in which the poor youth vanishes from history.[4] It was the end of May before Maitland was able to get away, and during these three months events happened in France which boded no good to his errand. On the 1st March—the day after the last quoted letter to Cecil was written—occurred what is known in Huguenot history as the Massacre of Vassy. The Duke of Guise, Mary's favourite uncle, was on his way back from Lorraine to the French Court. He had quitted it five months before, in anger at the increasing tolerance of the Queen Regent, and under suspicion of a plot to abduct the King's brother, with a view to a *coup d'état.* He was now returning, in league with the Constable and the King of Navarre, the feeble consort of the heroic Jeanne d'Albrêt, whom they had seduced to their side, intent on overturning the policy of Catherine. The Duke halted at the village of Vassy, where a Huguenot congregation was met for worship. His followers quarrelled with the worshippers, and a general massacre was the result. By the fanatical populace of Paris—then as blindly devoted to the Church as

[1] The Huntly party.
[2] Mary Tudor's.
[3] S.P.S. i. 610.
[4] S.P.S. i. 611-16.

two centuries later to the Revolution—Guise was immediately hailed as the Catholic champion. He entered the city in triumph, and the first of the French Wars of Religion began.[1] The Triumvirate, as he and his colleagues were called, got the Regent and the young King into their hands, after the fashion so well known in Scotland, and practically assumed the government, with Philip of Spain as their ally. Condé and the Huguenots flew to arms to maintain the Edict of January, which had afforded them some measure of toleration. Throckmorton reported to Elizabeth that the plotters aimed at the total supression of French Protestantism, and advised her to intervene on behalf of Condé and his party, in order to counter the interference of Spain.[2]

The sympathies of Protestants everywhere were, of course, with the threatened Huguenots. Elizabeth was a poor partisan in religion, but she could not afford to lose an opportunity of weakening her neighbours by fostering their internal troubles. It was one of the conditions of her own safety. From the outbreak of the conflict the policy of England moved steadily onward in the direction of intervention, and a few months later an English army was in possession of Havre, or Newhaven, as the English then called it.

War with the Guises was bound to react on the relations of Elizabeth and the Scottish Queen. The English Privy Council were unanimously opposed to any *rapprochement* between them in present circumstances. Mary easily foresaw the inconvenience, and seemed to blame her uncles. She thought it hard, she said, that she should suffer for their offences. She affected neutrality between them and Elizabeth, and probably one of her motives for choosing this

[1] Baird's *Huguenots*, ii. 19 ff.; S.P.F. iv. 558.
[2] S.P.F. iv. 545–550, 552–4.

particular time for the northern expedition she shortly after undertook, was the desire to get out of the way of French appeals for assistance, in the hope that the storm would blow over during her absence.

Maitland said little if he thought much, and bravely set out on his mission (26th May). He was well received by Elizabeth, who almost alone in her Court favoured his proposal. It is difficult to believe in her sincerity. Nevertheless, an agreement was come to, and provisional arrangements were made for the interview.[1] It was to take place at York or its neighbourhood in August or September, on condition that the state of things in France should be favourable, of which there was then some prospect. Maitland returned to Edinburgh with his object apparently gained. But within a few days there followed him an envoy from Elizabeth—Sir Henry Sidney, the father of Sir Philip—postponing the meeting to the following year. The threatening aspect of the conflict in France made it impossible for her to leave London. It proved the end of the proposal; Mary and Elizabeth never met, to the end of their lives. The English Queen was soon immersed in a struggle which absorbed all her attention, and drove her into sharper antagonism to Mary's kindred.

Mary was in tears over her disappointment. Her subjects were more easily consoled. They were more anxious about the fate of Condé and Coligny, and the Protestant cause in France, with which they had been so closely linked, than about the meeting of the Queens. *Amicus Socrates, amicus Plato, magis amica Veritas*, was the philosophic reflection of Lord James, who was the personal friend of the great Admiral.[2] Knox and his party had grown cold about the succession. Most of them had lost hope of the condition on which alone

[1] Haynes, 388; Keith, App. 156; Philippson, App. E. iii. 455.
[2] S.P.S. i. 633.

they would have been zealous for it—the conversion of Mary to the Protestant interest.

We must now go back and glance at the incidents that had dispelled this hope.

Mary had never really accepted the limitations on her freedom of worship. She had thrown open the Palace chapel to all comers, and had courted the attendance of the nobles. She occasionally held special services, which attracted general attention. It soon became evident that a short road to Court favour lay through the royal chapel. She tried, by artifice and evasion, to secure in practice equal rights for her co-religionists. It goes without saying that she had no more idea of legal toleration for both confessions, as a feasible basis of state-policy, than had her opponents. Equal toleration was in that age the dream of an elevated soul here and there, like William of Orange, who had no followers. Statesmen would have none of it, believing it to be impracticable and dangerous;[1] and to the great bulk of their people it was the sin of Gallio, which argued a pagan indifference to the claims of truth. It hardly needs the evidence of the Queen's secret correspondence with the Pope and the Catholic Powers, in which she protested her real intentions, to prove that she was not one of those elect souls who anticipated the dawn of a better day.[2] She was simply playing for her own hand, to help on the reaction, on which all her prospects depended.

She had not been many weeks in her capital before she ordered its Town Council to dismiss their newly-elected Provost and Bailies, whom she sent to confinement in the Tolbooth. In accordance with custom, they had proclaimed the municipal statutes—in those feudal days every town had the right to

[1] The small party of the *Politiques* of France was hardly an exception, as has already been pointed out.

[2] Philippson, ii. 33–34; Labanoff, i. 175–80; Forbes-Leith, 66.

make its own regulations[1]—which, in the style of the time, classed priests and monks with other undesirable characters, who were required to avoid the town. The Council obeyed the Queen's arbitrary command under protest, and Maitland had something to do with their submission. They refused, however, to elect the Queen's nominees, who were mostly Catholics.[2]

When, in the end of the year, in view of the usual half-yearly meeting of the General Assembly—not yet so powerful as it was to become, but beginning to make itself heard with effect—the question of the support of the reformed ministry and of the Church's patrimony in general could no longer be postponed, the Queen accepted, probably on the advice of Maitland and Lord James, the arrangement by which a third of the ecclesiastical revenues was to be taken from their old possessors and applied, in undefined proportions, to the needs of the Crown and the maintenance of the parish ministers. It seems to have been intended that the division should be nearly equal.[3] However that may be, the actual result was that, partly by remission of the Thirds to favoured individuals, partly by royal drafts on the fund for all manner of purposes—presents, pensions, etc.—the sums that reached the clergy were small and irregularly paid, in a constantly increasing degree. Moreover, the whole arrangement had a provisional aspect. The old Bishops and clergy were left in possession of their official estates, subject to this deduction. Thus far had the Queen's influence moved the Lords away from their declaration to Noailles. Should a reaction succeed, nothing would be easier than to remit the Thirds, and thus revive at once the *status quo ante.*

[1] *i.e.* within the limits of parliamentary law.
[2] Knox, ii. 289; Edinburgh T. C. Records, 125.
[3] S.P.S. i. 582; Knox, ii. 298-313.

It was an arrangement entirely congruous with the Proclamation of 25th August. The religious question in all its branches was to be kept open for future reconsideration.

Maitland must have perceived, just as clearly as Knox, the drift of the Queen's inclinations. But he was not a precise Protestant, he had a position to build up, and he was thankful for a *modus vivendi* which promised even a few years of peace, at a price not too great. His hopes rested on the English succession, and the fruits to be gathered from it. Maitland, as we have said, was an opportunist by conviction. He could wink at a good deal on his way to great ends. He accustomed himself to humour the Queen, in what he regarded as minor matters, perhaps with something of a paternal or chivalrous feeling, and was ready to put the best face on all her proceedings. He could not afford seriously to offend her, if he was to retain the means of achieving the objects on which he was set. He lived from hand to mouth, politically, all his life, and apparently did not feel it irksome. Ever as one occasion failed him, as he said, he began to shuffle the cards anew, with the same aims as before; and the fable of the philosopher and the mule was never very far from his thoughts. His consistency was inward, not outward—in spirit and aim, rather than in means or methods. Those, therefore, who looked no further than externals could not do otherwise than misjudge him.

In the following June (1562), Mary received the visit of a Papal nuncio, sent to advise with her as to the means of restoring her kingdom to the Roman fold, according to her desire, as secretly stated to the Pope, and to induce her to send representatives to the Council of Trent.[1] She had not invited him, but she was unwilling to admit to her Catholic allies her

[1] S.P.S. i. 634; Forbes-Leith, 58-84.

inability to receive him. Lord James pointed out to her the illegality and danger of his presence. He landed in disguise at Leith, and was spirited away into a remote district, to escape observation till his advent should be forgotten. Before his departure, the Queen had a secret conference with him at Holyrood while Lord James and others were at church. They narrowly missed him on their return to the Palace. Randolph caught a glimpse of his retreating figure in one of the corridors, and challenged Maitland on the subject. He alone among the Queen's Ministers seems to have been privy to the meeting, willing, doubtless, to save Mary's reputation with her foreign friends, who had a very imperfect knowledge of her situation. He was satisfied that no result would follow.[1]

A week or two later, on the postponement of the interview, the Queen set out on the expedition to the North, which has puzzled some of her biographers. It seems to have been chiefly of her own devising, though Lord James, now Earl of Mar, doubtless had his share in it. Probably, as we have suggested, she wished to get out of the way of appeals from France, which could only compromise her with Elizabeth, and spoil her prospects of recognition. Its purpose was to reduce Huntly to obedience, and to put Lord James in possession of the Earldom of Moray, which had been given him on his marriage in February, though hitherto kept in abeyance. The title of Mar, then vacant, had been substituted for it, till the gift could be made effectual, by the actual transfer of the estates from the retentive grasp of Huntly, who was not expected peacefully to surrender them. To raise the Protestant leader and to depress the Catholic chief, was likely to commend her in the eyes of England as well as of Scotland, and to neutralise the adverse influences coming from France. Moreover, it was an act of

[1] S.P.S. i. 642.

justice, and of high political expediency. The power of Huntly had long threatened that of the Crown. Mary's mother, the Queen Regent, had suffered at his hands; he had opposed the interview; he was now encouraging his son, charged with a serious offence, and guilty of prison-breaking, to defy the law.[1] He was credited with designs upon the Queen herself, to compel her to marry his son. Maitland accompanied the Queen, but it is evident from his letters that he was half-hearted in the enterprise. Till near the end, he was apologetic for the rebel chief. A passage in his letter to Cecil of 1st October, from Aberdeen, is hardly comprehensible. It does not appear to be ironical, like similar passages in the letters of Randolph. "If any fault be his" (Huntly's), so he wrote, "it may be thought to have proceeded from too great simplicity, rather than from any craft or malice, specially by so many as have had experience how plainly, sincerely, and uprightly he has always been accustomed to deal."[2] Cecil must have smiled on reading this commendation of a man whose deceit was proverbial in both realms. Maitland was a charitable man, not severe in his judgments, even of his enemies, but he must have had some purpose in thus writing to Cecil, who knew Huntly's reputation nearly as well as himself. For whatever reason, Maitland was evidently desirous of minimising the trouble Huntly had given; though after his open rebellion and his tragic end, at the battle of Corrichie (28th October), he had sorrowfully to admit his mistake. He then lamented "that the soil of his native country had ever produced so unnatural a subject."[3] The truth is that Maitland had that natural tenderness for the old feudal houses which, in his speech on the restoration of Lennox, he put into the mouth of the

[1] S.P.S. i. 651–65. [2] S.P.S. i. 656.
[3] S.P.S. i. 666; Keith, 232.

Queen,[1] in whom it was not conspicuous. Skelton is mistaken in ascribing to him, as one of the aims of his policy, the reduction of the great feudal houses. It is an example of his idealising habit. Such ought to have been the aim of a wise statesman of that time; Maitland was a wise statesman; therefore it was his. Unfortunately, history does not always confirm judgments *a priori*. It does not in this case. Maitland's political sympathies were all the other way, and they greatly misled him. Like Burke and the Romanticists of a later day, he was too much enamoured of the past to be just to the present, or a wise prophet of the future.

The fall of Huntly and the forfeiture of his house was a severe lesson to the greater nobles. But it proceeded, not from Maitland, but from Moray and the Queen. It was Moray's last conspicuous act of power as her minister, and was probably too decisive for the Queen's liking. From this time dates the decline of his influence, so far as it depended on her. In a few months the change became marked. Henceforth she leaned chiefly on Maitland, as the more congenial and accommodating minister, till he became, as Randolph called him, the "sole guider" of her affairs. Moray, nowise jealous, contented himself with his great position before the country, and the latent power it gave him to intervene with effect, whenever it might become necessary, for the great ends in which he was interested.

Mary's proceedings, as time went on, showed no signs of approximation to the Protestant interest. The Huntly episode was the only exception—so exceptional that it was regarded with much suspicion, probably unfounded. She fostered reaction by every means in her power, and with astonishing success. The Parliament which was to take a final order in

[1] Robertson, App. 9.

religion had been postponed in favour of the succession negotiations. Of the speedy resumption of these, there was now little prospect. England was immersed in the conflict with France. A Parliament was needed to confirm the forfeiture of Huntly, and Moray's new Earldom. But from Mary's point of view things were not yet ripe for a final settlement in religion. She therefore gave her ministers to understand that a Parliament would only be summoned on condition that the religious question should be further postponed.[1] Maitland was easily gained, Lord James was cautious, and many were unwilling to bring about a crisis. By a theatrical display of favour to the Protestants, in the prosecution and imprisonment of the Archbishop of St. Andrews and a few other high-born transgressors of the Proclamation of August 1561, the Queen conciliated the bulk of her opponents and secured her object.

Knox's indignation boiled over. He had hot words with Moray, and broke off all intimacy with him. During the sitting of Parliament, he addressed the Lords from the pulpit of St. Giles, in one of those outbursts which were political events, and stirred the capital. Even now its piercing accents are audible, and their effects quite intelligible. He recalled their common labours from the beginning of the struggle, especially the times of "their most desperate tentations." "In your most extreme dangers I have been with you. St. Johnston, Cupar Muir, and the Crags of Edinburgh are yet recent in my heart; yea that dark and dolorous night, wherein all ye, my Lords, with shame and fear, left this town, is yet in my mind, and God forbid that ever I forget it." Yet they had been carried safely through, and the final issue was now in their own hands. Were they going to betray the cause, out of sinful complaisance to the Queen?[2]

It was too late to avert the issue. Possibly

[1] Knox, ii. 382. [2] Knox, ii. 384.

greater firmness might have compelled Mary to give way, at least to a great extent. Her resources at this time were not great. The Catholics were depressed by the fate of Huntly; she could place no reliance on the neutrals. But peace was precious to the Lords; important questions were in course of negotiation; and the Queen's marriage would be a more appropriate occasion for a final settlement. So thought Moray; Maitland was out of the way, on a mission to London and Paris, and strange rumours about his doings were in circulation. Knox gravely feared still more dangerous concessions to the Queen; and with the well-known reference to the reports of a Habsburg marriage for her, and the intrusion of a Catholic King, Spanish or Austrian, to aggravate the existing anomaly, his discourse ended.

The sequel at the Palace, to which he was summoned, apparently the same day, and his defence and reiteration of the language he had used about the marriage, are familiar to all readers of Knox.

"What have ye to do with my marriage, or what are ye within this commonwealth?"

"A subject born within the same, Madam. And though I be neither Earl nor Lord nor Baron within it, yet has God made me, how abject that ever I be in your eyes, a profitable member within the same. Yea, Madam, to me it appertains, no less than to the Nobility, to forewarn of such things as may hurt it, if I foresee them; for both my vocation and conscience crave plainness of me."[1]

A Scottish preacher, with the consciousness of an old Hebrew prophet, was a phenomenon which the Queen could neither understand nor appreciate. It was their last interview. When next he appeared before her, it was to answer to a charge of treason brought against him by herself.

[1] Knox, ii. 387.

VI

THE SPANISH MATCH—MARY'S SECRET DIPLOMACY. 1561–1565

The idea of a marriage between Mary and Don Carlos, the heir of Philip II., goes back, as we have seen, to the early days of her widowhood. Francis II. had been dead only a fortnight when the reports of the match set in motion her mother-in-law, who dreaded it in the interest of France. Catherine wrote (December 1560) to the French Ambassador in Spain to ascertain who were its promoters, and from that day onward did all in her power to prevent it.[1] She enlisted in her service her daughter Elizabeth, the newly-wedded wife of Philip, and Elizabeth of England, who had her own interest in frustrating it. The proposal came from the Cardinal of Lorraine, Mary's uncle. On the 28th December, Chantonnay, the Spanish Ambassador at Paris, reported to Philip that the Cardinal regarded the match as the only one worthy of his niece. The crown of Spain he thought the only one worth wearing after that of France.[2]

Philip was friendly to the project, which seemed to offer many advantages to himself and to the Church—the annexation of England and Scotland to the Spanish dominions, the restoration of both to the Catholic fold, and the decisive weakening of heresy in France and the Netherlands. The negotiations were continued for some time, but as Mary's prospects

[1] Paris, App. 786. [2] Mignet, i. 93.

of retaining the Scottish throne, which was the necessary stepping-stone to the English one, did not seem in those early days to improve, they were adjourned. Philip did not wish, as he said, "to marry his son to a process."[1] Possibly, also, he was already doubtful of that son's fitness for any enterprise of difficulty or danger. Don Carlos was then a poor weakling of fifteen, ill-balanced in body and mind, who gave little promise of any capable manhood.[2] Once more it threatened to be the fate of Mary's ambitions to link the fairest and most fascinating Princess in Christendom with the dregs of ancient Royal houses.

Mary set about expediting the "process" in the way we have seen. She succeeded in establishing her footing in Scotland, and was doing her best, with the help of her adroit minister, to open her way into England. But their united diplomacy was making little real progress. Cecil's cold reticence was a truer index to the situation than Elizabeth's warm professions of friendship, of which Mary now easily divined the value, assisted perhaps by the consciousness of her own exaggerations. The ecstasies on both sides were highly artificial, and we seem to reach comic opera when we find Maitland, during his mission in London, advising Mary to take lessons in the art of writing love-letters to Elizabeth from her maids, and even from Moray, who, having recently brought a long courtship to a happy end, might be regarded as an expert.[3]

Failing diplomacy and love-letters, there remained only the method of force. A powerful husband, one who had legions and treasure at his disposal, might make the desired impression, and reduce Elizabeth to compliance from fear of a worse fate. So in good time, Mary set about feeling her way to the resump-

[1] S.P.F. iv. 150. [2] Granvelle, *Papiers*, vi. 375, 567; Paris, 272.
[3] Philippson, iii. 457.

tion of the suspended negotiations with Spain. The first indication of her renewed activity belongs to the spring of 1562, when her grandmother, the Duchess Dowager of Lorraine, was reported to be moving Philip on her behalf, probably through Cardinal Granvelle, Philip's *alter ego* in the Netherlands.[1] Philip in reply sent an encouraging message (4th June 1562) to de Quadra, Bishop of Aquila, the Spanish Ambassador in London, who, like nearly all the Spanish statesmen, was a warm partisan of the match.[2] The Guises, Duke and Cardinal, lent their aid. But Catherine de Medici was soon again on their track. This time she appealed directly to the patriotism of the Guises. If the Spanish monarchy were to annex England, Scotland, and Ireland to its continental dominions, with the Netherlands, the Empire, and the Milanais to complete the territorial girdle, France would be hemmed in and politically extinguished. They could not refuse to see what was so plain, and she extorted from them a promise to abandon the project.[3] They agreed to substitute for Don Carlos as Mary's husband the Archduke Charles, Philip's cousin, the third son of the Emperor, a much less formidable candidate, reserving the Prince of Spain for Catherine's youngest daughter, Marguerite, afterwards the wife of Henry of Navarre. The Cardinal while at the Council of Trent, early in 1563, had an interview with Ferdinand at Innsbruck, and the bargain was struck.

But the Cardinal had overshot the mark. He had taken for granted the continued docility of his niece. When he sent letters to Mary to inform her of the transaction, she politely adjourned her reply; and when he persisted, and sent her old friend du Croc (May 1563) to make a formal offer of the Archduke's

[1] Teulet, *Relations*, ii. 186. [2] Philippson, ii. 179.
[3] Sp. Cal., Hume, i. 422.

hand, and to announce to her that the Emperor was ready to send an embassy to conclude the match, she again declined to commit herself. She was highly displeased with her too confident uncle, whom she regarded as sacrificing her interests to his own, and to those of her detested mother-in-law. Mary had no intention of submitting to their dictation, though she adroitly turned the offer to what account suited her by sending du Croc to Elizabeth with the news of his errand, thinking to give her a push. Mary cared little for the interests of France in comparison with those of her own greatness. The Archduke, as she afterwards explained, was "poor, far off, and the youngest of three brothers,"[1] and could not give her the help she needed to enforce her claim. So well, however, did the Cardinal and Catherine pull the strings at Vienna, Rome, and Madrid, that Philip again dropped the project, and apprised Granvelle and de Quadra of the fact, to their great sorrow.[2] Perhaps the effects of a recent accident to Don Carlos had something to do with the withdrawal.[3] At all events, Philip went over to the party of the Archduke.

Mary, confident in her own resources, refused to be coerced. On her return from the expedition against Huntly in the end of 1562, she found herself in a difficult position. She was being pressed to help France against Elizabeth, in terms of the old alliance. She could not comply without spoiling her prospects in England. Even the English Catholics had no leaning to France. In December 1562, she conceived the idea of helping herself, without offending either France or England, by offering to mediate between them. She drew up Instructions for Maitland, who was to proceed to both Courts with her proposal.[4] It was the middle of February (1563) before he set out.

[1] Labanoff, i. 296.
[2] Philippson, ii. 180; Kervyn, iii. 260.
[3] Granvelle, *Papiers*, vi. 587.
[4] Keith, 235.

Elizabeth's difficulties had by this time risen to their height. The Duke of Guise, who had the King and the Queen Regent in the hollow of his hand, was carrying all before him. He had gained the battle of Dreux, and taken Condé prisoner. He was now besieging the Huguenot stronghold of Orleans, with good prospects of capturing it. Mary hoped, with his friendly co-operation, to bring about an arrangement, which should include among its provisions the recognition of her claim.

Maitland had been only a few days in London when news arrived of the murder of the Duke under the walls of Orleans.[1] It was an irreparable disaster to Mary, and a deep disappointment to her minister. Guise had been the most powerful man in France, the leader of the militant Catholics, and the soul of the Civil War on the Catholic side. Catherine, at last freed from the coercion of the Triumvirate, hastened to make peace with Condé and the Huguenots. The Edict of Amboise closed the first of the Wars of Religion in France (18th March 1563).

The support of the great Duke in all her schemes, on which Mary had hitherto reckoned as one of her chief assets, was now gone for ever. It was the first (after the death of Francis) of those great disappointments which clouded her prospects, and weighed heavily on her health and spirits. He was followed to the grave in a few days by his younger brother, the Grand Prior, who had convoyed Mary to Scotland—the result of wounds received in the battle of Dreux. Mary was plunged in deep distress.

Maitland could, of course, still continue his offers of mediation. For Elizabeth, not very honourably, clung to the military possession of Havre, as a means of recovering Calais, while France, now at peace within itself, was united in its determination to drive her

[1] Shot 18th February; died 24th.

out. So the war went on. But the France of Catherine and Condé had no real friendship for Mary, and Elizabeth's difficulties were much less acute than they had been. The life was gone out of Maitland's scheme. Baffled by events, he was mortified and perplexed.

Greatly daring, he turned to Spain, knowing well Mary's private inclinations.[1] He sympathised with her deep grief for the loss of Guise, and was willing, according to his habit, to soothe her disappointment, without prejudice to his fixed policy. The threat of a Spanish match might prove as good a means of frightening Elizabeth into the recognition of her claim as a victorious campaign of Guise.[2]

Maitland and de Quadra, Bishop of Aquila, the Spanish Ambassador in London, were equally alive to the altered aspect of affairs in relation to Mary's claim, and, divining each other's thoughts, they drew together. Maitland ascribes the first advances to de Quadra, but this hardly agrees with the statements of the latter. At all events, they held long conferences, unknown, of course, to Elizabeth and her ministers. They soon leaked out, however, as Maitland doubtless intended they should, in order that the desired effect might be produced. Knox's statement, though a little confused, shows that the rumour of them reached Scotland before the end of May, probably from France.[3] Catherine heard of them before the begining of April, when she challenged Maitland himself to explain them, on his arrival in France.[4] De Foix, the French Ambassador in London, and a partisan of Catherine in her opposition to the Guises, was doubtless her informant. The Ambassadors of France and Spain were accustomed to spy upon each other, and de Foix appears to have had early information of what

[1] He had apparently no instructions to warrant him. See Keith, 235.
[2] Sp. Cal., Hume, i. 305. [3] Knox, ii. 390. [4] Knox, vi. 540.

was going on. What he knew he would, of course, tell to Elizabeth, who was as much interested as Catherine in defeating the project. Elizabeth's message to Mary, sent by Maitland on his return to Scotland in June, shows her knowledge of the negotiations at that date.

Maitland's account of his proceedings is given in a long letter to the Queen, dated the 9th March.[1] After both diplomatists had disclaimed any commission to treat—a formula which permitted a freer interchange of opinion by dissociating it from official responsibility—the Ambassador, Maitland says, began by professing himself a warm admirer of the Scottish Queen. Her title to the English succession he regarded as indisputable. After five years' residence in a country where his master had not long since reigned, and where he had left many attached friends, who confided their minds to Philip's representative, he was satisfied that three-fourths of the English nobility and people were partisans of Mary. He had himself suffered at the hands of the English Council, on suspicion of being a promoter of her interests. He did not deny that the marriage of Don Carlos and Mary was the thing in the world he most desired, and he was certain it was that which Elizabeth most feared. He could not profess to know the whole mind of his master in regard to it, but he knew that Don Carlos was deeply in love with the Queen of Scots (whom, of course, he had never seen). He spoke of the commodity of the alliance for the preservation of Mary's interest in the English Crown, and in other respects; and he appealed to Maitland to be frank with him, and to tell him how Scotland would receive the motion. Maitland thanked him for his good opinion of his mistress, which was no better than she deserved. She was in no haste to marry, though all her subjects desired that she should,

[1] Philippson, App. F., iii. 458.

and would acquiesce in any choice she might make. He had never dared to speak to her of any marriage in particular, but his own opinion was that, remembering what she was, and what she had been in France, she would never marry basely. For himself, he wished her the greatest match in the world—none was too good for her merits. (All this, of course, was to come under Mary's own eye.) As to the difference of religion, de Quadra explained that it was a mistake to suppose that Philip was a sworn *soldata del papa*. He was a wise politic Prince, who governed each of the different peoples under his rule according to its own humour. It was not necessary to suppose that he would change the religion of Scotland, and for his own part he would not advise it. He had been able to see a greater number than ever before of the English nobles at the present Parliament, and found that most of them would support her claim, if she would consent to match with a powerful husband. They did not want the Archduke, who could be of little use to her or to them. "Philip no doubt loved his cousin, but his sark was nearer to him than his coat." He praised the Prince's spirit, and his great courage, and pointed to his "sortable age" (he was in his eighteenth year, while Mary was in her twenty-first). He would at once despatch a messenger to Philip to persuade him, and would doubtless receive a prompt reply. Meanwhile, nothing ought to be done in the interest of the Archduke.

Such in outline is the version of Maitland. The Bishop's account supplements it largely, especially as to Maitland's share in the colloquy. If the statements it puts into his mouth are accurate, it throws some fresh light on the early history of Maitland's policy. It states Elizabeth's offers, already referred to, in lieu of the Arran marriage in December 1560. It lets out, what is not otherwise known, that Lord

James in April 1561 showed to Mary the letter in which Cecil courteously replied to Maitland's proposal as to the succession in December 1560, and ascribes to this circumstance Mary's conciliatory attitude to Throckmorton. It sketches, from Mary's point of view, the evasive policy of Cecil and Elizabeth through the succeeding years, how they had intended to keep her in doubt, and drive her into a mean marriage, and how Mary, resenting it, had thought to take advantage of Elizabeth's embarrassments, and with the help of Guise, to put pressure on her. The death of the Duke had spoiled his plans. He was in great perplexity, and grieved for the Queen's disappointment. Therefore, in his difficulties, he had come to de Quadra.

The Bishop, as a feeler, suggested that the best thing Mary could do was to accept a husband from Elizabeth. To this Maitland said there were two obstacles: (1) Mary would never marry a Protestant, even if he were lord of half the world. This he knew well, for he had done all in his power, even to the length of threats, to change her resolution, but without effect. (2) She would take no husband, Protestant or Catholic, from Elizabeth, for he would be a subject, and she would rather die than accept such a one. She was sure, moreover, that even if she did, she would still be kept dangling as before, and lose the support of Catholics in both realms. There was no hope of agreement on the basis of Mary's submission to the English Queen. He was therefore going to France to propose for Charles IX. through her uncles.

The Bishop must have been wonderfully ignorant of the relations between Catherine de Medici and her daughter-in-law if he was moved by the last statement. Whether he believed it or not, he reported it to his master, glad perhaps of so convenient a fable to rouse

Philip's jealousy, and induce him to take up the project in earnest.[1]

The Bishop next suggested the Archduke, who was quickly disposed of. The name of Don Carlos was then introduced. France and England, they agreed, were in mortal fear of that match. Mary, Maitland said, would be a great catch for Spain. Her beauty, her wealth, and three kingdoms to add to the Spanish Crown, making it almost a universal monarchy with the applause of all Catholics, would be a prize indeed. But would not all Scots hate the marriage, being Protestants? asked the Bishop. Yes, they were nearly all Protestants; but so obedient to the Queen that they would rejoice at a Catholic marriage, if in other respects it promised to be beneficial to the kingdom, and satisfactory to the Queen. The religious question could be settled by the toleration of Catholic worship in private. Why not in public? suggested the Bishop. Perhaps even that might be granted, but he could not assure it. The preachers, he admitted, were extremists, but Moray could do much with them, and he himself could do something. He thought they might manage it. There were extremists in the Catholic camp too, those, for instance, who favoured the Inquisition, of which he spoke with horror. The Bishop explained that the Inquisition was a quite mild and beneficent institution. Any Catholic husband of the Queen would be bound to seek Catholic measures, and they would have to put up with them. Maitland thought they might consent to give churches to Catholics. He would send a courier to Moray, as they had not hitherto discussed the matter in Scotland, and would see the Bishop again. As we hear no more of the

[1] Catherine declared to Philip in December that she had never dreamed, and never would dream, of giving such a wife to her son (Laboureur, i. 556).

courier to Moray, he was doubtless a convenient myth.[1]

Ten days later, the Bishop reported that Maitland had been with him again. He had stated that six or seven English peers had spoken to him in favour of the Carlos match and the Queen's succession, whereby his own desire for it had been increased. He found no favour anywhere for the Archduke. He seemed to the Bishop full of his grievances against England. Elizabeth in conversation with him had suggested Dudley, her own favourite, as a husband for Mary. He could hardly reply, he said, for confusion of face, and rode off on a joke. De Quadra thought Maitland was ready to do anything to secure the match.[2]

Maitland went over to France in the beginning of April.[3] He found his mediation as little desired there as in England. Nevertheless, Catherine was now courting Mary with suspicious cordiality. She urged Maitland to break with England, and to renew the ancient league with France. He blandly assured her that the "auld alliance" needed no new ratification. He was back in London at the beginning of June, and saw again the Spanish Ambassador, who had to admit that he was still without any reply from his master.

Maitland left for Edinburgh on the 20th, carrying with him a significant message from Elizabeth to Mary. He was charged to tell her that, having heard of the negotiations with Austria and with Spain, she had to declare that if Mary accepted either the Archduke or Don Carlos, or any member of the House of Habsburg, she would be compelled to become her enemy. If, on the other hand, Mary married to her satisfaction, she would be her friend and sister, and would favour her succession.[4]

[1] Sp. Cal., Hume, i. 310. There is a third account in Kervyn, iii. 268.
[2] Sp. Cal., Hume, i. 312. [3] Sp. Cal., Hume, i. 316.
[4] Sp. Cal., Hume, i. 338.

Maitland had not been idle in London. He was entirely averse to underground conspiracies, and told de Quadra that what was wanted was straightforwardness, and not underhand dealing, which bred suspicion and distrust between the Queen and her subjects, and caused the Queen to take her own way. But he was very willing to know, as a matter of fact, what support she had among the English nobility and gentry. Aided by de Quadra, he carried home with him lists of Mary's partisans, Protestant and Catholic. Among the latter were many who professed to be ready to raise troops for her service. They were about to send a representative to Scotland to advise with her. De Quadra in the end was not quite sure of Maitland's real mind, or of the safety of the representative from his wiles.[1]

A month or six weeks later, the Bishop received the tardy reply of his master. The threat of a French marriage for Mary had induced Philip once more "to entertain the negotiation," but with strict injunctions as to secrecy and caution. The delighted Bishop sent a confidential messenger to Mary. He was to tell her that he had something important to say to her, and to ask her to send to him a trusty and well-informed person to hear it. The Bishop's messenger returned to find his master smitten with the plague, and *in articulo mortis.* He died within an hour or two.[2] When Mary's messenger (Raullet, her private secretary) arrived, he found the poor Bishop's unburied corpse lying under arrest for his debts in the country house in which he had expired. Raullet passed over to Brussels, to learn from Granvelle the Bishop's undelivered message. De Quadra's place in London remained vacant for a year, and without his zealous impulsion the negotiation languished. His secretary, Perez, eager to carry out his master's plans, went

[1] Sp. Cal. i. 340, 343. [2] Sp. Cal. i. 331, 343, 346; Mignet, i. 406-8.

over to Spain and pleaded Mary's cause. But his efforts were vain. Philip's difficulties with his frantic son were increasing, and one of his first letters to the Bishop's successor, de Silva, announced the failure of the project. On the 6th August 1564, Philip wrote to him that on account of the Cardinal of Lorraine's offer of Mary's hand to the Archduke, "and for other sufficient reasons," the Carlos proposal must now be considered at an end. A month later, Granvelle wrote to the Duchess of Arschot, Mary's aunt and warm partisan, recommending the Archduke; and on the 25th November he wrote to Mary herself, telling her he had done all he could, and hoping that Philip would do as much for his cousin as for his son.[1]

There is, of course, another possible view of this episode in Maitland's diplomatic career. It has been taken for granted by some (Froude and Philippson among others), that he really sought the marriage of the Queen to the heir of Philip. His daring diplomacy is not always easy to interpret. But the balance of evidence is strongly adverse to this view. If successful in the quest, to what issues could he look forward? The power of Spain might doubtless compel Elizabeth to recognise the Scottish succession. But would it stop there? What would become of the amity between the realms, and what would be the effect of the marriage on the Catholics of England, who looked to Philip as their saviour? Would not a Catholic insurrection, a Catholic revolution, followed by the disappearance of Elizabeth and her Protestant statesmen, be its almost certain result, as de Quadra beyond doubt intended? And what of Scotland? What would be the reception of Don Carlos in Edinburgh; and what, with such a consort at her side, would be the attitude and conduct of Mary to Knox and the

[1] Granvelle, *Papiers*, vii. 208, 225, 235–46; *Correspondance*, i. 578; Sp. Cal., Hume, i. 371.

Protestant party, or even to Moray and himself? Are we to suppose that Maitland contemplated such issues with equanimity?

It is true that his whole soul was set on the union of the Crowns, as the only road to the union of the realms, and the end of the strife of ages. It is true that he was indignant at the exclusion of the Scottish line from its just place in the English succession. He was angry also at the way in which Elizabeth and Cecil had trifled with, and evaded, his proposals. And it has to be admitted that there was in Maitland a growing arrogance, which tended to make him less careful of consequences in prosecuting his policy, especially in face of an opposition which he thought unreasonable, and not a little contemptuous, not only to himself, but to his country.

But, after making full allowance for these considerations, it is hardly possible to suppose that his negotiations were anything more than a feint, to put pressure on Elizabeth. He is said to have so explained them to Catherine, when taxed with them on his arrival in France.[1] It is noticeable also that in the long despatch to Mary, already summarised, there is at the outset a significant reservation. "Your Majesty," he says, "will pardon me that I write not my own opinion or judgment, whether I like or mislike the matter, which indeed requires further discoursing, and is disputable on both sides. Therefore I remit that part to our own conference by tongue on my return." And at the end there is a similar passage. "I dare not utter rashly what I think in this whole case, for it may chance that my liking may be by others of greater wit misliked"—by Moray, for instance, as he evidently expected. He seems thus to have provided himself with a way of escape from the negotiation, should it threaten to go too far.

[1] Knox, vi. 540; S.P.S. ii. 61.

It may be objected that Maitland ultimately did, in all earnestness, invoke Spanish as well as French intervention, to assist Mary against Elizabeth. But that he did so seven years later, in desperate circumstances, when his back was at the wall, when Mary was a captive in England, and when his political, and even his natural, life were at stake, is no proof that he would have done it in 1563. It may be admitted that, obsessed with his great idea of union, and with his own plan for realising it, and increasingly alienated from the phase of Protestantism that was taking possession of Scotland, he was drifting away from his earlier moorings. But the fact that in 1565, two years later, he hotly resented Mary's order to make a decisive breach with Elizabeth over the Darnley match —a match in which he was prepared to acquiesce— and risked his career by going in the teeth of her commands, may be held to prove that, up to that date at least, he was opposed to any policy that would involve a serious rupture with England. For pressure up to any point short of that, he was always ready. But up to the period of Mary's fall, the English alliance was as fundamental to his policy as to that of Moray, though his bearing was more independent. And the reason is plain. To have given either Spain or France a foothold in Scotland would have been simply to go back to the intolerable situation under Mary of Guise, from which the English alliance had delivered them. In the existing state of Europe it was impossible that Scotland could stand alone, in isolated independence; and the English alliance, with whatever drawbacks, was the only one that could preserve its liberty and its religion. It was not until Maitland, blinded by passion, and with a halter round his neck, had ceased to care greatly for either, that he became the disguised but deadly enemy of England.

It may be added that his letters during the next

few years are consistent with this view, and with no other.

As to Moray, there is no reason to believe that he was at all implicated in these adventurous proceedings, or that he was even cognisant of them, beyond common rumour, till Maitland's return. On reaching Edinburgh, as Randolph tells us, Maitland had to face the displeasure of his colleague, who was offended at having heard little or nothing from him during his absence.[1] It was by Mary's instructions that he had corresponded directly, and almost exclusively, with herself. She knew well that Moray would not favour a Spanish match. Maitland, we must suppose, placated Moray by explaining his real object in the negotiations. Moray, free from all responsibility for them, did not find it necessary to take any further notice of them. He preserved his usual dignified reticence, reserving himself for any serious attempt to translate them into action.

There is no evidence worth considering in favour of any other hypothesis. The statement of Morette, the Ambassador of Savoy, made in January 1562, that several of Mary's ministers favoured a foreign and Catholic match for the Queen, may well have referred, so far as it was true, to Huntly and Athole.[2] The boast of Raullet, the Queen's secretary, to de Quadra in 1563—that "Lord James was extremely desirous of the Carlos marriage, and everybody else, even the heretic people"[3]—is unworthy of credit. Raullet was an accomplished diplomatic liar. Nearly at the same time, when questioned by de Foix, he assured him that "he had never heard speak of the (Carlos) marriage, and that it did not seem to offer the smallest probability."[4] The obvious exaggeration of his statement condemns it. It is inconsistent with

[1] S.P.S. ii. 9–12.
[2] Philippson, ii. 175.
[3] Sp. Cal., Hume, i. 316.
[4] Granvelle, *Papiers*, vii. 209.

Moray's letter to Cecil (presently to be quoted) in reply to the earnest appeals of Elizabeth and her minister; with the testimony of Randolph; with the information of Knox; and with Moray's unwavering fidelity to the English alliance and the Protestant interest under far more trying circumstances. There can be little doubt that he would have met any serious attempt to realise the project with the same steadfast opposition which, two years later, he offered to the far less threatening match with Darnley. The fantastic theory, in which Philippson found the solution of the supposititious enigma, that he favoured it in the hope that Mary would go to reside in Spain, leaving him Regent, may be safely disregarded. No reasonable being could entertain such an expectation. Philip had other uses for Scotland, had it come into his power.[1]

The effects of Maitland's daring diplomacy were mischievous. He was repaid in his own coin. Elizabeth and her minister were roused into unwonted activity by the new development, as they took it to be, of Mary's policy, and their confidence in Maitland was shaken.

Its first result was a rather curious one. The Earl of Lennox and his intriguing wife, whom Elizabeth had subjected to much contumelious treatment for their dealings with Mary, were received into favour, and their son Darnley was brought forward at Court.[2] It was he who introduced de Silva, the new Spanish Ambassador, on his arrival in June 1564, into the Queen's presence. On the 16th June, while Maitland was still in London, Elizabeth wrote to Mary suggesting Lennox's restoration.[3] Whether the English Queen's action was meant as a hint that, if she proved unduly troublesome, another candidate for the succession might be preferred to her; or whether it

[1] Philippson, ii. 176. [2] Sp. Cal., Hume, i. 336, 339.
[3] S.P.S. ii. 14.

was the first step to provide her with a Catholic husband, humbler and more harmless than any Habsburg, it would be hard to say. In any case the move was not unacceptable to Mary, who from the first had kept this match, with its obvious advantages, in reserve, by encouraging the hopes of the Countess and her husband.

Elizabeth's next step was to recall Randolph from Scotland to confer with Cecil and herself on the new situation.[1] He left Edinburgh a few days after Maitland's arrival. The instructions (dated 20th August) with which he returned in September were simply an amplification of Elizabeth's message by Maitland.[2] No mighty marriage that could threaten the amity was admissible. Some English or foreign nobleman, friendly to the union of the realms (*i.e.* Protestant), would best fulfil the necessary conditions; and the question of her recognition would be helped or hindered according to the wisdom of her choice.

In considering the new situation, Cecil had been stirred to unusual earnestness. He had now got to know nearly all about Maitland's proceedings in London, and in France, where he had resided chiefly with the Cardinal of Guise, Mary's uncle. On the very date which Randolph's instructions bear, Cecil wrote to Maitland a letter which, for its direct and solemn appeal, stands alone in their correspondence. Cecil, with all his diplomatic subtleties, was a sincerely religious man, and an earnest Protestant, more nearly akin to Moray, and even to Knox, than to Maitland. Nevertheless he had held Lethington in high esteem. But his confidence in him was now seriously shaken, and he spoke out plainly, in a style which reminds us rather of the sixteenth century pulpit than of a statesman's cabinet.

In scholastic fashion he laid down, first, what he

[1] S.P.S. ii. 12. [2] Keith, 242.

called his three major propositions. In these he stated the aims that ought to be common to them both. "(1) Whatsoever may further the settling of the Gospel of Christ, and the dissolution of Antichrist, ought to be chiefly before all regarded of us both. Herein *no wisdom of the world, no affection to person, no care of ourselves* ought to blind us. (2) Whatsoever may either unite the hearts of the people of this Isle together in one, or preserve them from discord and hatred, ought to be regarded by us both, before *the affection to any nation or country.* (3) Whatsoever might make the accord between our sovereigns perpetual ought to be sought by us both, and the contrary, or anything tending to the contrary, ought to be withstood and banished. Which of us neglecteth these rules I wish him to be anathema."

He granted that they might allowably differ on minor points, such as the *honour and state of their respective sovereigns.* But even therein they might offend against their common duties by the excess of their desires. "Except those principles be kept, the rest shall have no continuance."

Then followed his minor propositions. "(1) The devices and determinations of the Cardinal of Lorraine, conceived in a congregation of Antichrist's soldiers (the Council of Trent), professedly gathered to destroy the Gospel of Christ, can never be truly thought, nor with reason maintained, to be good by us, that ought to promote Christ's Kingdom and pull down Antichrist's. (2) The renewal of the purpose intended by the Guises in the marriage of your Queen to the French King (in 1558) to disturb this realm, and to stir mortal war between these two Kingdoms, can never be tolerable to this realm, but must engender *new counsel to provide privately for itself*, and neglect the amity of that realm. (3) The manifestation of your Sovereign's deeds to labour, or to embrace, such alliance as may

bring trouble to this realm cannot retain my Sovereign to credit any amity in yours."

Lastly, he had three requests to make.

"(1) My Lord, I require in God's name, before whom you and I will stand without any advocate, let no respect move you to allow of that which, by good proof, you may see is intended to set up Antichrist. (2) I also require you not to disturb the towardness of the perpetual reconciliation of these two realms in unity of heart. Behold not yourself to be an instrument of discord, that have so heartily professed this union. If you think well of your title that you pretend (*i.e.* allege), beware that by seeking to further your concept, you do not manifestly recoil backward. *I mean much herein, and if you will not understand it, I think all the rest of my writing little worth.* (3) I require you, if nothing shall move you, yet to remember that this matter is great and weighty, and should be well beheld in all parts before you accept it."

"I know well," so he concluded, "there is nothing I have thus written that you do not know. But I only fear that your *affection is so large* that it hath *covered your judgment.* God give you His Spirit to discern herein what is best for His honour."[1]

This remarkable letter gives the clue to Cecil's conception of Maitland's character, and of the motives by which he was led, and is an important aid to the interpretation of Cecil's subsequent action. We have italicised the most suggestive passages, which the reader may compare with much that has already been said, and with much that follows.

What were Lethington's thoughts when he received it, we do not know. No reply is extant. His point of view had never been that of Cecil, and partly under the influence of his relations to a Catholic sovereign, partly owing to his chronic warfare with Knox and

[1] Philippson, App. iii. 465.

his party, it was becoming less so every year. Personally he was latitudinarian, and perhaps somewhat sceptical, though there were occasions on which he strongly asserted his Calvinistic orthodoxy.[1] Had he been quite candid, he would probably have answered Cecil, in the spirit of Elizabeth, that he was not so sure about the relative shares of Christ and Antichrist in the two parties into which Europe was divided.

Elizabeth at the same time wrote to Moray, in a quite different strain.[2] She had no doubt of his fidelity to the amity. She only asked him to counsel well his sister, and assured him of all support in doing so. Moray replied in the letter already referred to. He did not think the matter had gone so far as was supposed. "I understand but very small handling to have been thereof here." The note of aloofness is plain. He was assured that no decision would be taken by the Queen as to her marriage without long deliberation, and the advice of her loving subjects and most assured friends. It was not for her honour to impede or stop the suits of Princes, and he could not advise it. But "his counsel to her would always be that which would most serve to the advancement of her honour, the weal of her subjects, and the felicity that we both crave and look for in the amity of both our sovereigns and their peoples." It was a dignified and independent, but quite reassuring reply, so far as he was concerned.

Cecil's letter was crossed by one from Maitland (21st August), which may have somewhat tranquillised the perturbed statesman. He had just heard, Maitland said, of the fall of Havre (brought about by the plague, which had decimated the English garrison), for which he was unfeignedly sorry. He wished the place had been voluntarily given up to Condé on the conclusion of the civil war. He again urged the

[1] Bannatyne, *Memorials*, 281. [2] S.P.S. ii. 21.

unwisdom of delay in dealing with the succession, and complained that his frank words to Elizabeth and Cecil had not always been considered as he thought the weight of the matter required. He might be thought partial, but, he added, howsoever it fall out, time would declare that he had looked to "the commodity of both realms." The commodity of both realms could not have been promoted by the marriage of Mary and Don Carlos.[1]

Randolph, on his return in September, communicated his instructions to Mary in presence of the Privy Council. He had to answer a running fire of interrogation as to their meaning. Mary asked for a copy of them in writing, for her private consideration. She deferred her reply, and desired him meanwhile to confer with Maitland and Moray.[2] She had just then sent Raullet to de Quadra to receive the secret message already mentioned. Entirely taken up with the Spanish project, she was simply dallying with Randolph and Elizabeth. Randolph was shrewd enough to perceive that she was "more Spanish than Imperial," and, unlike Raullet, he found opposition to the Spanish match nearly as general in Scotland as in England. At the end of the month he returned again to London to report, bearing a request from Mary for more definite proposals.

The rumours of the Austrian and Spanish negotiations created a dangerous ferment in Scotland, which continued and increased through the winter of 1563–64. On the 6th of October, Knox wrote to Cecil a warning letter, which in his present state of mind the English statesman hardly needed. Knox had learned that, out of twelve members of the Privy Council, nine had yielded to the Queen's pleasure in the matter of her marriage. If Moray and the minority should be overborne, he foresaw "a storm that would overthrow

[1] S.P.S. ii. 20. [2] Keith, 241; S.P.S. ii. 21.

the force of the strongest." Cecil, he said, would no doubt get assurances pleasing enough from Mary and Lethington, but as to what was meant time would show. The foresight of calamities impending over the whole Isle was to him "more fearful than ten corporal deaths." And they were all due to one source. It was because "the inordinate affections of her that is born to be a plague to this realm are followed, without contradiction of such as in duty are bound to procure the rest and commodity of their commonwealth."[1] It is not difficult to understand, if not to sympathise with, Knox's angry impatience, and his unconcealed contempt for those who allowed a single self-willed woman, because she happened to be the daughter of James v., to keep two realms in constant and dangerous unsettlement.

Knox was the one force against which the Queen was powerless. She knew it, and watched for an opportunity of disarming him. At length she thought she had him in her power. In December (1563) she brought him before the Privy Council and an assembly of the nobility, on a charge of treason. The act on which it was founded arose out of the prevailing excitement. The celebration of Mass in the Palace chapel was only legal when the Queen was in residence. But the restriction was systematically ignored, not only by the Queen's domestics, but by large numbers of her Catholic partisans, who were every year growing bolder and more numerous. During her absence, it occurred to some zealous Protestants to set a watch on the entrants to the chapel, with a view to their prosecution, which actually took place.[2] The watchers entered the chapel, and warned all present of the illegality of their assembly, possibly with rough words and gestures. Some excitement ensued, and an exaggerated charge was brought against the intruders.

[1] S.P.S. ii. 24; Knox, vi. 528. [2] Pitcairn, *Criminal Trials*, i. 435.

Knox took up their defence, and by circular called for deputations from the churches to be sent to Edinburgh to secure justice to the accused. It was an old practice, not yet, nor for many years to come, obsolete. Its origin was due to the notorious lack of impartiality in the Courts, and their readiness to bow to superior power. It had been resorted to by the Congregation in 1559, when their preachers were summoned before the Queen Regent at Stirling, with notable results. Moray used it on Bothwell's "day of law," sixteen months later. Mary was yet to employ it to secure Bothwell's "cleansing" in 1567, and Maitland to assure his own acquittal from the Darnley Murder charge in 1569. "Convocating the Queen's lieges" was a charge to which Knox's accusers were all amenable at every crisis of their fate. A charge of treason founded on a practice which came so naturally to them all, and which, as they knew, had its justifications, broke down under the skilful fence of Knox, who achieved a signal triumph. He was unanimously acquitted, even one of Mary's Catholic Bishops voting in his favour. Mary was bitterly disappointed. Moray, though scarcely approving of Knox's action, befriended him, to the Queen's great displeasure. Maitland, now wholly alienated from Knox, and willing to see his power broken, did his best to get him convicted.[1]

Randolph returned to Edinburgh (11th December) with the more precise instructions for which Mary had asked. On his way he met Lethington at Haddington, taking possession of the Abbey lands with which the Queen had rewarded his services.[2] Mary was a generous mistress. Randolph tells us that the Abbey estates were worth 3000 marks sterling per annum,[3] a large sum in those days—three times the value, as the same authority states it, of the Earldom

[1] Knox, ii. 393 ff. [2] S.P.S. ii. 28. [3] S.P.S. ii. 53.

of Moray.[1] The comparison may be commended to the attention of the critics of Moray.[2]

Elizabeth's new instructions proscribed "any child of France, Spain, or Austria," and pointed to an English nobleman, whom some took to be Dudley, and others Darnley, as the fittest consort for the Queen. Three months later the veil was withdrawn, and Dudley, Elizabeth's own favourite, was disclosed as her candidate for Mary's hand.[3]

It was an eccentric, and by many was believed to be an insincere, proposal, meant only to "drive time," and to hinder any marriage. It is not an easy matter to interpret Elizabeth's mind and heart. The most cynical readings are by no means inadmissible, but perhaps they are not always the most correct. The offer was not in all respects so unworthy as it seems to us. The Amy Robsart charge was never proven, and was probably unfounded. Dudley appears to have been well thought of in Scotland. Moray and Maitland, and even Knox, corresponded with him on important matters, apart altogether from the marriage question. And it was neither to his character nor to his history that Mary objected, but solely to his lack of royal birth, or even of high rank among the English nobility. Had Elizabeth offered some member of the old noble families, like Norfolk, on whom Maitland had already cast his eye, Randolph's task would have been easier. Unfortunately, few of these could be wholly trusted by Elizabeth and Cecil.

[1] S.P.S. i. 655.

[2] Mr. Lang has recently revived the charges of the virulent Chalmers against Moray for his dealings with the Buchan estates. He has perhaps overlooked the strictures of Mr. Cosmo Innes in the preface to the *Registrum Honoris de Morton*, xxviii. Mr. Innes, a high legal authority, remarks that Chalmers was "but imperfectly acquainted" with the transaction, and that Moray's letter in that volume "certainly leaves the impression that others were more to blame than he for the misfortunes of the Countess." Lang's *Mystery of Mary Stuart*, 17.

[3] S.P.S. ii. 55.

Randolph did the best he could with his brief, though he did not hide from Cecil the difficulties to which it exposed him. Mary played with his proposal in a gently tantalising way, disguising, under a show of amiability, the deep disdain with which it filled her. From the heir of Philip to the son of the tainted Northumberland was an intolerable descent. At times she condescended to refer to it half seriously, and had no difficulty in showing that, without the previous confirmation of her title to the succession, it would assure her of nothing. Elizabeth might still marry, and have children of her own to succeed her. What in that case would be her reward for refusing princely offers?[1]

Moreover—and it is significant of her point of view, as already stated, and of her outlook on the future—she looked for something more than the mere recognition of her title to a more or less remote succession. "I look not," she said to Randolph, "for the kingdom, for my sister may marry, and is like to live longer than myself. My respect is what may be presently for my commodity, and for the contentment of friends, who I believe would hardly agree that I should embase my estate so far as that."[2] And after a long night's conference with Lethington, he was authorised to answer on her behalf that "she desired to have further knowledge what Elizabeth would do, what should be the conditions, and the assurance." At the secret conference that shortly followed there seems to have been some suggestion of an allowance from the English exchequer, though Maitland denied any responsibility for it. Distant prospects, as we have said, in which she might have no personal share, had little attraction for Mary. What she valued was "present commodity."

Randolph did his best to magnify the wealth and

[1] S.P.S. ii. 57; Chalmers, i. 122–7. [2] S.P.S. ii. 56.

honours that would be heaped on Dudley as the husband of the Queen, in which she would, of course, participate, as well as the public benefits which would accrue to both realms from the firm establishment of amity. As to Scotland, the royal authority would be strengthened; the public peace would be assured; law and justice would be fortified; and the country enriched. Of course, he made no impression. Mary professed to await Elizabeth's further offers, and especially her reply to the proposal of a secret conference at Berwick between Bedford and a representative of her own, who was, of course, to be Lethington.

The English Queen seems to have parried this suggestion by reviving the project of an interview between the two Queens.[1] Mary was more than willing, but the Privy Council vetoed it, probably with the assent of Maitland and Moray, and little was heard of it. Elizabeth was simply "driving time," and acting on the defensive. She had no intention, as we have said, of recognising Mary, or any one else, during her own lifetime, as her successor, and Cecil, privately, was not friendly to Mary's succession under any circumstances. Neither could have any confidence in her friendship to England, and to the Anglican settlement, so long as she continued to be linked with the Guises and the Catholic Powers. They had therefore no intention of increasing her power for mischief. All that they really wanted then, as long after, was to put her into the custody of a husband whom England could trust, and who would prevent her from giving too much trouble. That was in all probability the real reason for proposing Dudley, in whom Elizabeth's confidence was greater than he deserved.

Mary had no intention of awaiting indefinitely the good pleasure of the English Queen and her Parliament. She perfectly understood Elizabeth's tactics, and was

[1] S.P.S. ii. 59 and 64.

quietly casting about for the means of forcing her hand. But her resources were no longer what they had been, and she was often in deep dejection. Guise was no more, the Cardinal was thwarting her dearest wishes, de Quadra had as yet no successor, Granvelle had been driven from power in the Netherlands, Philip was silent, and Knox had recently revealed unexpected power at home. It looked as if there was nothing left to her but to fall back on Darnley and the English Catholics. She knew her strength among Elizabeth's disaffected subjects, and was quietly nursing it. Lethington's lists were of much use, and along with her own furnished a basis for further secret operations.

In February she began to prepare for a trial of strength. Her first move was towards the restoration of Bothwell, by obtaining his liberation from England.[1] In April she prepared for that of Lennox.[2] The air was full of suspicions of her intentions. She tried to dispel them by bringing Moray again to the front. Great deference was shown to him, and a proposal to appoint him Lieutenant-General of the Kingdom was talked about for some months.[3] It came to nothing, and was doubtless a mere feint to cover subterranean operations. The prospect of Lennox's restoration to the family estates, which had been long in other hands, excited apprehensions among the nobles interested. The Duke especially was in fear. He saw behind the Earl the apparition of Darnley as King, and the ruin of his own house.[4] Knox, Grange, and many others suspected what was to follow the advent of Lennox. Randolph in April was perturbed by the opinion of a friend, "of good knowledge and judgment," that "howsomever she hover, and how many times soever she double to fetch the wind, I believe she will at length let fall her anchor between Dover and Berwick,

[1] S.P.S. ii. 48.
[2] S.P.S. ii. 59.
[3] S.P.S. ii. 46, 60, 75, 83, 88.
[4] S.P.S. ii. 90.

though perchance not in that port, haven, or road, that you wish she would." Darnley, and not Dudley, the writer thought, would be her choice.[1]

Maitland and Moray had tepidly accepted Elizabeth's nominee. But they refused to urge on Mary his acceptance without some compensating advantages, and they joined in her request for supplementary offers. Randolph returned to London in June for further instructions. Lethington wrote by him to Cecil (6th June). He said he was still the same man —not less affected to the "amity between the two Queens and nations" than he had always known him to be. "Truth it is, I have not these twelve months past dealt so rashly in those causes as I was wont to do, not for any change of mind, but for avoiding of danger, which much meddling doth oftentimes carry with it, specially when matters do not fall out aright" —a delicate allusion to the de Quadra business, the last phase of his activity. But he was ready to return to his old manner of proceeding whenever it appeared likely to do good, and when he got encouragement from Cecil. He had only been emulating Cecil's apathy and suspense.[2] He wrote again on the 23rd. He could not understand, he said, the secret of the long delays in coming to close quarters in the negotiation. But he hoped the Queen's answer, and especially the proposal for a secret conference on the Border, would be well received, and lead to something practical.[3]

An unfortunate difference now arose. Elizabeth, probably under the influence of Randolph's representations, inspired by Knox and Grange, repented the permission she had granted to Lennox to go home. She asked Maitland and Moray, who had assented to Mary's desire for his restoration, to stay him. They

[1] S.P.S. ii. 59. The writer was either Grange or Knox, probably the former.

[2] S.P.S. ii. 65. [3] S.P.S. ii. 66.

refused with some asperity, and suggested that Elizabeth should herself detain him, if she thought it necessary.[1] She did nothing, and Mary had her way, leaving Elizabeth highly offended.

In September a Convention was held to consider the Lennox case. On the third day of its sitting the Earl himself alighted at Holyrood, and was at once introduced to the assembly.[2] Mary harangued the Lords, and easily obtained their assent to her proposal. Argyle suggested that arrangements should be made to prevent strife with the present holders of the Lennox estates. On the 16th October the Earl's restoration was proclaimed at the Market Cross.

On the eve of the Convention, Sir James Melville, who had recently returned from the Continent with a varied experience of courts and diplomacy, was sent in lieu of Maitland to the English Court.[3] It was desirable that the soreness caused by the letters of Maitland, Moray, and the Queen should be removed, to prevent an impasse; and Sir James, a suave and dexterous courtier, was thought to be a likely man for the purpose. Moreover, a pair of fresh and experienced eyes, friendly to Mary, and with no unpleasant past to prejudice his reception, could profitably take stock of the situation for her use. Maitland could not be spared, he told Cecil, and Melville knew all his mind. He was the less inclined to go that he was busily courting Mary Fleming, one of the Queen's Maries, who fifteen months later became his second wife. The contrast, in point of age and otherwise, between the lovers, created nearly as much amusement as the similar adventure of Knox, who, a few months before, at the age of forty-nine, had married the young daughter of Lord Ochiltree, still in her teens, and a Stewart of the royal blood.

[1] S.P.S. ii. 67. [2] S.P.S. ii. 77, 83.
[3] Melville's *Memoirs*, 112–130; S.P.S. ii. 79.

Melville's mission, of which he gives a lively account in his *Memoirs*, was successful in restoring friendly relations. He was a witness to the promotion of Dudley to the Earldom of Leicester, as an earnest of the dignities to be heaped upon him as the husband of the Scottish Queen. Melville was careful to conceal from Elizabeth the fact that he had a secret charge to see Lady Lennox, who was to endeavour, under some innocent pretext, to get the English Queen's permission that Darnley—the "long lad" whom Elizabeth quizzed Sir James with preferring to Dudley — should follow his father to Scotland.[1] He got the promise to send commissioners to Berwick for the secret conference suggested by Mary. Melville, like Maitland, cultivated the society of Mary's English partisans, Protestant and Catholic, as well as that of the Spanish and French Ambassadors, from all of whom he received "divers advertisements" for Mary's use. De Silva, the new Spanish Ambassador, sent an intimation of Philip's goodwill. It was all the length he could go, and Mary was left to draw the inevitable inference. Don Carlos was beyond her reach. The fact helped at least to clear her path.

Melville formed a bad impression of Elizabeth's sincerity in her relations with Mary. He told the Queen that in his judgment there was "neither plain dealing nor upright meaning, but great dissimulation, enmity and fear." If we can trust his memory, which often failed him in his old age when he wrote his *Memoirs*, he brought back a disclaimer from Leicester of any share in the marriage project. The unwilling wooer ascribed it to the malevolence of Cecil, who wished to get rid of him.

Randolph returned to Scotland in October, with instructions for the secret conference at Berwick. Bedford, now Governor of the Border fortress—a

[1] Her efforts are described in the Sp. Cal., Hume, i. 374, 391.

big-headed, honest John Bull, and a stout Protestant, but no diplomatist—and Randolph himself, were to be pitted against Maitland and Moray, and the prospect filled him with a good deal of apprehension. Meanwhile he discharged his message to the best of his ability. Mary continued to play with him, seemingly amiable and friendly, referring him in all things to Moray and Maitland. She knew well that they would not venture to urge Leicester upon her without some security as to the succession. Randolph was not altogether wrong in stating that she had placed herself in their hands, but it signified much less than he supposed. They told Cecil that they found no good foundation in anything yet disclosed to them, but they were willing to hope. Randolph, sore pressed by their demands for "present commodity," at length blurted out the naked truth, from his own and his government's point of view. There was more reason, he said, to doubt of the uses to which Mary would put her recognition, if granted, than of the fulfilment of Elizabeth's promises with Leicester.[1] He found Lennox installed at Court, and lavishing presents on the Queen, the four Maries, Lethington, Athole, and others; and he was perturbed by the reports about Darnley, whom even Maitland was said to favour, though he did not believe it.[2]

The secret conference took place (18th–20th November), and led to nothing. Elizabeth's offers were no better than before. They consisted of promises, to take effect *after* the marriage, with no other security for their fulfilment than her own word.

Maitland and Moray were in despair. They told Randolph that they found Elizabeth's dealings "marvellous strange," tending only to "drift of time." They reported all to Mary, and were surprised to find that she was not greatly moved. She was really

[1] S.P.S. ii. 89. [2] S.P.S. ii. 85, 89.

ceasing to take any interest in the English proposal, and was herself driving time till her own plans should be matured. She encouraged Maitland and Moray to confer with Randolph "as oft as they listed."[1] A Parliament was assembled on the 4th December, which confirmed Lennox's restoration. Maitland again acted as Speaker, in lieu of the Lord Chancellor Morton, Huntly's successor in that office, who, though present, was indisposed. The religious question was hardly mooted.

It now began to dawn on Maitland and Moray that they were themselves being shelved in favour of unofficial advisers. The Queen's messengers were flying about over land and sea. Packets of letters were coming and going, of which they knew just as much, or as little, as she chose to tell them. She was getting distrustful even of her own domestic servants, lest they should talk or write too much. She caused one of her posts to France to be waylaid between Edinburgh and Berwick, and all the letters he carried, except her own, to be brought back for her examination. Raullet, her private secretary, was dismissed for indiscretion, and Riccio, previously one of her musicians, was installed in his place.[2] Mary was, in fact, preparing to drop Lethington, as she had dropped Moray, in all but appearance, two years before. Not even he, indulgent as he had proved, was a fit instrument for the campaign she had now in view.

Seriously alarmed by the evidence of "foreign practices" outside their cognisance and beyond their control, Maitland and Moray, without Mary's knowledge, in a joint letter, appealed to Cecil (3rd December) to come to their aid with some palpable concession, such as would enable them to press the Leicester marriage on the Queen. If he did so, they

[1] S.P.S. ii. 95. [2] S.P.S. ii. 101.

would undertake to use all their power to enforce its acceptance, and would, if necessary, call on the nobility to support them in defeating all foreign machinations which might endanger the amity. Cecil replied in a long letter, which seems to indicate that both he and Elizabeth were getting tired of the pressure put on them. He would not yield, he said, to either of them in his desire for the amity of their sovereigns and peoples. But Elizabeth's offers in the late conference at Berwick, which had been unjustly depreciated, represented all that could presently be granted. The recognition of Mary's title to the succession could only come in due time and order. It did not rest with the Queen alone, and she could not promise to override the laws or to control the voice of Parliament. But if Leicester, whom he extolled, were accepted, she would, for her part, "finding other respects answerable, willingly cause inquisition to be made of your sovereign's right, and as far as shall stand with justice and her own surety, by honourable means to be provided, she will abase such titles as shall be proved prejudicial to her sister's interest, and leave to her sister entirely her whole right, whatsoever it be."[1] It was almost a repetition of Elizabeth's first answer to Maitland in September 1561. And he added the "sum" of a further conference he had had with Elizabeth. She had expressed herself as "bent to proceed herein wholly in terms and conditions meet for friendship, but not in way of contracting." It was a tickle matter for princes to determine their successors. The negotiation should not be converted, she said, into a matter of bargain or purchase, "so as, though in the outward face, it appear a device to conciliate those two Queens and countries by perpetual amity, there be not found in the unwrapping thereof no other intention but to compass at my sovereign's

[1] S.P.S. ii. 102.

hands a kingdom and crown, which, if it be sought for, may be sooner lost than gotten, and, not being craved for, may be as soon offered as reason can require." The language of suspicion could hardly be stronger.

Lethington, in his own and Moray's name, promptly rejoined in a letter which, with remarkable keenness and force, not unmingled with sarcasm, yet on the whole with excellent temper, traversed that of Cecil, point by point.[1] But the keenest dialectic is apt to prove pointless against secret suspicion, and the difficulty remained as before. The recognition, or something equivalent to it, was for them indispensable. Mary would not abase her state by marrying a subject of Elizabeth without something in hand to maintain her reputation, "dearer to her than life itself," and to satisfy her friends; and they could not and would not advise her to do it.

Along with this letter, Maitland sent another in his own name, in which he protested against the evident suspicion of Mary's good meaning, and urged Cecil to stoutness and courage. He seems to have assumed that Cecil was rather truckling to the prejudices of Elizabeth than following his own judgment.[2]

Was Lethington really Mary's dupe? is an interesting question. Did he credit her with having no ulterior aims different from his own and Cecil's? Or did he believe that, whatever were her ideas, he and his party, in conjunction with Cecil and Elizabeth, could, in any event, control her use of the recognition, were it granted? The latter is surely the more probable hypothesis. With his opportunities, he could not have failed to catch glimpses of Mary's dreams of future greatness. He had himself sketched them in the interview with de Quadra. He probably excused them as the natural offspring of her education, her

[1] S.P.S. ii. 105. [2] S.P.S. ii. 111.

age, and her sex; refused to treat them seriously; and believing in the power of statesmanship, his own and Cecil's especially, to keep her tied to the Protestant settlement in both realms, ignored all danger.

Cecil was slow to reply, and Maitland and Moray, so Randolph tells us, were "in great agonies and passions."[1] The crisis was manifestly near at hand. Maitland, determined to do his utmost to ward it off, wrote again (16th January). The time, he said, was critical. The matter was beginning to wax ripe, and "either must the push on both sides be given at this time, or else I fear the like occasion shall never hereafter be offered." Cecil had been the first framer of the amity, and the chief instrument of its continuance. It rested with him to make it permanent. If he meddled earnestly, he would find Maitland ready to join. If he abstained, he would conclude he did it for good reasons, and would stand on his guard.[2] Maitland, it is plain, had no lack of cool political nerve.

A letter from Cecil followed (25th January), which Maitland describes as "friendly and gentle."[3] Judging from the reply, it seems to have been mainly a protest (apparently a final one) against the misconstruing of Cecil's part in the long negotiation, and a disclaimer of responsibility for its failure. Maitland's answer (1st February) is in his most soothing and persuasive vein—a last effort to avert a rupture. Ever since their acquaintance began, he said, he had set Cecil before him as a pattern for his own imitation. He assured him he had never known any, certainly not the Queen, nor any about her, least of all himself, who had doubted Cecil's sincerity. The only fault he had ever found in him, and he had not refrained from telling him of it, was that of being too slow and too fearful in setting forward the work which he knew to be good for both realms. "Yet as of very purpose I

[1] S.P.S. ii. 113. [2] S.P.S. ii. 115. [3] S.P.S. ii. 117.

did ofttimes accuse your slowness unto yourself, to encourage you and spur you forward, so on the other part did I defend and excuse your proceedings, as well to myself as to others, whenever that head came in question, imputing the same rather to the nature of the cause than to any lack of goodwill." Cecil's many friendly offices in times past were not forgotten, and Maitland was not so unthankful as "to suffer any wrong impression to be conceived of his great friend in any place where he had credit, much less that he would conceive any sinister opinion himself." There was no earthly thing in which he more rejoiced than in the private friendship and familiarity between them, which, in the positions they held, must be the chief means of establishing the like between the two Queens they served. That, if they could effect it, would be the greatest honour they could aspire to—'such as, if we did resemble the old Romans, for attaining thereof, we would not stick to sacrifice ourselves, and offer our very lives to whatsoever danger might occur. And as no man's heart is void of ambition, I already image with myself what glory it should be for us, not only in life, but after death, in the mouths of the posterity, to be named as meddlers and chief doers in so godly and honourable a work as is the union of these two nations, which have so long continued enemies, to the great decay of both. This were honour to satisfy the most ambitious heart. I begin already to have a certain fruition of the glory which, if the matter now in hand may, by God's providence, the Princes' good disposition, the dexterity and good conduct of us their ministers, be brought to pass, I am assured shall last for us, when otherwise the memory of both would be brought to utter oblivion. More honourable shall the report be, in the ages to come, when posterity shall taste the fruit of our present labours, than of any, whosoever they were, who did

most valiantly serve King Edward in his conquest, or King Robert the Bruce in the recovery of his country. Go forward as ye have begun, and suffer neither the malice of fortune nor the envy of men to overthrow the work you have already built on so good a foundation. Suffer not yourself, nor your friends, to be robbed of so great an honour.'

It was all in vain. Cecil was not to be allured. He was satisfied that further progress was impossible along the line they had hitherto followed, and he was meditating a diversion.

Lethington's reputation with posterity has sadly belied these glowing anticipations. For three centuries his name has been one of reproach mainly. The shadow of his last years has darkened all the rest of his career. He has come down to our own time chiefly in the light of Buchanan's Chameleon and of Richard Bannatyne's Mickle Wily (Macchiavelli). He has suffered at the hands of both parties in a great historical controversy. And it is only within living memory that, with the aid of the ampler and more authoritative evidence which the last century has gradually disclosed, his character and career have received a truer and more just appreciation.

VII

THE DARNLEY MARRIAGE: MARY HER OWN MINISTER. 1565–6

WHILE Maitland was making this moving attempt to allure Cecil to further concessions, the English minister was quietly revolving a quite different method of dealing with the foreign practices which Maitland feared, though he had himself given them no small countenance. To Cecil, with his wider outlook and his heavier responsibilities, it did not appear to be a time for running the risks which Mary's recognition would entail. France and Spain were drawing together. Catherine de Medici, finding the cause of the Huguenots weakening, was leaning more and more to the Catholic interest, and was supposed to be meditating an alliance with Philip. She was preparing for the meeting at Bayonne, which took place a few months later, and left Protestant Europe in a state of nervous tension as to its outcome. The Catholic League, which in fact, if not in formal documents, began with the conference at Peronne and the Treaty of Câteau-Cambrésis, and collapsed only with the death of Mary, the defeat of the Armada, and the final triumph of Henry IV., was believed to be on the eve of some great enterprise for the total suppression of the Reformation. A Catholic reaction was spreading over Europe. Elizabeth's throne was not yet by any means secure, nor the Anglican settlement beyond danger of overthrow. Cecil had to feel his way for

many a year yet with a wary circumspection which often drove him into subtle practices.

A few days after Maitland wrote the letter we have quoted, Randolph was surprised to receive despatches from Cecil intimating the imminent advent of Darnley, and instructing him to show the young lord all courtesy. He was perplexed to find from their contents that Cecil and Leicester had earnestly promoted the adventure. Randolph, who had long feared that Darnley might be demanded by Mary, was confounded to find him practically offered by Elizabeth and Cecil. Looking for nothing now, as he said, but "the subversion of his six years' labour," and the alienation of all his Scottish friends, who were the only real friends of England, he could only protest and submit. "How to frame or fashion this," he plainly told Cecil, "that it may be both to Her Majesty's honour and thorough contentment in the end," he did not know, "nor yet what to think, or how to behave himself."[1]

Leicester's object in assisting the candidature of Darnley for Mary's hand is quite intelligible. He was, as we have said, a reluctant wooer. He had never had any ambition for the Scottish throne, notwithstanding Randolph's persuasions, and was more than willing to resign his pretensions in favour of the son of Lennox. It is less easy to be sure of the motives of Cecil.

That he was giving tit for tat to Lethington for the threat of Don Carlos and the fright he had given to England, is an insufficient explanation. Cecil was too serious a statesman, and the fate of English Protestantism was too closely bound up with that of Scotland, to permit him to play fast and loose with Scottish affairs. It may be taken for granted that a serious purpose underlay his action, and by placing

[1] S.P.S. ii. 125.

ourselves at his point of view it may be possible to discover it.

Cecil undoubtedly resented the increasing pressure that was being put on his sovereign and himself to take a step which, in their eyes, was full of danger. Five years had not yet passed since, by their intervention, they had delivered Scotland in its extremity from France and from the Guises, Mary's fatal relatives. They had exacted no compensation for the blood and treasure they had spent, and they naturally counted on the gratitude and consideration of Scotsmen. Instead of these, they had been faced by a demand for the immediate recognition of Mary's claim to the English succession, while the Treaty which sealed their deliverance was allowed with their consent to remain unratified, and her original claim to supersede Elizabeth to continue intact. Nevertheless, to preserve Scottish friendship, they had gone as far as they safely could, considering Mary's religion and her connection with the Guises and the Catholic Powers, to give hope of the eventual succession of the Scottish line to the English throne, should Elizabeth die childless. And because they refused to go further, they were threatened with a foreign and Catholic marriage, powerful enough to force their hands, a threat which Cecil regarded as practically holding a pistol to Elizabeth's head. This pressure derived most of its strength, and nearly all its danger, from the support of Mary's Protestant ministers, and especially of Moray, whom the Scottish people trusted. The concordat between them and the Queen had been struck in a time of difficulty and perplexity, to conciliate Mary and to avert the danger of a civil war. It had been founded, as Cecil believed, on false pretences on the one side, and on unduly optimistic expectations on the other, which time was elucidating. Cecil believed that Knox's estimate of the situation in Scotland was

far nearer the truth than that of Mary's ministers. But Knox was, for the moment, as far as could be seen, in a small minority, and nearly powerless.

In these circumstances, Cecil may well have thought it neither unfair nor unwise to apply a touchstone to Scottish opinion—to test it in relation to a foreign and powerful Catholic marriage for the Queen, carrying with it the dissolution of the Scoto-English *entente*. It was important to bring out the real strength of Scottish parties, and their relation to the friendship of England. Cecil believed in the latent power of Knox and his party. He knew that they had been the real, or at least by far the strongest, propelling power in the recent revolution, which the politicians had only manipulated after their kind; and he hoped that the Protestant zeal, which alone had laid the foundations of the amity, broad and deep, in the common hatred to Rome and devotion to the Reformation, would again triumph. He probably reckoned on dissolving the alliance between the Queen and her ministers by a demonstration of Mary's real aims, and on putting an end to the specious show of Scottish unity in support of her demands. She was evidently bent on marriage, and all hope of the acceptance of Leicester had died with the Berwick conference. There was no time to be lost if the hand of the Catholic Powers was not again to be laid on Scotland, with a view to the subversion of England. Darnley was therefore to be used as a comparatively harmless touchstone, to test the actual conditions.

The experiment was not free from danger. But some risks had to be run to escape greater ones, and as the causes of danger were in Scotland, and were due to the action of Scottish parties, it was only right that the battle should be fought out there. The facts and forces of the situation would be laid bare, and England would know exactly where it stood, and what it had

to expect. Cecil's action was, in fact, an appeal to the Scottish people against the demands of the Queen and her ministers, and the threats by which these were backed.

It bore hardly, of course, on Maitland and Moray. They were scarcely free agents. Their position was, in fact, still the same as when the agreement between them and the Queen had been first arrived at. If they failed to carry her with them by forwarding her ambitions, their influence over her would be at an end. She would dispense with their services, choose other councillors, and take her own course. The result would be civil war, in one form or another. It was to avert this calamity that they had gone so far in support of her demands. And it was because Cecil understood their dilemma that he had gone so far to meet them. But when the danger became too great, he could not be expected to sacrifice the interests of England and of Protestantism, in order to save Scotland from troubles which were properly its own.

Darnley, eager for the adventure, was in Scotland on the heels of Cecil's messenger. He was at Berwick on the 10th February, stayed a night at Dunbar and another at Haddington, and on the 14th reached Edinburgh.[1] On the 16th he crossed the Forth, and next day was received by the Queen at Wemyss Castle, where she was spending a few days. On the 19th he went on to Dunkeld to meet his father, who was the guest of Athole, a Stewart and a Catholic, and one of the leading partisans of the match. He returned to Edinburgh, to rejoin the Queen, on the 24th. Moray received him with characteristic urbanity. He invited him to his table, asked his company to the

[1] Skelton (ii. 144), followed by Mathieson (i. 134), says he spent his first night in Scotland at Lethington. He was probably never there at all. See S.P.S. ii. 125-6.

sermon, and in the evening proposed that he should dance a galliard with the Queen.[1] Mary was now in excellent health and spirits. Her long suspense was at an end, and her melancholy replaced by the clear resolution and buoyant hopefulness that were her natural element.

Seeing how things were shaping, Moray, as a last resource, sent his secretary to Randolph, to urge on Elizabeth a speedy reply to the last overtures of the Queen. Maitland, less anxious, took refuge in neutrality. Having done, as he thought, all that he could, he was letting events take their course, and courting Mary Fleming. Much less attached than Moray to the interests of the Reformation, he was less apprehensive of the consequences of the match, which might obviously prove favourable to the cause of Union. His attitude throughout the crisis was ambiguous. It was now (28th February) that he wrote to Cecil the "merry letter" which is a curiosity in their correspondence. Cecil, he had heard, was indisposed. He attributed his ill-health to his unremitting labour. He prescribed daily recreation as a specific for all diseases, and gaily referred to his own love-making, which assured him of "at least one merry hour out of the four and twenty." A serious purpose underlay this badinage, as the close of the letter shows. He wrote lightly, he said, not for want of a more grave subject, which he purposely forbore to meddle with, not knowing how to touch it and avoid offence.[2] It was an intimation that, if anything was to be done, Cecil himself must move.

Randolph, honestly attached to the Protestant cause, shared the depression of his friends. He continued officially to hope for the best, and to trust that the Queen's courtesy to Darnley had no particular significance. But he no longer professed to be sure

[1] S.P.S. ii. 125–8. [2] S.P.S. ii. 128; Tytler, vi. 471.

of the issue, and wished to be recalled, and some one of "more wit" sent in his place.[1] Randolph was no fool. He was a shrewd, stout, and capable Englishman, of the type which Henry VIII. and Elizabeth had introduced into the service of the Crown. Sadler, Throckmorton, Killigrew, and he are its best known representatives in Scottish affairs. The strain of Welsh blood in Randolph's veins made him more mercurial than the others, and accounts for the lively and picturesque element in his despatches. But he was hardly less capable than any of them. They were all zealous in the service of their sovereign and country, capable of stretching a point in the interest of both; but, in the main, honest, kindly English gentlemen, and stout Protestants. Randolph, in his six years' embassy, had got to know Scotland well. He had taken kindly, for an Englishman, to his environment. He had mixed freely with Scottish life, in Court and country, and had taken a whole-hearted interest in his mission. He had identified himself from the first with the policy of Moray and Maitland, with whom he was on the most intimate terms. He was hardly less confidential with Knox, and highly valued his influence, though he did not always share his opinions. He thought hopefully of Mary as long as he could, though doubts often crossed his mind, and escaped his pen. Like everybody else, he was to some extent fascinated by her, but he was too acute and too wary to lose his head.

He had now long colloquies with Moray, whom he found "sad and apprehensive." Moray had formed no good opinion of the young aspirant to kingship. "If that match fell out to-morrow," he said, "I trow it would breed more trouble than commodity, and no less sorrow to our Mistress than to any of yourselves." Moray had seen through the vain, self-sufficient youth.

[1] S.P.S. ii. 130.

For himself, he said, as the resolute upholder of the Protestant interest and the English alliance, he could look forward to nothing but the hostility of both Queen and King. He thought they had not been fairly met by Elizabeth and Cecil. He saw nothing on their part but "drift of time, delays from day to day, to do all for nothing, and get nothing for all." "Whatsover ye do with us," he urged, "contend and strive as much as ye can to bring us from our Papistry, for otherwise it will be worse with us than ever it was."[1] It was the Queen's papistry—her dependence on foreign and Catholic support for the attainment of her secret ambitions—that was the root of all their troubles. We shall by and by find Lethington, in stress of circumstances, making the same avowal to Cecil.

Argyle, one of the two or three most powerful noblemen in Scotland, was equally apprehensive of the turn things were taking. He had no selfish interests to protect. He had readily given up his share of the Lennox estates to the restored Earl.[2] But he had been a firm upholder of the Protestant cause and the English alliance. He had frankly advised the Queen to accept Leicester; and if she should now take Darnley, with all the feuds he must bring in his train (with the Hamiltons and others), he "would provide for himself."[3] Argyle was no statesman, but he was well able to hold his own in any event, with the help of his redshanks in the West.

Another bird of evil omen now alighted in Scotland (March 1565). Bothwell, the stormy petrel of Scottish politics, whom Mary had got Elizabeth to set free, was home again, anticipating an opportunity of squaring accounts with his old enemies, Moray and Maitland, whom he had recently been threatening in France. The Queen disclaimed all knowledge of his

[1] S.P.S. ii. 129–33. [2] S.P.S. ii. 90. [3] S.P.S. ii. 136.

movements. On Moray's motion, he was summoned to underlie the law for his old offences. Moray, "convocating the lieges" as Knox had done, attended the diet with 5000 men, and Bothwell, afraid to appear, had once more to flee to France, and await another call.[1]

Darnley was being carefully scanned on all hands. He was gaining few friends, and Randolph was still hoping against hope that his suit would fail. Mary, like her ministers, was pressing Elizabeth for a final reply to her last message, before taking the decisive step.

At length it came (March 16). It was conciliatory in form, but clear and strong in substance. The English Queen had not yet made up her mind whether she would marry or not, and until she had done so, she could make no declaration as to the succession.[2]

Mary, though she had doubtless many times discounted the reply beforehand, is said to have been "commoved," and to have "wept her fill."[3] The haughty assumption which underlay the message wounded her pride. She was to marry humbly, in accordance with Elizabeth's conditions, and then to await indefinitely, at the hands of the English Parliament, the reward of her compliance. Had Mary been void of sinister intentions in pressing her claim, our sympathies would have been with her. But this was precisely the thing that Elizabeth and Cecil, on good grounds, profoundly distrusted.

The message finally dissipated Mary's hopes from Elizabeth's goodwill. It closed the first phase of her active reign—the period of friendly or quasi-friendly negotiation for the attainment of her great object.

It was a heavier blow to her ministers. It deprived them of their hold on the Queen, and left

[1] S.P.S. ii. 135–6, 147, 149, 152.
[2] Keith, 270.
[3] S.P.S. ii. 136.

them at her mercy. They had failed to obtain for her the only thing for which she had valued their services, and she would now, in all probability, dispense with them. The common object which had enabled the moderate Protestants to co-operate with a Catholic Queen was now beyond their reach, and no other bond of union was discoverable.

It was, above all, a blow to Maitland. It shattered the great scheme on which all his hopes of Union had been based ever since the failure of the Arran-Elizabeth negotiations in December 1560. To its success he had devoted all the resources of his superb intellect, his skilful diplomacy, his personal influence, and his genius for persuasion. And it had all ended, for the present at least, in a *cul-de-sac.*

It was the parting of the ways, (1) between Mary and Elizabeth; (2) between Mary and her ministers; and (3) between Moray and Maitland. Not, of course, that these results were all at once visible; they were disclosed only by degrees; but the progress of events made them increasingly plain.

Mary turned to a policy of force against Elizabeth. For such an alternative she had to look out for other ministers. Moray, realising at last what Knox had divined from the first, practically joined hands with the reformer. Maitland went his own way, which was neither that of Mary nor that of Knox. What it was will appear as we proceed. Meanwhile, with characteristic tenacity, he remained at her side, ready to control and to coerce her by all the means in his power.

Before committing herself to the Darnley match, Mary made a last inquiry as to the possibility of the Don Carlos one. A confidential messenger, sent by her, appeared before the Spanish Ambassador in London on the 24th March—within a week of the receipt of Elizabeth's message.[1] No hope was held

[1] Sp. Cal., Hume, i. 410.

out to him. On his return, Mary at once sent Maitland to Elizabeth, to announce her choice of Darnley, and to demand her consent. Perhaps in sending him, she was not unwilling to get rid of the restraint of his presence. On his arrival in London (18th April), he again saw the Spanish Ambassador. De Silva told him the Carlos match had been defeated by the Cardinal of Lorraine, and that his instructions were to support the suit of the Archduke. But he had little doubt that Darnley would be equally acceptable to his master, to whom he would write at once.[1]

Maitland undertook the mission in the belief that no decisive steps were to be taken pending his return. He was justified in this belief by the fact that he was authorised to tell de Silva that, if the Spanish match was still open, she would prefer it to any other. Maitland's own idea was that he might be offered better terms with some other English nobleman than with Darnley—with Norfolk, for instance, the premier peer of England, for whom he proposed in vain, as Cecil in his "Diary" states, confirmed by Norfolk himself at his trial. Meanwhile, hearing reports of Mary's proceedings in Scotland, he wrote to Moray, asking him to prevent precipitate measures.[2] Moray, equally anxious to avoid a rupture with Elizabeth, did his best. But Mary was beyond the control of either. Whatever fair words she had authorised Lethington to employ, she had no intention of consulting Elizabeth's pleasure. As soon as she heard of his unfavourable reception in London, she rose into a fury of resentment.

Elizabeth was hardly less excited. She had expected a request, on which negotiations and conditions should follow; she was faced by a decision. In her anger she resolved to send Throckmorton to Scotland, and peremptorily to recall Lennox and Darnley.

[1] Sp. Cal., Hume, i. 418–26. [2] S.P.S. ii. 154.

Mary's confident precipitation, along with the boastful assertions of Lennox and Darnley in Scotland as to English and Spanish support, reported by Randolph,[1] roused Elizabeth's suspicions to a high pitch. She brought the matter before the English Council, and extorted from it a unanimous declaration, signed by the leading Catholic nobles, that the proposed marriage was "unmeet, unprofitable, and perilous to the amity between the realms."[2] A copy of it, with all the signatures, was given to Throckmorton for Mary's inspection.

Mary was not to be intimidated. She took the bit between her teeth, and went boldly forward, regardless of Maitland and his negotiations. She drew up a contract of marriage, and prepared a *Band* for the signature of the nobles, pledging them to support the Queen and Darnley. It was first presented to Moray, who declined to commit himself, and urged delay till the issue of Maitland's negotiations should be known.[3] Mary would have no delay. She summoned the nobles to a Convention at Stirling on the 15th May, to witness Darnley's promotion, as the prelude to the marriage. She sent a messenger to Maitland, who was on his way home, requiring him, in a letter which "wanted neither eloquence, despite, anger, love, nor passion,"[4] to return to London, and deliver a defiant answer to Elizabeth. Thence he was to go straight on to the French Court, to announce the marriage to Charles IX. and the Queen Mother. Lethington met the messenger at Newark. When he had read the Queen's letters, he was "in a great strait." Foreseeing a serious rupture, into which neither Scotland nor Mary could afford to plunge, he

[1] S.P.S. ii. 154, 172.
[2] S.P.S. ii. 150; Keith, 274; Stevenson's *Selections*, 115; Robertson, App. 10.
[3] S.P.S. ii. 155–9.
[4] S.P.S. ii. 159. The description is Throckmorton's.

pushed homeward, and overtook Throckmorton at Alnwick. There he heard of Mary's headlong proceedings, and was furious. Throckmorton "never saw him in so great perplexity and passion." He regretted to the English envoy that Elizabeth had not authorised him to threaten Mary with war, in order to bring her to reason. Ignoring her command to detain Throckmorton, he hurried on with him to Edinburgh. Mary heard of his return, and of his company, and was ungovernable. She hastened her arrangements in order to face both with a *fait accompli.*[1] Lethington, faithful to her interests, though disobeying her commands, pushed on straight to the Court at Stirling, only to find himself ignored. Throckmorton arrived on the following morning—the morning of the decisive day (15th May). He found the Castle gates shut against him. He was denied an audience till the afternoon. Then, when Darnley had taken the oath of allegiance to his new sovereign, when he had been clothed with his new honours, and in virtue of them had knighted fourteen Scottish gentlemen (including a Stirling of Keir and a Maxwell of Pollok)—then, having gained her point, and asserted her will, in spite of all opposition, she graciously received him.[2] She professed surprise that any opposition should be offered to her choice. Darnley was within the limits prescribed by Elizabeth, and was, moreover, a cousin of both Queens. Throckmorton at once pointed out to her that one of Elizabeth's conditions was that the accepted suitor should be one who would be favourable to the amity, and anxious to promote it. Both he and she knew that Darnley was not such a one.

Throckmorton perfectly understood Mary's drift,

[1] S.P.S. ii. 169.

[2] A passage in Throckmorton's report (S.P.S. ii. 163) seems to show that some of the day's proceedings took place after his interview. But the circumstance is immaterial, and does not affect the animus of the whole.

and, without greatly fearing it, reported in favour of vigorous measures of precaution on the Border, in the northern counties, and in dealing with Catholic disaffection nearer home. He recommended that care should be taken to stand well with France and Spain, whose possible assistance to Mary was the only real danger to England.[1] His advice was taken. Bedford was sent down in haste to Berwick to attend to the border defences; Lady Lennox was sequestrated from all external intercourse; the Catholic nobles were looked after; and, in order to keep France and Spain in tow, and looking rather to herself than to Mary for their profit, Elizabeth resumed the old feint of negotiating for her own marriage, either with the Archduke Charles, the King of France, or the Duke of Anjou.

Throckmorton, though a stout Protestant, was one of those English politicians who, influenced by the dread of a disputed succession, had gradually become favourable to Mary's recognition, accompanied with such securities as were possible for Elizabeth's safety, and the maintenance of the Anglican settlement. His leaning was to moderate courses in dealing with what he regarded as a fit of temper. He did not refuse the honour of dining with Mary alone, nor did he decline the usual present of an ambassador at his departure—a chain of gold, weighing fifty ounces.[2]

Elizabeth gained little by his mission.[3] Mary promised to postpone the consummation of the marriage for three months, and in the meantime to send an envoy to London, to offer all necessary explanations.

The envoy sent was not Lethington, who was now decisively dropped. He continued to perform the

[1] S.P.S. ii. 161–5; Keith, 276, 281. [2] Teulet, *Papiers*, ii. 48.
[3] His Instructions are in S.P.S. ii. 145 and 150.

routine duties of his office, but he was neither trusted nor consulted in confidential affairs. His substitute at this time was Hay of Balmerino, Mary's Master of Requests, and a friend of Moray. He was, of course, a mere figurehead, chosen for that reason.

Mary's councillors were now her private servants, of whom the notorious Riccio was the chief. They were all foreigners as well as Catholics, who could be trusted to obey and be secret. They had no connection with the nobles, either Protestant or Catholic, to tempt them to betray her counsels. On the 3rd June, Randolph reported to Leicester that "David rules all, chief Secretary to the Queen and only governor to her goodman."[1] Darnley, sick of measles, and nursed by Mary in Stirling Castle, was already disclosing his real character—"his pride intolerable, his words not to be borne." In his fury he let fly a dagger at the Justice Clerk for bringing him an unwelcome message.[2] "My Lord of Moray liveth where he list," and Lethington had "both leave and leisure" to make court to Mary Fleming.[3]

The country was all this time in a ferment. The meaning of the match was plain. Darnley was the next heir after Mary to the English throne. To unite their claims, to fuse their partisans into one body, meant a great increase of strength. Darnley was a Catholic, his family, especially his mother, who counted for more than her husband, was ostentatiously Catholic. The daughter of Margaret Tudor, and the grandchild of Henry VII., she had been the favourite of Mary Tudor, and, since Elizabeth's accession, had founded all her hopes on another Catholic revolution, in which Darnley was to take the high place for which she had trained him. Next to Don Carlos, he was the favourite candidate of the English Catholics for the hand of Mary and the succession to Elizabeth. He

[1] S.P.S. ii. 171. [2] S.P.S. ii. 166, 168. [3] S.P.S. ii. 171.

had one advantage over Mary; he was not of alien birth, a point on which her English opponents strongly insisted as a legal disqualification for the succession. He had been born on English soil, and had known no other allegiance than that of the English Crown. Lady Lennox had long sought the match, and had suffered for her intrigues at the hands of Elizabeth. Her ambitions were well known at the Courts of Rome, France, and Spain, where she maintained secret agents. When Mary had at length definitely fixed on her son, the objects of the match were quite transparent.

Two parties in Scotland were specially alarmed by the prospect—the Hamiltons, and the party of Knox and the Reformed Church. The Duke was now in despair. Looking for nothing but the ruin of his house, he appealed through Randolph for the protection of Elizabeth. A new family of Stewarts, rivals for the Scottish succession, and bitterly hostile to him on other grounds, would come between his own family and the Crown, the one constant ambition of his house.[1]

Knox, Mary's keenest, harshest, but, in the main, truest critic, had long divined the project. He had done his best to put the nation on its guard. But the nobles and the politicians went their own way. In the General Assembly, rapidly rising in importance, where, on important occasions, the barons and gentlemen attended in numbers greatly exceeding the clergy, Knox was supreme, and could exert a powerful political influence. His hand may be detected in the early alarm sounded by the *Circular Letters* from the Brethren in Kyle and the West to those in the Eastern Counties, and in the *Supplication* of the Superintendent of Lothian to the Queen, with reference to Catholic celebrations at Easter. These were preliminary operations, intended to awaken the country, and to prepare it for the trial of strength

[1] S.P.S. ii. 144.

which he believed to be imminent. They were followed by a Protestant conference, held on the 3rd May, at which the demands of the party were formulated.[1] These were, in substance, the ratification of the parliamentary settlement of 1560; the suppression of the Roman ritual in the Queen's chapel; the appropriation of ecclesiastical benefices, as they fell vacant, to the support of the parochial clergy, who had long suffered extreme hardships, and to the relief of the poor labourers of the ground, a class whose hard lot Knox never forgot. The party of the Reformed Church, led by Knox, was, in truth, the compact phalanx which consistently defied, as it finally vanquished, all the schemes of the Queen.

The lay leaders of the party—Moray, Argyle, Glencairn, Grange—resolved to oppose the marriage from the outset, as a measure of self-defence, unless they got satisfactory guarantees for their cause. But, as we have pointed out, they were without any constitutional means of giving effect to their opposition. Force, or the fear of it, was their only weapon; the threat of insurrection their only resource.

It was natural, therefore, that indications of a resort to this remedy should be early offered, as a warning to the Queen of what might be expected, if she refused to come to terms. Moray, far from being a factious man, was accustomed to move slowly, much too slowly for his brilliant and wilful sister. The two objects to which through life he was devoted—the maintenance of the Reformation, not only in Scotland and England but in Europe, and the English alliance, which alone had made it possible in Scotland, and could alone preserve it—were those on which he was set. If Scotland ceased to be linked with England, she would fall under the power of France or Spain. The Queen was as well aware of this hard fact as Moray, and, obeying the necessities of

[1] S.P.S. ii. 154.

the situation, she had already sought the protection of Spain.[1] She had offered obedience to Philip, on condition of support against the power of England, and of her own rebellious subjects. And she obtained it, as far as Philip's difficult circumstances permitted, and partially triumphed over Elizabeth by means of it. But Philip was too slow-footed for Mary's impetuous energy. And he required that her pace should be regulated by his own; that no *casus belli* should be given to England till he gave the word of command. The opportunity of both was lost in consequence.[2]

Moray, seeing his sister bent on the marriage, offered to accept it on condition that she should definitively ratify the settlement of 1560, and that she and Darnley should abandon the Mass.[3] The experiment of 1561 had clearly failed, and there was no prospect of a settled peace till the schism between the throne and the new constitution ceased to exist. Elizabeth and Cecil came later to the same conclusion, and exacted the same condition as the price of her proposed restoration. Moray seems to have been convinced that her adherence to Rome was political rather than religious. He had remonstrated with her privately, and had left the Court rather than countenance her Easter practices at Stirling. Her marriage was the time to which he had always looked forward for the final settlement of the religious, which was really the national, question; and he was satisfied that no less radical solution would produce permanent peace. He had hoped to reach it with her free assent. But he had been disappointed. Influenced by her secret ambitions, for which the support of the Catholic Powers was indispensable, she had moved steadily forward in the opposite direction, and a crisis had now come which called for a final decision. Mary's obvious objective was

[1] Sp. Cal., Hume, i. 420, 438, 456. [2] Sp. Cal., Hume, i. 432, 490.
[3] S.P.S. ii. 161.

a Catholic revolution in Scotland and England. It could only be defeated by a decisive reassertion of the Protestantism of both—of Scotland especially, which was more immediately concerned.

Moray, in opposing his sister's course, was loyal to her person and estate, and to her real interests, as he conceived them. He admired her gifts, and had a sincere affection for her person. He desired to turn her from a career which would endanger her authority, as it had ruined her mother's, five years before. Never till after her deposition—till she had shown her entire insensibility to the folly and criminality of her conduct—did he give up the hope of seeing her worthily occupy the throne of their common ancestors. He had little temptation to be otherwise disposed. There was no one now, any more than in 1561, to take her place on the throne. He had no wish to see her replaced by a Hamilton. Poor Arran was now hopelessly insane, and there was not a capable member of the family, except the scandalous Archbishop. Moray despised and detested the whole brood, though he more than once protected the feeble Duke from injustice. Mary in her proclamations charged him with seeking to put the crown on his own head. It was a figure of speech, applied to Argyle and others as well as to Moray, which meant that he aimed at the functions of a modern Prime Minister—a thing to her intolerable. To govern as well as to reign was her only idea of sovereignty, as it was that of most contemporary monarchs. Moray knew too well the spirit of the great feudal houses to think of seeking kingship for himself. If it was hard for a legitimate king, with an unassailable title, to maintain his authority among them, it would be simply impossible for him. Even the inferior function of Regent, which came to him two years later, he accepted with reluctance and misgiving, really as a matter of duty, which might cost him his life, as it did.

Mary made a show of entertaining his offer. She made illusory promises of a law regarding religion at the next Parliament, appointed for the 20th July.[1] Meanwhile, a convention of Catholics and Protestants was ordered to be held at Perth on the 10th June, to discuss the matter. Both sides made great preparations for attending in force. On the ground that sedition might arise, she cancelled the arrangement.[2] In lieu of it, Proclamations were put forth, assuring to all her subjects their religious freedom, and denying the existence of any danger to the established religion.

Meanwhile, "David ruled all." It was already the personal government of the Queen, with the help of domestic servants, Italian and French, who were the facile instruments of her will. Thornton, secretary to Archbishop Beaton, her Ambassador in France, was despatched to his master, with instructions to secure the consent of the French Court and the Cardinal of Lorraine to her marriage with Darnley. The Queen Mother was, of course, delighted at the termination of her long anxieties about Don Carlos, and promised diplomatic support. The Archbishop went on to Bayonne, and presented himself before Alva at the famous conference of the two Courts, to ascertain the approval of Philip. To the cordial assurances of Philip's minister, he responded with prostrate thanksgivings on Mary's behalf.[3]

She had now only her own people to think of. In order to gain adherents among the Protestant Lords, she gave Earldoms to Lords Erskine, Hume, Fleming, and Robert Stewart, at a heavy sacrifice of the estates of the Crown. She could now count on a considerable following. Besides the Catholics and neutrals of 1560 — Caithness, Errol, Montrose, Athole, Eglinton, Cassilis — she had secured among the Protestants Ruthven, Lindsay, the four new Earls, and, in a

[1] S.P.S. ii. 172. [2] S.P.S. ii. 174. [3] Teulet, *Relations*, v. 12.

half-hearted way, the potent Morton, who was hedging, to secure from Darnley's mother the confirmation of his nephew's Earldom of Angus.[1]

Moray was supported by all the old leaders of the Congregation—Argyle, Glencairn, Rothes, Boyd, Ochiltree, Grange, Pittarrow—and the great body of the Protestant Barons. The Duke joined him in his own interest, but his clan did not long keep the field. Maitland, who, of course, did not rank as a noble, was temporising. He remained at Court, as we have said, biding his time, and watching events. On the 12th June he had occasion to write to Cecil on official business. He took advantage of the opportunity to indicate his position. He trusted that, however the matters of their princes might fall out, their private friendship should not be violated. He would always remain of the same mind as to the preservation of the intelligence between the two Queens, and did not doubt Cecil would do the like. "It is the soundest way, and will prove best in the end, although in the mid course sometimes the doings of ministers may be misconstrued, and they may have small thanks for their travail. Hold hard, I pray you, that nothing break out on your part, as you may conveniently; I will do the like on this part. The best must be made of everything."[2]

In fulfilment of her promise, Mary despatched Balmerino to London (15th June).[3] Elizabeth received him in a rage. She had just sent Lady Lennox to the Tower, and summoned Lennox and Darnley to return forthwith, on pain of the forfeiture of their English estates. Fresh light had been thrown on the history of the match, and on the ramifications of the plot that underlay it. Elizabeth's standing quarrel with her nobles and people, on the subject of her own

[1] S.P.S. ii. 173. [2] S.P.S. ii. 177.
[3] See his Instructions in Keith, 283.

marriage and the settlement of the succession, made her fear serious trouble outside the ranks of the Catholics.[1] Hay returned (6th July), having effected nothing with the English Queen. But he brought to Mary from de Silva the assurance of the Spanish King's approval of Darnley, and of his desire to make him "not only King of Scotland but King of England too." Almost simultaneously, de Foix, who was seeking Elizabeth's hand for the King of France or his next brother, by the Queen Mother's instructions, turned suddenly round, and urged Elizabeth to condone the runaway match.[2]

These successes of her diplomacy inspired Mary with the abounding energy she now displayed. Both France and Spain had imposed caution upon her, and forbidden war with England. But in her present temper of exultation and revenge, she appears to have hoped to force the hands of these great Powers. She is said, by one of her own envoys, to have trusted to be in London before the year was out. In the end of June she sent the new Bishop of Dunblane to the Pope, to ask for a subsidy, as well as for a dispensation for the marriage, which was within the prohibited degrees. The Pope was impecunious, but he passed on the request to Philip, who in his leisurely way sent her 20,000 crowns in December, after all was over. It never reached her.[3]

In the last week of June the usual half-yearly meeting of the General Assembly was due. The Protestant nobles would be sure to attend it, to confer on the question of the day. To deprive it of their presence, the Queen called a Convention at Perth for the 22nd, a day or two before it was to meet. Her expedient was not altogether successful. The vacil-

[1] Sp. Cal., Hume, i. 438.

[2] Sp. Cal., Hume, i. 442, 458; Teulet, *Papiers*, ii. 62.

[3] Pollen, Secs. vi. and vii.; Sp. Cal., Hume, i. 470, 490, 497; Mignet, i. 421.

lating Duke stayed at home; Argyle and Glencairn went to the Assembly by preference; and Moray, already on the road to Perth, was dissuaded from proceeding, by news of a plot to murder him there. He turned aside to Lochleven.

The Assembly adopted a *Supplication* to the Crown, which included the demands of Moray, and it listened with interest to an official letter from Randolph, in which he formally promised, in the name of Elizabeth, her assistance to the cause of the Protestant Lords. He had already, on her authority, given the same promise verbally. There seemed no reason, therefore, to doubt the seriousness of her intentions, especially considering her share in the common danger. These assurances led to immediate action.[1]

Anticipating civil war, the zealous Protestants of Edinburgh met at St. Leonard's Crag, and made arrangements for forming a citizen army under recognised officers. The Queen, with prompt decision, swooped down upon the leaders of the movement—four conspicuous citizens, including the Town Clerk—confiscated their houses and goods, and turned their families out into the street, the men themselves having escaped.[2]

On the rising of the Assembly (28th June), Argyle, who had consistently declined all countenance to the match, returned to Castle Campbell, where he was near neighbour to Moray at Lochleven. Relying on Elizabeth's promises, they entered on serious consultations as to resistance by force. On the 1st July they sent to Randolph at Edinburgh an accredited envoy, who was to proceed under his instructions to the English Court, to arrange the details of their support. It was the day of the Queen's hot ride from Perth to Callander with a large escort, hastily brought together

[1] Keith, 541, 545, 285–96. [2] Keith, 293; Knox, ii. 490.

to baffle an anticipated attack—the so-called Raid of Beith—which Moray and Argyle were rumoured to be preparing for her capture. Of the reality of the plot there is no evidence whatever. So far as the person of the Queen was concerned, it was solemnly denied by Moray in the presence of Elizabeth and the French Ambassadors in October following. That they might have taken advantage of any convenient opportunity to seize Lennox or Darnley or both, and send them to Berwick, as some one had suggested to Randolph,[1] is not impossible. But to seize the Queen, and to send her into confinement at Lochleven, was about the last thing Moray would have thought of at this time. Suspicion was keen on both sides, and possibly the plot against Moray's life at Perth was equally unfounded.

Within a day or two Argyle passed westward to his own country to prepare for action. He was followed by Athole for the Queen, and war was expected between the two clans.[2]

Seeing how things were shaping, Mary promptly took measures to deal with the crisis. First of all, on the 12th July she issued a Proclamation under the name of *An Assurance toward the State of Religion*[3] —the first of a series, following close on each other, designed to weaken the hands of Moray and Argyle, by denying the danger they apprehended. It need hardly be said that these assurances were consciously deceptive, intended to lull the people into a security which no one knew better than the Queen to be illusory. On the 13th she prorogued the meeting of Parliament from the 20th July to the 1st September.[4] On the 15th she issued a Proclamation summoning all her subjects, from sixteen to sixty, to come to her at Edinburgh, in arms and with provision for fifteen

[1] Keith, 290.
[2] S.P.S. ii. 179.
[3] Keith, App. 106.
[4] Keith, 297.

days, under penalty of being held "partakers with the disobedient," and of being punished accordingly.[1] On the 16th and 17th she wrote special letters to individual Lords, Barons, and gentlemen,—probably those on whom she thought she could rely,—again disclaiming all intention of "religious innovation or alteration in any sort," and requesting to be informed by the bearer what she might "lippen to" at their hands, if it should "happen us to have to do either with our auld enemies (of England), or otherwise."[2] Within two days she was in military possession of the capital—the storm-centre of the kingdom; her partisan Lord Erskine, now Earl of Mar, held the Castle, whose guns commanded the city, and a wide area around it. On the 17th she sent Balmerino and Crichton of Eliock to Stirling, where Moray and Argyle were holding council, nominally to get Moray's deposition as to the alleged murder plot at Perth, really to ascertain what they were doing.[3] On the 19th, Moray's "purgation" being found insufficient, he was summoned to appear before the Queen within three days, for further examination. A safe-conduct, signed by the Queen and Council and a number of the Lords, was offered him. It seems that he had signified his willingness to appear before her, if he might be sure of his life. But he evidently doubted the sufficiency of the safe-conduct to protect him. He ignored the summons of an officer of arms, and repeated his refusal a week later. Therefore on the 22nd another Proclamation was issued, with another "assurance as to religion," repeating the summons of the 15th.[4] All her lieges were commanded to come to Edinburgh in arms, with fifteen days' provisions, in order "to provide for the due safety and preservation of the Estate wherein God has placed her Highness."

[1] Keith, App. 107.
[2] Keith, 298-9.
[3] Keith, App. 108-9.
[4] Keith, App. 109.

And on the same day, to put her will beyond question, she caused to be published the Banns of her marriage with Darnley, already created Duke of Albany.[1] On the 28th she had him proclaimed King by heralds at the Market Cross, and on the 29th, in the early morning, the wedding was celebrated with Catholic rites in the chapel of Holyrood. The celebrant was a Sinclair of the house of Roslin, the old Dean of Restalrig, who soon after was promoted to the vacant bishopric of Brechin, and, either then or a little before, was made President of the Court of Session. In the evening there seems to have been something of a riot in Edinburgh, which was pacified by some fair words of the Queen.[2]

The marriage was only an incident in the royal campaign, which moved on without interruption. On the 1st August, Moray was again summoned to appear before the Queen, without a day's delay, on pain of being pronounced rebel, put to the horn, and escheated; and on the following day his friends, Rothes and Grange, were ordered to enter themselves prisoners in the fortress of Dumbarton, and Haliburton in Dunbar. On the 3rd the son of old Huntly was released from prison, preparatory to his restoration, a few weeks later, to all the honours and estates of his house—a significant threat to Moray; and about the same time, Sutherland, who had shared Huntly's condemnation, and Bothwell, who had fled from the wrath of Moray, were recalled from exile.[3] On the 6th, Moray was denounced as a rebel, and on the 7th, as if to isolate him from his allies, and to concentrate the royal revenge on him, the Duke and Argyle were charged to render him no assistance, under the penalties of rebellion. Those of his friends

[1] Keith, Pref. xi.

[2] Robertson, App. 11; Keith, 306-7; Teulet, *Papiers*, ii. 62; S.P.S ii. 185; Sp. Cal., Hume, i. 458.

[3] Keith, 310.

who were thought dangerous were ordered to ward themselves in the far North; and on the 14th the houses of the leading rebels—Moray's Priory of St. Andrews, Grange's mansion of Hallyards, Douglas's Castle of Lochleven, and some others—were ordered to be seized and held for the Crown.[1]

This decisive and well-directed energy of the Queen fairly took away the breath of her opponents. The country was in the utmost disorder; the lawless borderers were plundering at will; discontent was everywhere; but the Queen was obviously victorious, and her adversaries paralysed.

Moray, Argyle, and the Duke, after their meeting at Stirling, from which they despatched another envoy to Elizabeth with urgent requests for the promised assistance, retired to their houses to await it.[2] The Queen, advised of all their proceedings, sent Beaton to Elizabeth, to threaten a resort to foreign assistance should the English Queen furnish supplies to her rebellious subjects. Elizabeth was getting into a more awkward position than she had anticipated. France, which for some time had been courting her alliance, had suddenly turned round, as we have said, and was threatening aid to Mary, if Elizabeth should make war upon her. The Queen Mother urged that the Scottish Queen's marriage with Elizabeth's runaway subject, who was at the same time the representative of a great Scottish house, was not a sufficient reason for war, and ought to be condoned. She proposed that peace should be restored in Scotland by the joint mediation of France and England. And Philip of Spain, the patron and stay of the disaffected English Catholics, was urging, from different motives, the peaceful settlement of the quarrel. Official France was at bottom friendly to England, and only anxious to maintain its hold on Mary, so as to prevent her

[1] Keith, 309–10. [2] Keith, 300; S.P.S. ii. 182.

falling into the hands of Spain and the Guises.[1] It was otherwise with Philip, who desired peace in order that, without inconvenient efforts on his part, the expected fruits of the Darnley marriage might ripen to Elizabeth's ruin.[2]

The English Queen, thus beset, took refuge in her old expedient of secret assistance, which, if found out, could be more or less plausibly denied.[3] She gave money underhand to the rebel Lords, and tried to overawe Mary by her diplomacy. On the 5th August there appeared at Holyrood an English envoy, Tamworth by name, charged with a message from Elizabeth. It proved to be a recapitulation in strong terms of the Queen's "unkind and undutiful" behaviour in the matter of her marriage with an English subject, now consummated without Elizabeth's consent, and in defiance of her express disapproval. And it demanded an explanation of a passage in Mary's recent letter which was found to be "somewhat obscure." There was in reality nothing obscure about it. It was a clear threat, as we have said, of an appeal to her foreign allies for aid against Elizabeth, if she persisted in supporting Moray in his rebellion—a threat which, of course, had been carried out months before, as the English Queen probably knew. She admonished Mary, "friendly and neighbourly," to guard herself from the counsels of evil advisers, who set her against her best friends both in Scotland and England, and to make no alteration in matters of religion. As to any "devices she might be fed with, from near or far," that concerned Elizabeth and her realm, she assured her they would prove vain and deceitful, and would be converted to the peril and damage of those who should credit them. She warned her, further, against conceiving evil of Moray, who had "served her with

[1] Teulet, *Relations*, v. 17.
[2] Teulet, *Relations*, v. 12.
[3] Robertson, App. 13.

truth, love, and ability," and who might be driven, as many before him had been, for the saving of their lives, to measures they would never otherwise have thought of.[1]

Tamworth, accompanied by Randolph, who was now held in suspicion by Mary, as the agent of Elizabeth and the friend of Moray, had a stormy interview with her and her Council in delivering his message (7th August).[2] In the heated altercation, which turned more on the doings of Randolph than on the message of Elizabeth, its terms were not clearly apprehended, and Lethington was sent to him in the evening to get its exact purport. Tamworth got his answer on the 12th, in an able and spirited paper, which does credit to the writer, whoever he was. He can hardly have been Lethington. It was probably dictated by the Queen and written by Hay, the Clerk to the Council, Lethington's official assistant, as a good many documents of the next few years appear to have been. It set forth, clearly and concisely, Mary's proceedings as to the marriage from her own point of view, restated the "obscure" passage, professed ignorance of any devices that concerned England, repelled Elizabeth's right to concern herself with Mary's internal administration, disclaimed all intention of religious innovation, "*except in accord with her subjects*," and resented Elizabeth's slighting references to "fantasies and vain imaginations," which "might prove as substantial as the devices of her neighbours." As to Moray, she desired Elizabeth to meddle no further between her and her subjects.[3]

Mary further showed her abounding confidence by the "offers" she made to Elizabeth in return. They were given to Tamworth in name of "the King's and

[1] His Instructions are in S.P.S. ii. 185; and in Teulet, *Papiers*, ii. 56; Keith, App. 99.

[2] S.P.S. ii. 189, 196; Keith, App. 101–104.

[3] S.P.S. ii. 191; Teulet, *Papiers*, ii 56.

Queen's Majesties" of Scotland. She offered, (1st) to assure Elizabeth that during the term of her life and that of her lawful issue, they would attempt nothing, directly or indirectly, against her right and title; (2nd) to meddle with no practices of Elizabeth's subjects; (3rd) to enter into no foreign league against her; (4th) to enter into league with England alone, for the weal of both realms; (5th) to make no change in the religion of England, should they come to the English throne—all on condition, (1st) that by an Act of the English Parliament the succession should be established, first, in the Scottish Queen, and next, in the Countess of Lennox, Darnley's mother, and her lawful issue; (2nd) that there should be no practices between the Queen of England and the subjects of Scotland; and (3rd) that Elizabeth should enter into no foreign league against the King, Queen, and realm of Scotland.[1]

Mary's high spirits and mischievous humour were shown in her treatment of the departing envoy. In accordance with his instructions not to recognise Darnley as King, he refused a safe-conduct bearing Darnley's signature along with that of the Queen, and asked for an escort instead, which was refused. Setting out with his personal servants only, he was met half-way to the Border by Lord Hume, who affected ignorance of his identity, and as a foreigner unprovided with a passport took him prisoner to Hume Castle till the Queen's pleasure should be known. All was done, of course, by the Queen's instructions, and in a day or two he was released. It was a neat, if reckless, retort to the slight put upon Darnley and herself.[2]

Elizabeth, fairly cowed by Mary's audacity, and fearing that it rested on a stronger basis of foreign support than was actually the case, began cautiously to retreat, leaving Moray and his party perplexed and

[1] S.P.S. ii. 192–3; Keith, App. 104. [2] S.P.S. ii. 196–7.

weakened, and her own agents, Randolph and Bedford, impatient and ashamed of her inactivity, in face of the Queen's amazing energy and success. Mary was carrying all before her with resources so slender and uncertain that the expenditure of a few thousand pounds of English money, and a small contingent of English troops, seemed to them all that was needed to bring to the ground the crazy edifice of her power. Randolph had the mortification to hear it boasted by Mary's partisans that Elizabeth was "too feared for her own estate" to dare anything against the Queen of Scots, and was almost beside himself with anger and shame.

Knox's state of mind may be imagined. It was at this time (19th Aug.) that Darnley, in accordance with the policy of the Queen's Proclamations in regard to religion, appeared one Sunday at St. Giles, and occupied a conspicuous place. He left in high dudgeon at the preacher's reference, suggested by his text, to the unhappy condition of a kingdom given over to the government of "women and boys." The contemptuous shaft cost Knox a summons before the Privy Council, now a small body of the Queen's creatures, and an order silencing him for a time.[1]

Mary was now ready for a campaign to crush Moray and his supporters. Before leaving Edinburgh with her army, she ordered the Provost, Douglas of Kilspindie, to be dismissed, and a partisan of her own, Preston of Craigmillar, to be installed in his place.[2] She reissued the Proclamation of August 1561 as to Religion, which she had so persistently infringed, and called upon all her subjects "to content themselves in good quietness, and keep peace and comely society among themselves."[3]

As the rebel Lords were now in the West, the

[1] Knox, ii.497; Keith, 546.
[2] Keith, 547, and App. 105–6.
[3] Keith, App. 110.

Queen, at the head of 5000 men, marched out in that direction (26th Aug.). The Lords, with 1000 horse, evading her track, made for Edinburgh, which they entered on the 31st. They beat the drum for recruits, but few joined them. The Queen's bold measures had overawed all, and the Proclamations as to religion had done their deceitful work. The Castle began to fire over the town, threatening the ruin of the community. The "terrible roaring of guns" invaded Knox's study, where he was writing out for publication his sermon before Darnley, and drew from him a characteristic wail.[1] Bedford had been expected to land a force at Leith from Berwick; but Bedford, though anxious to succour them with all his might, dared not move without Elizabeth's instructions. These, though urgently asked for, had not reached him.[2] Argyle was expected to arrive within a day or two with a large body of his redshanks. But the Queen with her overwhelming force was at their heels, having doubled back from Stirling in the face of such wind and weather as made the roads almost impassable, in the hope of catching them in a trap, and ending the campaign at a blow.[3]

The Lords, as on the "dolorous night" of 6th November 1559, which was in all their memories, marched out of the capital at 3 a.m. of Sunday the 2nd September, and made for Lanark and Dumfries. The Queen followed them to Stirling. Then seeing them off on the road to the south, perhaps to join forces with England, she returned to recruit her finances, and to see what Elizabeth would do. Her treasury, never very full, was now quite empty, and no subsidies from Rome or Madrid had yet been heard of. Meanwhile, by forced loans from Edinburgh and its merchants,—by fines levied on the disaffected towns of Fife, and on Dundee and Perth,—she scraped

[1] Knox, vi. 273. [2] Robertson, App. 12. [3] S.P.S. ii. 199–202.

together a supply.[1] And by compelling the Protestant barons of Fife to sign Bands for her support, by wholesale warding of all who were thought dangerous, and by the reckless oppression of individuals, she overawed the Protestant population, and kept them from joining Moray.[2] Then she returned to Edinburgh and welcomed Bothwell, who, narrowly escaping the capture which overtook Sutherland, had landed at Eyemouth (17th September). After only an hour's delay he posted straight to Court, never more to leave it till the day of Carberry Hill.

Satisfied now from Elizabeth's inactivity that her arm was paralysed, and that she had little to fear from that quarter, Mary issued summonses for troops to meet her at Biggar on the 9th October.[3] She was now to give the final blow to the rebels assembled at Dumfries. She refused to be hindered by her old friend, the Seigneur de Mauvissière, who arrived in Edinburgh towards the end of September, charged with a mission from the Queen Mother and Charles IX., to advise her to amnesty the Lords and to make peace with Elizabeth, on pain of losing the support of France.[4] It was a grievous disappointment, and a severe check to her sanguine anticipations. But her revenge on Moray she would have, in spite of France and England. With a motley host of 10,000 or 12,000 men—the half of whom would have melted away, or deserted to the enemy, on the first appearance of an English contingent in the field, with another Solway Moss as the result[5]—she advanced in order of battle. But the Lords were already across the Border, and their followers dispersed. Leaving a sufficient

[1] Edinburgh Burgh Records, 17th and 28th Sept.; Knox, ii. 508–11.

[2] Keith, App. 113. At Dundee she issued a fresh Proclamation as to Religion. See Teulet, *Papiers*, ii. 66.

[3] Keith, App. 112.

[4] Teulet, *Papiers*, ii. 96, 101.

[5] Scrope reported to Cecil that Mary's army "was so disorderly it might easily be overthrown" (S.P.F. iv. 492).

force under Bothwell to guard the frontier against their return, she reluctantly turned her back on England, and, disbanding her forces, returned to Edinburgh.[1] Fain would she have crossed the border and marched on London, eager "to put her fortune to the proof, to win or lose it all." But the veto of France and Spain forbade. A Parliament was appointed to meet on the 9th February—afterwards changed to the 12th March—to complete by forfeiture the ruin of the exiled Lords.[2]

The Queen had triumphed over all opposition. Her boldness, energy, and resource had taken her people by surprise, and temporarily confounded them. But so far as they were concerned, her victory was hollow. She was further than ever from a stable throne, and the return blow, as daring as her own, was soon to follow.

It was otherwise with her rival. Elizabeth was not only defeated but disgraced. She had pledged herself, and committed her agents, to the support of the Lords. She had induced Moray and his party to take up arms. They had trusted to her open intervention, as in 1560, to bring out their full strength, and to break the spell of royal authority. Bedford was at Berwick with a force, impatient for permission to dash across the border to their relief.[3] Randolph, on the 24th July, surprised at his inaction, had asked him if nothing could be done "as of himself." Both were bombarding Cecil with incentives to immediate action, and urging the ease with which the scales could be turned. Tamworth reported the urgency of the case, and did all he was at liberty to do, by ordering up money from Berwick. When the Lords were compelled to leave Edinburgh, Randolph indignantly reminded Cecil that 300 harquebusiers and 150 pikes, sent to

[1] Keith, App. 115, 116; S.P.F. iv. 496. [2] Keith, App. 117.
[3] Robertson, App. 12.

Leith from Berwick, would have settled the matter—most of the Queen's forces, like the Queen Regent's Scots in 1559, being quite unreliable, disloyal at heart, and acting only from compulsion.[1] There was no time, he said, for further hesitation or delay. "And if in the whole world," he added, to enforce his appeal, "there be a more malicious heart towards the Queen my Sovereign than is she that now here reigneth, let me be hanged at my homecoming, or counted a villain for ever." The country was all in disorder, the domains of Lennox, Athole, and Argyle wasted with fire and sword, and the Liddesdale thieves spoiling up to within eight miles of the capital. Yet Elizabeth did nothing.

When, at Dumfries, Moray heard of her joining with Mauvissière, the French envoy, to effect a diplomatic settlement, he had the first premonition of the fate that awaited him. 'If peace should come in that way, he said, get me and mine permission to play'—*i.e.* to go abroad.[2] Neither he nor the Lords around him had yet gauged the depth of Elizabeth's fall. They evidently still expected that, though tardily, she would keep her word. They sent to her Robert Melville (10th Sept.) to ask for 3000 men, and money to pay them, along with some artillery, and to advise that ships of war should be sent to the Forth and Clyde to intercept French assistance.[3] And they issued a Manifesto in vindication of their cause—a document which deserves attention as an illustration of the hold which the liberal and constitutional ideal had obtained over the Protestant party.[4]

On the 22nd, Randolph made a last appeal to Cecil. The present state of Mary's government could not last. 'Two or three strangers ruled all.' The Queen's aim was an unqualified despotism—"to do as

[1] S.P.S. ii. 202.
[2] S.P.S. ii. 204.
[3] S.P.S. ii. 207.
[4] Calderwood, ii., App.

she listed." The remedy lay in Elizabeth's hands. Let her do as in 1560.[1]

Faced by the Lords' demands, Elizabeth wrote to them (1st October). "Nothing that had happened since she came to the crown had more grieved her," she said, "than to learn their dangerous estate. She had laboured in their cause with the Queen of Scots, and, though no fruit had yet followed, she would still persist. As for the aid by force they required, the love she bore them would have readily induced her to give it, had she been able to do it with honour and conscience. But it could not be done without open war, a thing on which she could not enter without a just cause given her by that Queen. Efforts were being made for a composition, and she advised them not to refuse conditions, in reliance on her assistance. But if their Queen's indignation were such that their lives were endangered, she would not omit to receive them into her protection, and show herself a merciful and Christian Prince, to defend innocent and noble subjects from tyranny and cruelty."[2]

This was the upshot of the repeated promises with which she had led them on to their ruin. Her tergiversation cost her dear. Moray alone, the most injured of them all, in time forgave her. Its effect on Argyle, on Maitland, on Grange, on the whole Scottish people is writ large in the history of the next ten years.

Moray proceeded to London to remonstrate. Before seeing Elizabeth, he had an interview with Cecil. It may be taken for granted that the whole situation was explained to him by the English minister, who was his sincere friend. Cecil probably induced him to limit his demand to peaceful mediation. But it is impossible to believe that he prepared him for the absurd scene that followed. Elizabeth was angry at

[1] S.P.S. ii. 213–14. [2] S.P.S. ii. 215.

Moray's advent, which was too open a demonstration to France and Spain of her complicity in his rebellion. She had asked Bedford to stop him; but Bedford, more than willing that she should be told the truth to her face, said he had found it impossible to dissuade him. Thus failing to restrain him, she audaciously resolved to turn his coming to her own advantage by placing him in a false position. She introduced the two French Ambassadors into the meeting of the Council at which he was to declare his errand. When he had modestly done so, Elizabeth had the effrontery to assume the attitude of a judge to a suspected criminal, questioned him as to the designs imputed to him against the person and estate of the Queen, which he solemnly denied, and called upon him, on his honour as a gentleman, to tell the whole truth. He stated the objects he had sought—the preservation of religion and of the amity with England. In the end, 'she spake very roundly to him before the Ambassadors, that she would countenance no subjects in disobedience to their sovereign'—the thing she was doing every day, in France as well as in Scotland, as the Ambassadors well knew, and which France and Spain were constantly doing in England, as Elizabeth also knew—"otherwise God might justly recompense her with the like trouble; and so brake off her speech any further with him."[1]

Moray has been blamed for his silence under this extraordinary harangue. But it would have argued a very deficient sense of humour, as well as of common prudence, and of regard for his cause and his comrades, had he ventured to expose Elizabeth's hypocrisy on the spot. It was well understood by all present. Her professions were received by the Ambassadors simply as an admission that she had been checkmated in

[1] S.P.S. ii. 227-8; Sp. Cal., Hume, i. 499. It is hardly necessary to point out how Melville's narrative is disproved.

Scotland, and was in full and rather hot retreat—an admission which was quite sufficient for them.

Elizabeth's wretched wriggling did not end here. She actually sent to Randolph, for Mary's information, an account of the rating she had given to Moray, and expressed the wish that she had been there to hear it.[1] No wonder that Randolph, when he found this ignoble performance imposed on him, told Cecil that he wished he had remained in Deutschland and had never seen Scotland.[2] Mary took care to give a wide circulation to Elizabeth's letter, for the benefit of Moray's friends. Indignation and disgust were universal. They almost drove Maitland back into Mary's service, to do his best for the exiles there. Robert Melville, Moray's recent envoy to Elizabeth, did go over to her, and never again looked behind him. Had Moray accepted the advice, freely tendered to him by his warmest friends, and even by Lethington, to avenge himself on Elizabeth by throwing her over and making his peace with Mary on the best terms he could get, nobody could have blamed him.[3] But Moray was not in the habit of thinking chiefly of himself, or of his personal wrongs. He knew that, however legitimate, on personal grounds, such a line of conduct might be, it would not serve the interests of Scotland or of Protestantism. Moreover, his confidence had never been in Elizabeth personally, but in Cecil and the English Protestant party, who remained his unaltered friends throughout the whole crisis. And so it was that within five months, with a magnanimity which was itself the keenest of rebukes, his last message to the English Queen on leaving English soil—sent to her on the eve of his return to Scotland, which had been brought about without her help—was a declaration that "she had not within Europe a more affectionate servitor." He thought more of smoothing the

[1] S.P.S. ii. 229. [2] S.P.S. ii. 235–6. [3] S.P.S. ii. 236–7.

path for future co-operation in a great cause than of avenging personal insults. Had Moray taken the advice of his indignant friends, and had Mary acted on the friendly counsel of Throckmorton—to deal gently with Moray, and thus detach him from Elizabeth, and bind him to herself[1]—it might have gone hard with the English Queen. But Moray on the one hand, and, on the other, the Cardinal of Lorraine, who urged on Mary war to the knife against the rebels,[2] saved her from a not undeserved punishment.

Through all the warlike turmoil we have described, Maitland remained quietly on his guard, biding his time, and regarding with silent contempt the Italian minion who had taken his place in the Queen's counsels, and who was daily mounting into power and fortune by her lavish favour. On the 4th October, when the Queen's army was gathering for Dumfries, Randolph reported him as ready to respond to the first call of English intervention,[3] and on the 12th, along with Morton and Ruthven, as only "espying their time, and making fair weather until it come to the pinch."[4] But English intervention did not come, and he and they were thrown back on their own resources. Personal government by means of a few foreign adventurers, with the best of the nobles in exile or mutiny and the rest estranged, could not continue. They were not long in finding a way of ending it.

[1] Melville's *Memoirs*, 139; Keith, 322.
[2] S.P.S. ii 254; Stevenson, 152.
[3] S.P.F. iv. 479. [4] S P.S. ii. 222.

VIII

THE DOUBLE TRAGEDY—RICCIO AND DARNLEY
1566–7

'The King and Queen have been at strife for choosing a Lieutenant—he would have his father, and she Bothwell.' So wrote to Cecil, Captain Ninian Cockburn[1] on the 2nd October, before the departure of the Queen's army for Dumfries, and just nine weeks after the marriage. It is the first indication of a rift in the Queen's domestic life, which rapidly grew into a chasm.

Its progress may be followed in the letters of Randolph. On the 1st December he wrote that the Queen, in rehearsing many matters passed since Lennox's arrival, said that "she wished he had never come into Scotland." On the 25th December he noted 'that whereas, for a while, there was nothing heard at Court but "King and Queen, His Majesty and Hers," now "the Queen's husband" is most common.'[2] On the 16th January he reported: "I cannot tell what misliking of late there hath been between Her Grace and her husband; he presseth earnestly for the Matrimonial Crown, which she is loath hastily to grant, but willing to keep something in store until she know how well he is worthy to enjoy such a sovereignty."[3] On the 24th he wrote that it was "still uncertain whether the Parliament will hold or

[1] An amateur diplomatist, well known in Scotland, England, and France. S.P.S. ii. 217.

[2] S.P.S. 242, 248. [3] Stevenson, 147; Robertson, App. 16.

not; her husband presseth so earnestly for the Crown Matrimonial, that she repenteth she hath done so much for him as is passed"; and on the 14th February: "I know now for certain that the Queen repenteth her marriage, that she hateth him and all his kin."[1]

Randolph's statements are, of course, to be received in a critical spirit. But, though a partisan, he was a shrewd and honest observer, and was seldom wholly mistaken. And on this point he is abundantly confirmed from other sources.

With some superficial accomplishments, which at first made a favourable impression, Darnley had soon shown his real character—long, indeed, before the marriage was consummated. The discovery might have given pause to the Queen had the match been less of a political one. Perhaps, like other clever women, Mary hoped to mould her husband into something better. She soon found her labour lost. His light head was turned by his sudden elevation. He showed himself vain and irascible, ambitious and insolent, without either taste or capacity for serious business, addicted to pleasure, and void of respect for the wife to whom he owed all.

His father had little influence over him, and was himself not over wise. He was indulgent, and identified himself too readily with the hasty ambitions of his son, which, indeed, were also his own. He had been the lifelong rival of the Duke for the succession to the throne; and now that he had got his foot in the stirrup, he was eager to ride over him. Father and son opposed and delayed the Duke's pardon, for which his friends were suing. Both were eager for the Matrimonial Crown, which, as now understood, would have cut off the Hamiltons, and entailed the succession in their own family, should the Queen die childless.

[1] Stevenson, 151; Maitland's *Regency*, App.

Mary naturally evaded the request, more and more decisively as their alienation increased. Instead of attributing her changed attitude to his own misconduct, Darnley began to nurse jealousies, to which her indiscretions lent some colour. Her treatment of Riccio was extremely imprudent, and offended the nobles as much as it enraged Darnley. On the 14th February, Randolph wrote to Leicester: "I know that there are practices in hand, contrived between the father and the son, to come by the Crown against her will. I know that if that take effect which is intended, David, with the consent of the king, will have his throat cut within these ten days. I know that he knoweth" (or thinketh) "himself that he hath a partaker in play and game with him. Many things grievouser and worse than these are brought to my ears."[1]

Here is the domestic imbroglio which was one of the origins of the coming catastrophe.

The other is indicated in the same letter. "This your Lordship shall know for certain that this Queen to her subjects is now so intolerable that I see them bent to nothing but extreme mischief, and I believe that before it be long, you shall hear of as evil as yet you have heard."

Here we have the chief factor—the general and deep despite against the personal government of the Queen, assisted by her foreign minions—the general sense of insecurity—the fear of further changes, and of foreign and Catholic influences—and the doom hanging over the nobles who had for many years been the chief pillars of the State. The earnest Protestants especially—the party of Knox and the Reformed Church—were in a state of latent mutiny. "The Protestants," wrote Randolph to Cecil on the 5th February, "are in great fear, and doubt what shall

[1] Maitland's *Regency*, App.

become of them. The wisest so much mislike this state and government that they design nothing more than the return of the Lords, either to be received in their own roums, or once again to put all in hazard."[1] The last phrase is a familiar one; it meant insurrection and civil war.

At a certain point the two converging movements were united by the address of one or two men.

Dates seem to show that the junction had not taken place when Maitland wrote to Cecil on the 9th February, resuming their interrupted correspondence. It was renewed on the old footing of the ante-Darnley period. The Darnley experiment, for which Cecil and Elizabeth were responsible, had turned out badly for both realms. It had paralysed and humiliated England, and it had temporarily submerged the Protestant party in Scotland. Mary, with her network of home and foreign diplomacy, had outwitted both. Their reunion on the old lines offered the only prospect of repairing the mischief. Cecil made the first advances and Maitland cordially responded. His letter, he said, was to serve as a 'gage of his correspondence to Cecil's disposition to do all that may tend to quiet the realms and unite the Queens, remitting the success to Him who hath their hearts in His hand, and shall move them as it pleaseth Him. I am sorry, he continued, that any occasion hath been thought fallen out to the contrary. Yet praised be God, nothing is on either part so far past but all may be reduced to the former estate, if the right way be taken. Marry, I see no certain way unless we chop at the very root—you know where it lieth—and so far as my judgment can reach, the sooner all things be packed up, the less danger there is of any inconvenience.'[2]

Two questions here arise: (1) What was the "root"? and (2) how were things to be "packed up"?

[1] Goodall, i. 274. [2] S.P.S. ii. 255.

As to the first, everything points to the conclusion that the root was the personal government of the Queen, the substitution of obscure and irresponsible foreigners for the native advisers and ministers of the Crown, and the aggressively Catholic policy which had led up to this state of things—a policy which was fatal to the peace of Scotland, and to the amity with England.

That by "chopping at the root" anything more was meant by Maitland than a return to the traditional system of government through a Privy Council of native birth—the only approach to a constitutional check on the power of the Crown which had yet been evolved—there is no reason to believe. The Queen's continued life and reign were too essential to the cause of Union, the ever-present object of his solicitude, to be threatened by him. She was as yet the only sure link between the royal families of England and Scotland, and her subversion would have fatally affected the prospects of the English succession. The language of Ruthven to the Queen when in the act of seizing Riccio—he besought her "not to be afraid, for there was no man there who would do her bodily harm"—and the neglect of the leaders to take any precautions as to Bothwell and Huntly, whom they could easily have secured, indicate the limitation of their aims. They anticipated little serious opposition.

As to the second question—the things to be "packed up"—it is plain that they included the restoration of Moray and the exiled Lords and gentlemen. There could be no quiet in the realm without the filling up of the great gap in the political system caused by their absence. So long as they hung like a cloud upon the southern border, ready to sweep over it on the first favourable opportunity, with the open or secret assistance of England, there could only be chronic unrest. Moray was a far more popular and

respected figure than the Douglases of 1528, and could not be so easily disposed of as they had been. Maitland, in fact, after much consideration and some hesitation—debarred by the Queen's continued disfavour from effecting any change in the Court from within—had made up his mind to strike at her absolutism from without, and for this purpose to work with Cecil and Moray for the restoration of the *status quo ante* Darnley's advent. And there was no other or more lenient way of convincing the Queen that personal government, by means of irresponsible foreigners, in pursuit of a Catholic policy, would not be tolerated, than by striking at the foreigners themselves, and removing them from her side. Riccio, as the chief and most obnoxious of them, was the one they resolved to bring to account.

An incident mentioned by Bedford illustrates the royal distrust of Maitland which drove him to this resolution. After having asked him, in the line of his official duty, to go with Lord Hume to Berwick to inquire after the money sent to her by Philip, which had been cast ashore with the dead body of her envoy Yaxley on the Northumbrian coast, and had been seized by the English Warden, the Queen privately remarked on Maitland's eagerness to meet Bedford, Moray's great friend, then Governor of Berwick. Maitland, hearing of the gibe, refused to go, though booted for the journey.[1] In the same letter, Bedford, who, as we have said, was a stout Protestant of the semi-puritan type, states that Maitland "never did better in religion than at this present, nor never so constant." Obviously, he was drawing nearer to the party of the Reformed Church, which must prove the chief support of the movement in hand. From another source, we hear of him in the novel character of a defender of Knox's sermons and prayers in the Queen's presence.

[1] Stevenson, 158.

It is perhaps significant, also, that Morton, Mar, and Maitland attended the General Assembly of December 1565.

It thus happened that the immediate objective of Maitland and his allies coincided with that of Darnley and his father. And it did not require much acuteness on the part of the former to perceive the advantage which the shelter of the King's name would afford them in carrying out their purpose. Ruthven, one of the King's uncles, and George Douglas, another of them, who was also cousin to Morton, were the ostensible mediators between the two interests. It may be assumed that they did nothing without the counsel and assent of the abler men behind them, though it is impossible to assign to each of the conspirators his proper share in the plot, or to trace precisely its evolution. Doubtless the *Relation*[1] of Ruthven and Morton is substantially true, so far as it goes. But for obvious reasons it shows some reticence as to individuals. It does not implicate Maitland, though there can be no doubt of his complicity. He is expressly named by Randolph, their confidant, as one of the organisers. And wherever Maitland entered into council he was apt to dominate. That he was not responsible for the place chosen for the seizure of the culprit, nor for the manner of his death, may be readily assumed. Maitland, as we have often said, was a genial and kindly man, cool and considerate even in dangerous enterprises, and altogether averse to needless cruelty. That he would not shrink from the proposed doom of Riccio is quite intelligible. They all regarded him as the secret agent of a foreign Power, as well as the corrupt instrument of the royal will. The forms of justice were hardly then regarded in Scotland as part of its substance.[2] But to seize the favourite at the Queen's table, and still more to dagger him almost

[1] It is printed in Keith, App. 119.

[2] Coleridge.

at her chamber door (though this probably was an unrehearsed incident), were proceedings altogether foreign to Maitland's habitual disposition; and probably his retirement into the background while the seizure was in progress, was not unconnected with his aversion to its gratuitous barbarity. Darnley was himself the cowardly dictator of the outrage on the Queen, and had to be obeyed.

Until the latter half of January, there had been some hope that the Queen would relent towards the exiled nobles. Throckmorton's letter, already referred to, seconded by the advice of other moderates like Sir James Melville, had made some impression on her. It was dispelled by the arrival of two messengers from France—Clairnault from the Cardinal of Lorraine, and Thornton from Archbishop Beaton.[1] Both brought to the Queen vehement exhortations to persevere in the path on which she had entered. Thornton is said to have submitted for her signature a copy of the League of the Catholic Powers, which was believed to have been concluded at the famous interview of Bayonne, in the preceding June. Randolph in Edinburgh asserted that she had signed it, while Bedford in Berwick heard a few days later that it had "not yet been confirmed." Doubt has been thrown, not only on the signing, but on the existence, of a formal League, embodied in diplomatic documents, on grounds that are not altogether convincing.[2] But nobody denies that a virtual agreement of the Catholic Powers existed in fact, then and for long after, with Philip, the Guises, and the Pope as its promoters. (Official France was always an uncertain quantity.) Whether Mary signed the document, whether there was any document to sign, are not questions of vital moment.

[1] S.P.S. ii. 254; Stevenson, 152; Robertson, App. 14.

[2] There are gaps in foreign State Papers, and even in those of England, which suggest that suppression was not unknown.

What is certain is, that the objects of her whole life depended on the prevalence of the ideas of the League, the fact being that her personal ambitions could not otherwise be realised. That she was confirmed in the path of aggression is beyond doubt. There was no longer any hope for Moray and the exiles. We may put what value we think proper on Mary's zeal for Catholicism considered as religion ; there can be no doubt of her devotion to the ultra-Catholic policy, which was indispensable to the success of her plans.

So it fell out that when, a few days later (4th February), the Sieur de Rambouillet came from Charles IX. and Queen Catherine, whose policy was by no means identical with that of Philip and the Guises, to confer on Darnley the Order of Saint Michael (commonly called the Cockle), and to advise reconciliation with the exiled nobles, as Mauvissière had already done, he failed to make any impression.[1] His errand only furnished an occasion for the display of the Queen's contempt for her husband. A question arose as to the coat of arms he should bear at the installation. She assigned to him those only of his rank as a Lennox Stewart. The ceremony took place at Mass in the Queen's chapel on Sunday the 10th February. For the Ambassador's sake, Mary tried to bring together a good muster of the nobles, but without much success. Finding little to induce him to linger, the Sieur departed four or five days later.

While the plot was maturing, Mary, isolated from her nobles and people, and taking counsel mainly with the small coterie of her dependants, was living in a fool's paradise. Unconscious of the extent to which her throne had been undermined by the proceedings of the last twelve months, she was planning new honours for Riccio, who did not wear

[1] Robertson, App. 14.

them meekly, and preparing a programme for the Parliament. She intended it to rid her for ever of Moray and his comrades, and, as she herself put it, "to do something tending to the restoring of the auld religion."[1] Her only apparent indication of defensive forethought was the promotion of a marriage between Bothwell and the sister of Huntly, thus uniting two powerful families, who were Moray's deadly enemies, and her own personal partisans.

Lennox and Darnley could do little without the help of the nobles. Those with whom they had hitherto acted were mostly Catholics and neutrals, who could not be expected to join them against the Queen. They were therefore compelled to seek allies among the opposition. Ruthven and Lindsay were the only two Protestant Lords who, influenced by family ties, had at first warmly promoted the Darnley match. Both had long since had enough of the Queen's new methods of government, and had returned to their natural connection. Ruthven, as his relative, had remained on more or less friendly terms with the King. To him Darnley first appealed, as we have said, through their mutual friend, George Douglas. He claimed his assistance as a kinsman, to avenge his injured honour, and to assert his rights. Probably enough, he exaggerated the former to excite sympathy. Ruthven, knowing the weakness and facility which made it dangerous to trust him, repulsed him. Ten days later (about 20th February), on getting oaths and promises of inviolable secrecy, he listened to his overtures. Doubtless Ruthven had conferred with Maitland and Morton, and had been authorised to take the risks. He told him he would meddle with his affairs only on condition that he would recall the exiled Lords. Darnley consented, provided the Lords on their part undertook to support

[1] Labanoff, i. 343.

him in obtaining the Matrimonial Crown. Articles were drawn up, to be subscribed on both sides. The Lords were to become his faithful servants in all his just and lawful causes, to the uttermost of their power—to give him the Matrimonial Crown at the first Parliament—to defend his title against all gainsayers—and to use their influence with Elizabeth on behalf of himself and his family. The King, on his part, was to grant their pardon—to restore their estates—to ensure them against forfeiture—to maintain their religion, in accordance with the Proclamation of August 1561, if not to establish it. The Bands were sent for signature to Moray and the Lords at Newcastle by a messenger of Lennox, if not by Lennox himself, who was active in promoting the treaty.

As Darnley, in opposition to the Lords, insisted on the seizure of Riccio in the Queen's presence, Ruthven demanded a Band of Assurance under his hand, which should make him legally responsible for the consequences of this decision. This Band is dated the 1st (or the 5th) of March, and was followed on the 6th by a Remission to the exiles, signed by Darnley, which authorised and provided for their safe return, with an escort to be supplied by Lord Hume.[1]

The progress of the plot can best be followed in the letters of Randolph, who, though under sentence of dismissal by the Queen and the Privy Council for assisting Moray with money, was lingering on at Edinburgh, under one pretext and another. He was anxious before leaving to see the outcome of the affair, in which he and Bedford were deeply interested. They were both warmly attached to Moray, and eager to atone for the betrayal in which Elizabeth had com-

[1] Ruthven's *Relation*, with two of the Bands, is printed in Keith, App. 119. All the three are in Goodall, i. 227, 231, 266. See also Maitland Club *Miscellany*, iii. 1, 188, and H.M.C. Report, vi. 641.

pelled them to take part. On the 25th February, Randolph reported to Cecil that Lennox was to confer with Argyle secretly within three days, and to offer that, if he and Moray would concur with the King to give him the Crown Matrimonial, he would take their part, bring Moray home, place the exiles in their own "roums," and establish religion as it was at the Queen's home-coming. And to perform this, the King, he said, had subscribed a Band within these twenty-four hours. If compelled to leave, he had made arrangements for reliable intelligence to follow him to Berwick.[1]

Forced at last to go, he reached Berwick on the 3rd March. Thence on the 6th, Bedford and he wrote jointly to Cecil and Elizabeth official letters, giving the full programme of the conspirators, and enclosing copies of the Articles, which had been transcribed by Randolph himself from the originals. They added the names of those who were privy to the plot; "in Scotland, Argyle, Morton, Boyd, Ruthven and Lethington —in England, Moray, Rothes, Grange, myself and the writer hereof" (Bedford and Randolph). As to the sequel of the affair, "if persuasions to cause the Queen to yield to these matters" (those embodied in the Articles) "should do no good, they purpose to proceed, we know not in what sort." Should she raise a force at home she would be withstood, and kept from all other counsel than her own nobility. If she should seek foreign aid, they would sue for that of England. Obviously they trusted to overawe her by the blow at Riccio, and to bring her to terms.[2]

In another letter of the same date, Randolph mentioned that the Great Seal had been taken from Morton, who was Lord Chancellor, "and, as some say, shall be given to David to keep, as Rubay had it," in the Queen Regent's time. Morton's offence was that

[1] S.P.S. ii. 258. [2] S.P.S. ii. 259-60.

he had refused to give up to David a piece of land, that the favourite "might have a fair house within three miles of Edinburgh," said to be Melville House, between Dalkeith and Lasswade.[1]

On the 8th March, he and Bedford wrote again, stating that the matter was now drawing to a head. Argyle and Morton had agreed to all, and signed with the others. Morton was already in Edinburgh, and Argyle was to arrive on the following day. Moray and his whole company had been written for, a safe-conduct had been sent to them, and Lord Hume had accepted the King's command to convoy them with a large escort from the Border. They would arrive in Berwick from Newcastle next day, and would reach Edinburgh on Sunday night, the 10th. "But that which is intended shall be executed before his coming there—we mean upon him whom you know—and so will they proceed to the rest as time and opportunity shall serve."[2] It is not necessary to suppose that Moray "looked through his fingers" at the execution of Riccio. He probably thought it perfectly just, though, had he been in Edinburgh, it would certainly have been differently carried out.

The deed was done on Saturday evening, the 9th. How Morton with a body of men surrounded the Palace, filling the court and guarding all the means of entrance and exit—how Darnley crept up the spiral stair to the little supper-room, adjoining the Queen's bedroom—how Ruthven, following in complete armour, entered behind him, and called on "yonder man" to withdraw—the scuffle in getting hold of him—the Queen's attempt to shield him—the overturning of the table and the lights—the dragging of the hapless victim through the Queen's bedroom, and his slaughter near the outer door of the chamber of presence beyond—the whole scene has been often

[1] S.P.S. ii. 261-4. [2] S.P.S. ii. 264-5.

EARL OF MORTON.
(*From the Morton Collection.*)

described, though in somewhat varying detail, as might be expected.[1]

While the tragedy was going on, Maitland was in another part of the Palace, in the apartments of Huntly and Bothwell, partly perhaps for the purpose of keeping them employed and out of harm's way till all should be over. The clang of arms did, however, reach their ears, and they went down to the court, Maitland accompanying them, to keep up appearances. Morton's followers were too strong for their small following of personal servants, but they raised a tumult, which is said to have been the cause of the sudden daggering of Riccio, his captors hearing the fight and fearing a rescue. The two nobles were quietened by Ruthven, who told them briefly the whole tale, and sent them back to their apartments, from which they shortly afterwards escaped by the windows. Apparently no violence was intended towards them. Bothwell and Huntly were both Protestants, though partisans of the Queen; and probably their sympathies were counted on, so far as the "removal" of Riccio was concerned. Maitland is said to have left with them. But he was in the Palace next day when the Queen appealed to him to get the guard that had been placed over her withdrawn.[2]

The sequel of the plot is well known—how the Queen on the following day, after receiving Moray and his friends with apparent cordiality, succeeded in frightening her husband, and in persuading him to flee with her to Dunbar — the midnight passage through the vaults and over the newly-dug grave of Riccio, as the Lennox MSS. say—the cowardly haste of Darnley through the dark night—the call to arms

[1] The most reliable account is probably that of Ruthven, in Keith, App. 119. Mary's own is also in Keith, 330–4, and in Labanoff, i. 341. That of Bedford and Randolph is in Robertson, App. 15.

[2] Wright, i. 230.

at Dunbar—and the triumphant return of the Queen to Edinburgh at the head of 3000 men.

In a sense the scheme had failed. Mary had escaped out of their hands unconditionally, and they had lost the shelter of the King's name for any further action. In a more important sense it had succeeded. Moray and the exiles were at home; the Parliament that was to forfeit them had been dissolved by Darnley's proclamation, and was not likely to re-assemble; the accused had obeyed their summons, and no proceedings had followed, except a formal protest by the Queen's advocate, which was likely to remain barren. Should the Queen desire to resume the process, she would require to begin *de novo*, under altered conditions. Moray and Argyle were now again together in the West, and a second Run-about-raid could hardly be ventured on. The temper of the nation, and especially of the Protestant party, had been roused. The Queen recognised the impossibility of facing the combination of zealots and moderates.[1] She set about detaching by pardons the "Lords of the first attemptate," as they were called, from those of the second. Argyle, Glencairn, and Rothes, smarting from their losses, accepted her offers. Moray, Grange, and Pittarrow, though nearly ruined, "stood on their honour and promise." They refused to separate their cause from that of the Lords who had risked all to restore them, until the latter, with equal generosity, if also with practical wisdom, requested them no longer to endanger themselves on their account.[2] Moray still refused to disavow them, and never ceased to labour for their restoration until it had been accomplished.

On Sunday the 17th March, the day before the Queen's victorious re-entry into the capital, the "Lords of the second attemptate" left Edinburgh, Morton and Ruthven for Berwick by different routes,

[1] Labanoff, i. 349. [2] S.P.S. ii. 270.

Lindsay for Fife, and Maitland for Athole, where he was safe with his friend and future brother-in-law, the Earl.[1] Knox also, "with a great mourning of the godly," left for Kyle,[2] where he employed himself chiefly in continuing his *History*, keeping a keen eye on events, and reappearing when necessary. It is not proved that he was in the secret of the conspirators. But the question is of little importance. His sympathies were with them, and he upbraided those who deserted them.[3]

The fatuous Darnley, suffering under the scorn of both sides, plunged desperately. He completed the betrayal of his allies by turning informer against them. On the 20th, before the Privy Council, he made a declaration of his innocence of the murder, which was repeated by heralds at the Market Cross, to the amusement of the initiated. His deserted allies responded by forwarding copies of all the bands to the Queen.[4]

On the 19th, an Act of the Privy Council ordered summonses to be served on all those implicated in the plot. The long list of Lords, Barons, and burgesses contains many well-known names. They were to appear within six days, on pain of horning. Maitland's name is not among them. Apparently he had acted so warily that no proof of his complicity was available. It was Darnley who informed on him, and the Queen had no difficulty in believing him. She had warned Maitland of old that for any movement among her nobles he would be the first she should blame. She deprived him of the Abbey lands

[1] S.P.S. ii. 269. [2] Diurnal, 94.

[3] The statement of Morton and Ruthven to Bedford and Elizabeth (S.P.S. ii. 272) that "none of the ministers was art or part of that deed, nor was participate thereof," does not necessarily exclude all foreknowledge. Morton at his trial denied "art and part," though he admitted foreknowledge of Darnley's murder. Whether "participate" is more decisive, it would be hard to say.

[4] S.P.S. ii. 275.

of Haddington, her gift of two years before, and bestowed them on Bothwell, who was rapidly rising in favour, and repairing his broken fortunes.

Remissions were signed for Moray, Argyle, Rothes, Grange, and Pittarrow.[1] Sir James Balfour — the parasite who had been battening on Court spoils through all the troubles—was sent into Argyle to induce Moray to separate his cause from that of his deliverers, preparatory to his return to power. Moray, as we have said, steadfastly refused, and, a fortnight later, sent a confidential servant to his friend Bedford to bespeak their favourable treatment.[2] The Queen was obliged to waive this condition, and after further solicitation, he returned to Court, with Argyle and Glencairn, toward the end of April. Another condition, however, she did exact—a sufficiently bitter one. He was to share the government with Bothwell, his lifelong enemy, whose recent services to the Queen could not be overlooked. It was a *sine qua non*, to which he was obliged to submit. A reconciliation—hollow it could not but be, and remain—was patched up, at her dictation, between Moray and Argyle on the one hand, and Bothwell and Huntly on the other, and a kind of dual administration was established.[3]

Meanwhile, Maitland remained in retirement at Dunkeld. He was ordered into exile in Flanders, whither the King also was threatening to go, to lay his grievances at the hands of his disgusted spouse before foreign princes. Maitland was afraid to put to sea for fear of capture by Bothwell, who, as High Admiral, had ships and men at his command. Both-

[1] Keith, Pref. xi. [2] S.P.S. ii. 273.

[3] S.P.S. ii. 276. It is to this time that Moray refers in his answer to the so-called *Protestation* of Huntly and Argyle. Before being admitted to any favour, he had to make a promise of *reconciliation* with Bothwell and Huntly, of which the Band of October following—probably the same Band that Morton had to sign as a condition of pardon—was a confirmation. Moray's English is not always perspicuous.

well was more than ever Maitland's enemy, since the restoration which his friends, Moray, Athole, and others, were working hard to effect, would bring back to him the fat Abbey lands of Haddington. Maitland turned aside to the shelter of Argyle, and in June his sentence was commuted to warding in Caithness.[1]

There is among the State Papers a curious document of this time, which is thus headed: "A writing penned by the Secretary after the slaughter of Signor Davie, to have been sent to the nobility the year 1565."[2] It seems to be a circular letter, written in view of a Convention of the nobles, in which an appeal is made for their judgment on recent events. It confidently assumes that 'the state in which the common-weal had long stood—so many nobles in danger, and affairs all passing through the hands of a stranger—had attracted their attention, and that they would gladly have seen it redressed, had they known how that was to be done. By the course he and his friends had taken, this result had been achieved; and it could be seen whether they had intended anything against the persons of the Queen or King. They had sought neither to withdraw obedience from their princes, nor to harm any in the realm, but quietly to possess their lives in the fear of God. They desired their conduct to be submitted to the nobility, whose judgment they would abide. They asked no one to take arms against their sovereigns, or to refuse their duty, but only to speak freely to them, desiring them not to follow ower mickle their humour.'

Two proposed assemblies of the nobility,—one in May and another in June,—to either of which the appeal may have been addressed, are mentioned in the letters of the time. Whether or not they were held does not appear. After Randolph's departure, our

[1] S.P.S. ii. 283. [2] S.P.S. ii. 268.

information as to Scottish affairs is scanty, often unreliable, and sometimes mere gossip, picked up by English spies sent out from Berwick. We greatly miss the vivid and intimate narratives from the centre of affairs with which Randolph lights up the history of the previous six years.

The Queen's confinement was now approaching. The unstable equilibrium of political forces called for some precautionary arrangements. Bothwell was highest in favour, but he could not be trusted to keep the peace, if left in power during the Queen's incapacity. It was decided that Moray and Argyle should lodge in the Castle as her guardians. Bothwell and Huntly, for peace' sake, were excluded from its precincts. Bothwell went off to the Border, to guard, as he said, against the irruption of Morton, whom Elizabeth was with difficulty sheltering from Mary's reclamations. He was consoled with the gift of the lands of Dunbar Castle. All the Queen's private affairs were in the hands of Lesley, recently created Bishop of Ross.[1]

In view of the ordeal before her, the Queen went through some form of reconciliation with her husband, made her will, and, so far as can be judged from the only remaining fragment of it,—the inventory of her jewels,—left no trace on it of her alienation from him.[2] Of course, if she survived, the deed was to remain a dead letter.

The Prince was born on Wednesday the 19th June, between 9 and 10 a.m. By noon Sir James Melville was speeding towards the English Court, with which improved relations had now been established. On Sunday evening he rode into London with the fateful intelligence. It was the most powerful of all arguments for the Scottish succession. After a sigh of natural mortification at the thought of her own

[1] S.P.S. ii. 283. [2] Robertson, *Inventories*, Pref. xxxiii ff.

childlessness, Elizabeth received the tidings with becoming interest and warm congratulations.[1] She had previously consented to become one of the infant's sponsors. Bonfires blazed in the Scottish capital, and in many other places.

The Queen made an excellent recovery, and, grateful for Moray's guardianship, she seems to have taken him into real favour.[2] She listened to his pleas on behalf of those compromised in the Riccio plot. The rank and file among them were first pardoned. Then their masters, one by one, were allowed to slip home again, till there remained in exile only a few of the leading offenders, Morton, the young Ruthven (his father had died soon after finishing the *Relation*), Lindsay, George Douglas, Fawdonside, and a few others.[3] On the 2nd August the Queen sent for Maitland. Bothwell vehemently opposed his pardon, and Moray, zealous on Maitland's behalf, had "evil words" with Bothwell in the royal presence.[4] The Queen, mindful of his former services, which she might need again, befriended him, and appointed him a further audience. At length, about the 12th September, she brought him and Bothwell together at Craigmillar, in presence of Moray and Argyle, and induced or compelled their reconciliation.[5] Maitland resumed the duties of his office, and the Queen restored to him the Abbey lands of Haddington, which Bothwell was compelled to surrender, after six months' possession.

About the same time the return of Morton seems to have been discussed, and nearly settled. He was to pay well for it. Perhaps the negotiations broke down on this point; he paid nothing in the end.[6]

[1] Sir J. Melville's *Memoirs*, 158.
[2] S.P.S. ii. 294.
[3] S.P.F. viii. 113, 114, 128; Stevenson, 164.
[4] S.P.S. ii. 299.
[5] S.P.F. viii. 128, 131.
[6] S.P.F. viii. 132. Moray appears to have been Forster's informant.

Maitland was no sooner reinstated than he resumed his correspondence with Cecil on the old footing. He gave an earnest of his care for the amity by getting the Queen to countermand a suspicious expedition of Argyle's redshanks into northern Ireland.[1] Argyle, not without her complicity, had recently been cultivating doubtful relations with Shane O'Neal, the Irish chief, who was a thorn in the side of Elizabeth and her ministers. Argyle's resentment of the English Queen's conduct to Moray and himself had cut him loose from his old moorings. He was drifting into wayward and uncertain courses, assisted by his unhappy relations with his wife, Moray's giddy sister.

On the Queen's recovery, the feud with her husband revived and increased.[2] It was obvious that she shunned his company, that his assiduities were an offence to her, and that she detested and despised him. He took no pains to efface the memory of his misconduct. He still hankered after power, and petulantly resented the neglect to which he was on all sides abandoned. Soon after her return from Dunbar, the Queen had begun to exact signatures to a Band of fidelity to herself personally, as a safeguard against any further attempts to divide the royal prerogative.[3] It was purely defensive of her own authority, and, as all parties had had enough of Darnley, it was readily signed by nearly all, by Moray in October and by Morton in December, among the rest. It is to be carefully distinguished from the so-called Craigmillar Band, to which, however, it probably served, intentionally or not, as an introduction. Aided by his own wayward and foolish conduct, it reduced Darnley to a cipher. He poured his complaints into the ear of du Croc, the French Ambassador. The Queen, he

[1] S.P.S. ii. 301.
[2] Robertson, App. 17.
[3] Maitland's *Apology*, in Scot. Hist. Society's *Miscellany*, ii. 207–8; Robertson, iii., App. 47; S.P.S. iii. 394.

said, gave him no authority, and the nobles no honour. Du Croc, a fatherly old man, officially interested in promoting peace between the royal pair, for the sake of avoiding scandal and serious detriment to the Catholic cause, gave him good advice, which he had not sense enough to take. The scene before the Privy Council (30th September) is characteristic of the situation.

On the 29th, Mary received a letter from Lennox, who had been at Stirling with the King, telling her of Darnley's imminent departure abroad by sea, and asking her influence to prevent it. The same evening, Darnley presented himself at Holyrood, perhaps to ascertain the effect of his threat. Finding the Queen surrounded by some of the chief nobles, he refused to enter till they should be dismissed. She herself came out to him, and brought him into another apartment. She tried to draw from him the grievances of which he complained. Getting no satisfaction, she detained him over the night, and on the morrow assembled the Council, assisted by du Croc, to deal with him. He maintained the same sullen reticence, and in taking leave of the Queen, told her it would be a long time before she should see his face again. The wayward youth had probably no serious intention of going abroad. His threat was little more than a childish device to work upon the Queen and the nobles. Neither took much heed of it. But Mary, to prevent scandal abroad among her Catholic friends, if he should persist, got du Croc to write a full account of the incident to the Queen Mother of France, and the Privy Council to confirm it by a letter to Archbishop Beaton.[1]

Still the royal title remained with him, and he could hardly be altogether ignored. It shielded his person, which it would have been high treason to

[1] Keith, 345-50; Teulet, *Papiers*, ii. 139, 147; Labanoff, i. 373.

touch, and it made him still available as the possible instrument of others. The Queen seems to have lived in fear of new plots. She could hardly see him speaking to any one without suspecting mischief, and rebuked those of her friends who, out of pity, like Sir James Melville, showed him any kindness. He was really powerless, except for purposes of annoyance, chiefly to the Queen, and, naturally enough, he took this weak method of asserting himself. He wrote letters to the Pope and the Catholic Powers, complaining of her mismanagement of the Catholic cause, and her lukewarmness in religion—a device which vexed her sorely, all the more perhaps that, as she must have felt, there was some truth in the tale. On discovering it, she wrote to de Silva, asking him to assure Philip of her fidelity till death.[1]

The situation would have been a trying one to a woman of stronger moral fibre than Mary Stuart. Her second marriage had proved the crowning misfortune of her life hitherto, and threatened to be its permanent frustration. Coming on the back of so many other disappointments, which had torn her heart and blighted her hopes, it is not perhaps to be greatly wondered at that, abandoning for a time the paths of ambition, she should plunge into those of passion. With an accomplished seducer like Bothwell as her chief political support, and his female satellites among the ladies of her Court, the tales that cluster round the closing months of 1566–67, and find their commentary in the Casket Letters and Sonnets, become sadly credible in substance. Mary, with all her superficial culture, was very much a child of nature. She had much of her father and her grandfather in her *naturel*, intensified by Guisian strength and resolution ; and the aggravating and incalculable turpitude of her despicable husband, working like poison in the blood, drove her into a

[1] Sp. Cal., Hume, i. 597.

prolonged storm of passion, before which the restraints of morality and decorum gradually went down, till she found herself in the abyss. It is a sadly common history. There were grounds for the sorrowful and sympathetic pity with which Maitland regarded her fall.

Out of the wreck of her married life, she had still her infant left to her. She set her heart on a magnificent baptism, with full Roman rites, graced by the presence of foreign ambassadors—chiefly perhaps to give to Catholic Europe a resounding testimony of her fidelity to the Catholic cause. And she carried her point in the face of much opposition in a divided Council, which authorised a taxation of £12,000 to meet the expenses of the function.[1]

Within a month of his restoration, Maitland accompanied the Queen to an assize at Jedburgh—a journey made notable by her daring ride to Hermitage, to visit the wounded Bothwell, who had narrowly escaped death at the hands of a border thief. Fifty or sixty miles through a wild country on a mid-October day was a feat of horsemanship which probably taxed her male retinue. Combined with other causes of anxiety, it induced an illness, which brought her to the gates of death, in the judgment of those around her, as well as in her own. A proclamation of the Privy Council (25th October) made known her danger to the nation, and public prayers were offered for her recovery.[2] Interesting accounts of her bearing during the crisis of the fever remain to us in letters of du Croc, of Bishop Lesley,[3] and of Maitland, all eye-witnesses of the scenes they describe. From Lethington's of 24th October we take the following sentences:

"The occasion of the Queen's sickness, so far as I

[1] S.P.F. viii. 131; Keith, 359; P.C. Reg. i. 485.
[2] Diurnal, 101.
[3] Lesley's letter is in Keith, App. 134. Du Croc's are in Keith and Teulet.

understand, is caused by thought and displeasure, and I trow, by what I could wring further of her own declaration to me, the root of it is the King. For she has done him so great honour, without the advice of her friends, and contrary to the advice of her subjects; and he on the other part has recompensed her with such ingratitude, and misuses himself so far towards her, that it is an heartbreak for her to think that he should be her husband; and how to be free of him she sees no outgait. . . . I see betwixt them no agreement, nor no appearance that they shall agree well hereafter. At least I am assured that it has been her mind this good while, and yet is, as I write. How soon, or in what manner, it may change, God knows."[1]

To much the same effect wrote du Croc to Beaton a few weeks later (2nd December). "The Queen is for the present at Craigmillar, about a league distant from this city. She is in the hands of the physicians, and I do assure you is not at all well, and do believe the principal part of her disease to consist in a deep grief and sorrow. Nor does it seem possible to make her forget the same. Still she repeats these words, I could wish to be dead. You know very well that the injury she has received is exceeding great, and her Majesty will never forget it. The King her husband came to visit her at Jedburgh, . . . he remained there but one single night; and yet in that short time I had a great deal of conversation with him. He returned to see the Queen about five or six days ago, and the day before yesterday he sent word to desire me to speak with him half a league from this, which I complied with, and found that things go still worse and worse. I think he intends to go away to-morrow; but in any event I am much assured, as I always have been, that he will not be present at the

[1] Laing, ii. 71.

Baptism. To speak my mind freely to you, I do not expect, upon several accounts, any good understanding between them, unless God effectually put to his hand. I shall only name two; the first is, the King will never humble himself as he ought; the other is, that the Queen can't perceive any one nobleman speaking with the King, but presently she suspects some contrivance among them."[1]

And six days after the baptism, du Croc wrote to the same correspondent (23th December):—"The King had still given out that he would depart two days before the Baptism, but when the time came on, he made no sign of removing at all, only he still kept close within his own apartment. . . . His bad deportment is incurable, nor can there ever be any good expected from him, for several reasons. . . . I can't pretend to foretell how all may turn. But I will say that matters can't subsist long as they are without being accompanied by sundry bad consequences. . . . The Queen behaved herself admirably well all the time of the Baptism, and showed so much earnestness to entertain all the goodly company in the best manner that this made her forget in a good measure her former ailments. . . . But I am of the mind, however, that she will give us some trouble yet, nor can I be brought to think otherwise so long as she continues to be so pensive and melancholy. She sent for me yesterday, and I found her laid on the bed, weeping sore."[2]

Such was the Queen's condition, as it appeared to friendly eyes, during the weeks that followed her convalescence. Less friendly critics make the same report. She had sufficiently recovered to leave Jedburgh early in November, travelling by easy stages towards the capital. At Kelso, one of her halting-places, says the *Detection*, she received letters from

[1] Keith, Pref. vii. [2] Keith, Pref. vii.

the King which greatly vexed her. When she had read them, in presence of Moray, Huntly, and Maitland, "she cast a piteous look, and miserably tormented herself, as if she would have immediately fallen down again into her former sickness; and she plainly and expressly protested that, unless she might, by some means or other, be despatched of the King, she should never have one good day. And if by no other way she could attain it, rather than she would abide to live in such sorrow, she would slay herself."[1]

This serious state of the Queen's health naturally called for the consideration of her ministers. There is no reason to doubt that Moray and Maitland sincerely sympathised with her. They knew the vexatious folly and perversity of her boy-husband. That they suspected any more secret grounds of her distress is improbable. Her favour for Bothwell, however excessive it might appear, had a plausible explanation in the services he had recently rendered her. Any suspicion that might occur to them would be checked by the consideration that Bothwell had only nine months before been married, under the auspices of the Queen herself, to a sister of Huntly. To what extent, indeed, the passion for Bothwell had at this date (end of November) taken possession of her we can only surmise. But that it was a growing factor in the case, and that it seriously aggravated her mental trouble, we can hardly doubt. That she already had the Bothwell marriage in view, more or less determinately, is by no means improbable, nor even that Bothwell shared the secret. We are within eight or nine weeks of Letter II.

The distress of the Queen and the anxiety of her ministers led to what is known as the Craigmillar Conference. And here we enter on a chapter in the life of Lethington which presents unusual difficulties.

[1] Anderson, ii. 12, 13.

We can only grope our way through it in the light of the best evidence that is available.

The Queen ended her return journey from Jedburgh at Craigmillar, almost within sight of Holyrood, about the 20th of November. She remained in the enjoyment of the salubrious air that surrounded the Castle till near the time of the baptism. It was during these weeks that the much talked of Band originated, to which the conference owes its notoriety.

There seem to have been at least two conferences, of which only the first was properly official, attended by all her ministers—by Moray, Argyle, Huntly, Bothwell, and Lethington. It dealt only with the question of a divorce, as the natural remedy (suggested by Maitland, but perhaps emanating really from the Queen) for the incompatibility between the royal pair. To this meeting Moray's Declaration of the 19th January 1569 refers. It broached "no unlawful or dishonourable" project. The so-called "dark words" of Lethington, as stated by Lesley in the Argyle and Huntly *Protestation*, even if veracious and exact—a considerable assumption—covered no murderous design, as indeed the circumstances and the context seem to prove.[1]

It was at a later and more select conference, to which Moray was not invited,—how much later we hardly know—only a few days, if Lennox's second or third hand information is to be trusted,[2]—that a darker design is said to have been mooted. The Queen seems to have, on further consideration, rejected the proposal of a divorce; and there is reason to believe that, directly or indirectly, she let it be

[1] Goodall, ii. 316; Anderson, iv. 188. The reference to Mary's scrupulous Catholicism and Moray's precise Protestantism was relevant to a question of divorce, but not to one of murder. Nor was murder likely to be "found good and approved by Parliament," as Maitland's remedy was to be.

[2] Lennox MSS. in Lang's *Mystery of Mary Stuart.*

understood that she favoured a more efficacious remedy. Apart from the unforgettable insults he had heaped upon her, she had probably come to believe, if indeed she had not always held, since the fatal night, that Darnley deserved death for his part in the murder of Riccio. This, in all probability, was the starting-point of the Band.

What, in these circumstances, might we expect to be Maitland's attitude?

It may help us to the probable truth in this matter if we recall a colloquy between him and Knox, recorded by the latter in the close of his *History*.

In the course of a long debate in the General Assembly of 1564 on the ever-recurring question of the rights and limits of resistance to royal power, the following passage-at-arms occurs. Referring to two propositions which had been put forward by Knox, one of which he admitted, Maitland said: "But I doubt of the other. For if the Queen would command me to slay John Knox, I would not obey her. But if she would command others to do it, or yet by a colour of justice take his life from him, I cannot tell if I be bound to defend him against the Queen, and against her officers."

"Under protestation, said the other, that the auditor think not that I seek favours for myself, I say, my Lord, that if ye be persuaded of my innocency, and if God has given you such a power and credit as might deliver me, and yet ye suffered me to perish, that in so doing ye should be guilty of my blood."

"Prove that and win the plea," said Lethington.[1]

It does not appear from the sequel that Maitland regarded Knox as having won the plea. He retained his doubt. And he did not stand alone in it. It was shared by nearly all the politicians of the time.

[1] Knox, ii. 435.

"Looking through their fingers" at the crimes of others was the common accomplishment of them all. Knox's doctrine was new to that generation, and was regarded as a counsel of perfection. It probably did not at first extend much beyond the preachers. But these had the ear of the people, who listened and approved. Knox, with whatever rigidity, was the great ethical force of his time in Scotland, and the politicians, who came little under his influence, reckoned without their host when they believed that traditional crimes in high places would still escape public reprehension. Mary, Bothwell, and probably Maitland, had little idea of the storm the murder was to raise in the hearts of the people.

This state of opinion among the nobles accounts for the fact that Morton, though, in legal language, privy to the crime, and that Maitland, though not only privy, but assenting to it, both considered themselves innocent, as being neither the authors nor the instruments of it. The ministers, on the other hand, who heard Morton's confession at his execution, holding the doctrine of Knox, admitted that, on his own showing, his condemnation was not *prima facie* unjust. It accounts also for the limited area within which those chargeable with the murder were sought and arraigned.

We are thus fully prepared to find the Queen getting her own way without any interference from the nobles. But she required instruments to do the deed, and this was where the difficulty occurred.

To lay hands on the King, however insignificant he might be personally, was, as we have said, a dangerous undertaking. In the eye of the law it was treason, and no one could be sure that the time might not come when the charge would ruin those who took part in the act. And no one but the Queen and Bothwell had any such interest in it as to induce them to run that

risk. There is little or no evidence that any of the nobles had a worse feeling towards Darnley than contempt. The spirit of revenge for his weak treachery had had time to evaporate, and to give place to a less dangerous one. He had made himself ridiculous by his futility, and some, like Melville, rather pitied him, and were disposed to befriend him, in his isolation. They certainly did not fear him ; he could do them no further harm. He was powerless, except for annoyance to the Queen, and that only in virtue of his being her legal husband. The suggestion of the so-called *Protestation* of Huntly and Argyle, that Mary's ministers undertook the crime in order to obtain the pardon of Morton, has little force. Their consent to the divorce, and their concurrence in the restoration of Huntly, were sufficient returns for that favour. Principle apart, they certainly would not have risked their heads to hasten Morton's return, which was in any case inevitable.

Maitland was doubtless pressed to go further. His real sympathy for the Queen ; his sense of the utter hopelessness of Darnley, and perhaps his opinion of his criminality ; his desire to preserve the life of the Queen in the interest of Union ; and his dependence on her favour for the continuance of his power, were well known, and could be worked upon. But he was not a man of blood, and he was the wariest of politicians.

The first attempt to meet the Queen's understood wishes was a legal or quasi-legal device. Sir James Balfour appears to have been the author of it. Balfour, "the most corrupt man of his age," as Dr. Robertson calls him, was a satellite of the Queen and of Bothwell, who by suppleness and subservience had maintained his place at Court through all the changes of recent years. He was a great lawyer, afterwards President of the Court of Session, and author of the *Practicks*,[1] an

[1] Ed., with Life of Balfour, Edin. 1754.

important legal treatise.[1] His legal skill was brought into requisition to draw up the Band. Of its precise tenor we cannot be sure. The witnesses who stated that they were shown it by Bothwell appear to have had only furtive glances at it, and the outline they give can hardly be regarded as anything more than Bothwell's reading of it. It was his interest to exaggerate its terms in order to reassure his alarmed assistants, and as we know that he lied in boasting of the nobles who were in league with him (as Morton, Lindsay, and Ruthven), he may also have lied as to the tenor of the Band. It is in the last degree unlikely that a document signed by the most prudent and resourceful of Scottish politicians, as well as by Argyle and Huntly, should have borne on the face of it a murderous intent, capable of legally convicting its subscribers of a capital crime. The far greater probability is that, on the ground of Darnley's conduct to the Queen, the Band provided that he should be seized and imprisoned on a charge of treason, and that the consent of the nobles generally—attested by their signatures to the document, thus rendering it virtually equivalent to a sentence of the Estates—should be the warrant for the deed, holding scathless those who should execute it. The Band was, in all probability, the remedy containing "nothing but good and approved by Parliament," which Maitland is said to have promised. It is quite possible, as Lennox heard, that, with or without the knowledge of its promoters,

[1] It is obviously to Balfour, and not to Morton, as Dalyell and Mr. Lang suppose, that Bannatyne refers in a well-known passage, written after the death of Huntly, in allusion to the Band and to those who signed it. "Four is past, with small provision, to wit, the Secretary, Argyle, Bothwell, and last of all, Huntly. I hope in God the fifth shall die mair perfectly, and declare the life's deeds with his own mouth, making his repentance at the gallows foot. For all his interpretation of the laws, gif he had interpreted the law of God rightly, and followed the same, many had not sustained the trouble that they have done, and so great bloodshed had not been in the country" (*Memorials*, 338). Morton was no lawyer, and Bannatyne did not believe him guilty.

Bothwell intended himself to have the execution of the warrant, and that if Darnley resisted the seizure, as he probably would, he might be killed in the scuffle. But that, we may be sure, was not in the Band, and would be Bothwell's own affair, for which he alone would be responsible.

It is possible to believe that Maitland might sign such a document. He sincerely reprobated Darnley's conduct to the Queen, and it is probable that a charge of treason could have been legally founded on it. But the scheme appears to have broken down. One of the witnesses who saw the deed testified that the first signatures to it were, as Bothwell told him, those of Argyle, Huntly, and Bothwell, and that "far below them," leaving a large space for those of other nobles, was that of Lethington. Mr. Lang has justly remarked that this statement has all the appearance of truth. He has omitted to notice, what seems equally obvious, that if the blank space left for those of higher rank remained blank, as it did, the natural inference is, that the scheme failed, or was abandoned. Its authors had probably calculated that, to relieve the Queen from an intolerable burden, which threatened her health, and perhaps her life, and from which no other relief seemed possible, the nobles generally would have been found willing to take the responsibility for such a measure against one who had so grossly abused his position, and made his continuance in it impossible. Evidently, whether from caution or suspicion, or because the project had leaked out prematurely, and come to the ears of Darnley and his father, most of them declined, or were not asked. Why the abandoned document, with its four signatures, was left in the hands of Bothwell, it is impossible to say. It might be *per incuriam*. Or it might be that Bothwell retained it by stealth, by trickery, or even by force. His power and arrogance were unbounded.

In any case, there is no reason to believe that, even to his own mind, it was the warrant on which he ultimately acted, though he made use of it to gain, and to reassure, his unwilling instruments.

Foiled in this expedient, the Queen and Bothwell turned to another. Morton's pardon had been delayed, possibly in view of this emergency; it was certainly timed to meet it. But we are anticipating, and must return to the narrative.

The poor King, whose fate was trembling in the balance, paid flying visits to the Queen both at Jedburgh and Craigmillar. Receiving no encouragement to remain, he returned to Stirling. He was ignored in the arrangements for the baptism of his son; and he sullenly kept out of sight. To Bothwell the Queen assigned the duty of receiving her foreign guests, and "all things for the baptism were at his appointment."[1] The rest of the nobility could not like the arrangement, but there is no sign that even yet they suspected all its significance. The favourite had lately been appointed Lieutenant of all the Marches, East, Middle, and West, with pay for two hundred horsemen—a bodyguard which is much in evidence during the next six months.

On the 17th December the Baptism took place at Stirling. The Archbishop of St. Andrews, again creeping back into public life for special ends of the Queen's and his own, officiated in full pontificals, assisted by Chisholm of Dunblane and Lesley of Ross. Bedford, the bearer of the handsome gift of a golden font, accompanied by a considerable train, represented Elizabeth;[2] the Comte de Brienne, the King of France and the Queen Mother. The place of Morette, who was to have represented the Duke and Duchess of Savoy, but who had not yet arrived, was taken by

[1] S.P.F. viii. 155; Robertson, iii. 315.

[2] Bedford's account of the Baptism is in Nau, Pref. cxlviii.

du Croc. The Protestant nobles, Moray, Huntly,[1] and even Bothwell, with Bedford, remained outside the chapel during the religious ceremony, but joined in the festivities. Darnley did not appear, though resident in the Castle. A week later (24th Dec.), apparently on the advice of his father, he suddenly left for Glasgow, where he was taken ill, of poison or of smallpox.

The plot of Bothwell and Mary was now drawing to a head. On the very day of Darnley's departure, Morton's pardon was signed, along with those of Ruthven, Lindsay, and the rest of the exiles.[2] As the condition of it, he had signed the Queen's Band (see p. 264), and there were some limitations of his freedom. Bothwell had in the end eagerly promoted it, in the hope, as it soon appeared, of bringing him into the plot as its chief executor. As the principal sufferer at Darnley's hands, the slaughter of his betrayer, had he undertaken it, would have appeared an excusable act of revenge, and Bothwell and Mary would have reaped the profit of the crime without incurring any of its odium.

Another important preliminary to the ultimate design, which was evidently now clearly understood between her and Bothwell, made its appearance nearly at the same time. By letters patent of the Queen (23rd Dec.) the consistorial jurisdiction of the Archbishop of St. Andrews, taken away in 1560, was restored to him.[3] It seemed an unaccountable proceeding. But when, four months later, it was invoked to divorce Bothwell from his wife—the only use to which it was ever put—its *raison d'être* became plain.

Such a proceeding was bound, of course, to call forth a warm protest from the General Assembly, which

[1] Huntly came out of prison a Protestant, whatever he had been before.

[2] Hay Fleming's *Short History*, i. 502.

[3] Laing, ii. 75. If revoked, as Bedford states, it was renewed *ad hoc.* But Bedford was probably wrong, for a Protestant petition on the 18th April asked (*inter alia*) for its revocation (S.P.S. ii. 323).

met within two days. But that result, too, had been foreseen, and measures taken to placate the Church. A present from the Queen to the parochial clergy of £10,000 and 400 chalders of victual, was announced, backed by the sanction of the Privy Council; and on the 10th January the latter body appointed a strong committee of its own members to ensure adequate provision for the ministers of borough churches.[1] This policy of sops to the Church to keep it quiet, instigated doubtless by Bothwell, was continued till the Queen's fall.

Bothwell and the Queen were now inseparable. They spent their Christmastide at the neighbouring country houses of their friends, and returned to Stirling in the first days of January. On the 6th, Maitland was married to Mary Fleming, and thus a new link was forged between him and the Queen, which was not without its influence. The wedding must have been a quiet affair, for we hear little of it, and Maitland's secretarial duties seem hardly to have been interrupted. Mary left for Edinburgh about the 14th.

Bedford had brought with him important proposals on the old subject of the Treaty of Edinburgh and the English succession. Elizabeth was now prepared to concede the amendment for which Maitland had all along contended. The clause which was supposed to debar Mary from assuming the title and arms of England absolutely, was to be limited to the lifetime of Elizabeth and her issue; and a new treaty of permanent amity was suggested, in lieu of any formal declaration of Mary's right to the succession.[2] The reply was friendly, but it urged on Elizabeth the judicial examination of the Will of Henry VIII., which had been promised to Sir James Melville in 1564, followed by an official report which should record the

[1] Keith, 562. [2] Keith, 356-60.

result, *ad perpetuam rei memoriam.*[1] Maitland accompanied the despatch with a letter to Cecil (4th January), in which he combated the legal objections commonly advanced in England to Mary's title.[2] Elizabeth's overtures on this occasion represent the high-water mark of concession reached in the long controversy, and it is hard to say what the issue might have been, had not the impending catastrophe ruined the negotiations.

Morton on leaving English soil wrote to Cecil a letter of thanks for English hospitality. It is dated from Berwick the 10th of January. On his way home he rested, first at Wedderburn with one of the Humes, and then at Whittingham, near Haddington, with his relative, Sir William Douglas. Here he was visited by Bothwell and Maitland. Probably the visit was unexpected. However that may be, Morton was not a man to be easily taken by surprise, and Bothwell was not a difficult subject to diagnose on short notice. The account of the interview between them we owe to Morton himself, in the Confession he made just before his execution in 1581. "The Earl Bothwell and I met together," he said in that last hour, when he had nothing to gain by concealing the truth, "in the yard of Whittingham, where, after long communing, the Earl Bothwell proposed to me the King's murder, requiring what would be my part therein, seeing it was the Queen's mind that the King should be taken away, because, as he said, she blamed the King more of Davie's slaughter than me. My answer to the Earl Bothwell was this, that I would not in any way meddle with that matter, because I am but now come out of trouble, whereof as yet I am not redd, being discharged to come near the Court by seven miles, and therefore I cannot enter myself into such a trouble again." Bothwell "thereafter earnestly proponed the same matter again to me, persuading me thereto, because so was the Queen's

[1] Keith, 361. [2] Egerton Papers, 41–49.

mind, and she would have it to be done. Unto this my answer was, I desired the Earl Bothwell to bring me the Queen's handwrit of this matter for a warrant, and then I should give him an answer, otherwise I would not meddle therewith, which warrant he never purchased (*i.e.* procured) unto me."[1] The supplement is furnished by Archibald Douglas, in a letter to the Queen herself in 1583. "At their departure" (that of Bothwell and Lethington from Whittingham), says Douglas, "I was requested by the said Earl Morton to accompany the Earl Bothwell and Secretary to Edinburgh, and to return with such answer as they should obtain of Your Majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, 'Show to the Earl of Morton that the Queen will hear no speech of that matter appointed unto him.' When I craved the answer to be made more sensible, Secretary Lethington said that the Earl would sufficiently understand it."[2]

If the message given to Douglas is accurately reported, as is every way probable, there is no room to doubt the plain meaning of the word "appointed." It indicates an attempt on the part both of the Queen and Bothwell to impose the deed upon Morton, as a fit return for his pardon. This view is supported by the further statement in Morton's Confession that afterwards when he was at St. Andrews to visit his nephew and ward, the Earl of Angus, then a youth at College, "a little before the murder, Mr. Archibald Douglas came to me there, both with writ and credit of the Earl Bothwell, to show unto me that the purpose of the King's murder was to be done, and near a point, and to request my concurrence and assistance thereunto. My answer was to him, that I would give no answer unto that purpose, seeing I had not gotten the

[1] Bannatyne, 317 ; Laing, ii. 323.
[2] Robertson, iii. 412.

Queen's warrant in writ, which was promised. And therefore, seeing the Earl of Bothwell never reported any warrant of the Queen to me, I never meddled further with it."

The Queen was, of course, much too wise to furnish evidence in writing against herself, and Morton was too astute to fall into the very simple trap set for him. He knew that Bothwell was quite capable of doing the deed himself, and that if the Queen really desired to get rid of her futile and friendless consort, she would certainly be accommodated by him, or by some of his lawless borderers. He had no motive, sufficient in his eyes, for interfering to save Darnley from their hands, which, moreover, would have been next to impossible. So he simply allowed Bothwell and the Queen to go their own way without interference or remonstrance, as did others to whom the poor youth's danger became more or less known.

In Glasgow the King was practically safe among his own people. If the plot against his life was to succeed, it was necessary that he should be brought within reach of the plotters. This task the Queen had herself to undertake, for no one else could have done it. He was on bad terms with all the nobles, even if any of them could have been induced to try it. So on the 20th January,[1] after writing a letter to her Ambassador in France, which sufficiently showed her animus against her husband, she set out from Holyrood for Glasgow. Some previous correspondence had paved the way, more or less, for a meeting. Bothwell, just back from Whittingham, accompanied her as far as Callander, where they rested for the night. On the following morning, Mary resumed her journey, taking away with her Paris, Bothwell's confidential servant, as a useful go-between.[2] Bothwell himself returned to

[1] Labanoff, i. 396.

[2] See Paris's Depositions in Laing, Anderson, Goodall, etc.

Edinburgh to prepare a lodging for Darnley there. The place had not yet been definitely settled. They wavered between Craigmillar and Kirk-of-field. The Queen arrived in Glasgow the same evening.[1] Thence, on the 23rd, she sent by Paris to Bothwell the long Letter II. which is the key to the whole tragedy. It was written in the late hours of two evenings, when every one around her was asleep. As a study in psychology it is almost unequalled. Infatuated love, jealousy, pity, incipient remorse for the fate of her poor, despised victim, hysterical laughter at his simplicity, at the ease with which she could play on his heart of wax, while her own of diamond remained inpenetrable to any shafts but those of her lover—all sweeping in successive gusts over a richly passionate nature—ardent, troubled, energetic, and essentially unrepentant—it seems strange that prejudice and the Scots dialect (the original French is still to seek) should have blinded cultured men to its surpassing interest and value.[2]

On the 27th, having easily accomplished her purpose, she set out with her willing captive for his destination. She rested first at Callander, and then at Linlithgow, awaiting advices from Bothwell, which reached her by the hands of one of his servants. On the 30th, he joined her on the way to Edinburgh. They entered the city on the same day, and the poor invalid, rejoicing in the regained affection of his wife, was lodged in what had been once the Prebendaries' house of the Church of St. Mary-in-the-Field. The ruined building was now the property of Sir James Balfour's brother. Here he remained, the Queen visiting him with apparent assiduity, and even sleeping two nights in the bedroom below his own. On

[1] The dates are those of Mr. Lang, which seem correct (*Mystery of Mary Stuart*, 2nd ed., 244).

[2] All the Casket Letters are in Laing, Henderson, Lang, etc.

the night of Sunday the 9th February she spent the evening in his company till a late hour, and then left for Holyrood in company with Huntly, Bothwell, Argyle, and others. About 2 a.m. a loud explosion, as of cannon, startled the inhabitants of the capital. Darnley's lodging was in ruins, and his dead body, along with that of his servant, was found in undress in an adjacent garden, with no smell of fire upon it.[1]

Between the visit of Mary to Darnley at Glasgow and the consummation of the tragedy there was an exodus of persons from Edinburgh which too clearly indicated the general apprehension. Du Croc left a few days after Mary's departure for the West, and he afterwards admitted that he had suspicions as to what was in hand.[2] Robert Melville left for London on the 8th,[3] carrying with him a letter from Maitland to Cecil, probably intended to bridge over a prolonged interval of convenient silence. On the 9th, Moray left for St. Andrews. Something like an incipient reign of terror existed—a *coup* of some kind was expected or feared — and few knew exactly what it might be. Moray admitted afterwards to de Silva that he feared for his own life at the hands of Bothwell.[4]

Our chief concern here is with Maitland's relation to the tragedy. Why did he accompany Bothwell to Whittingham? The lady of the house, if still alive, was his sister. But we can hardly suppose a visit in such company to have been a family one. He was evidently acquainted with Bothwell's errand when, a day or two later, he sent back by Douglas the Queen's answer to Morton's demand for her warrant, and probably from the outset of the visit. Morton does not implicate him in the conferences between Bothwell

[1] There is no reason to doubt that the poor men whom Bothwell induced to assist him in blowing up the house spoke the truth in their Depositions, and told all they knew.

[2] Sp. Cal., Hume, i. 630.

[3] Sp. Cal., Hume, i. 619.

[4] Sp. Cal., Hume, i. 635.

and himself, and doubtless he remained warily apart. The probability is that, resolute to take no positive part in the plot, such as would legally implicate him, he was at the same time temporising, to avoid a rupture with the Queen, who would fain have driven him further.

The chances are that in substance he now knew all,—it was the middle of January,—not only the approaching doom of Darnley, but the Queen's infatuated love for Bothwell, and her intention, if found at all practicable, of marrying him. (Mary Fleming's part as a medium of indefinite hints and confidences can be imagined.) He pitied Mary more than he blamed her. And for political reasons he was unwilling to break with her. The succession question had just reached a point which promised ultimate success. He may even have hoped to rescue her from the worthless libertine on whom she had set her heart, before any fatal step had been taken. Therefore he remained at her side, and temporised, stretching a point where he could, in order to retain his influence over her.

This seems the true explanation of another incident on which much suspicion has been founded. Paris, in his second deposition, told how the Queen, when at Glasgow to fetch Darnley, sent him to Edinburgh with a letter to Bothwell, along with other letters to Maitland, which Bothwell was to deliver in person to the Secretary in the presence of Paris. He was charged by the Queen "to see them speak together, and to mark their countenances, and how they bore themselves to each other." "For," she said, "it is to know which is the best lodging for the King, Craigmillar or Kirk-of-field, in order to have good air." Paris told the Queen's special wishes to Bothwell, and the reason of them, but the latter evaded the ordeal. He did not give Paris the opportunity of seeing

Maitland and himself in conference. He sent the letters to Maitland by another hand, but assured Paris that he had spoken with him that day, and had given him a hackney, a poor proof of good relations with a man of Maitland's stamp. On the following day he sent Paris to Maitland, to ask if he wished to write anything to the Queen by her messenger. Paris got a letter from Maitland, and on further asking for an answer to the Queen's question as to which of the two lodgings would be best for the King, "the said Lethington answered him that Kirk-of-field would be good, and that Bothwell and he had advised together about it"—a verbal reply to a verbal question, which seems to show that the letters sent to him by the Queen, and his written reply, did not relate to the tragedy, but probably to official business.[1]

This statement of Paris, which is in all probability quite true, has done more than any other part of the evidence to burden Maitland's memory with complicity in the crime. And yet it proves little more than did his visit to Whittingham, and is explicable on the same footing. Probably Maitland took care to remain ignorant of the details of Bothwell's plans, in which Sir James Balfour was the Earl's less wary confidant. Bothwell himself did not yet know how he was to compass the King's death. It was only a few days before the event that he finally decided on the midnight explosion, and there is nothing in the evidence of the murderers to connect Maitland with the actual deed.

The Queen's anxiety as to the relations between him and Bothwell does not indicate that they were cordial allies, and Maitland's slender and evasive reply to the Queen's verbal question does not suggest that his "advising" with Bothwell meant much. It represented probably only the minimum of communication

[1] Laing, ii. 281; Goodall, ii. 76.

between them that was needed to allay the fears of the Queen, and to avoid an open rupture. It is evident from the Casket Letters that the Queen was the driving force in the plot, and that even Bothwell was not at all times so zealous as she would have wished. He had to be spurred on by the Queen. He was believed to be more attached to his wife than to her royal rival, and perhaps in lucid moments he had glimpses of his own unfitness for the giddy eminence of a throne. Maitland would have done nothing to promote *his* fortunes. It was to the Queen alone he yielded such compliances as he did. And the high probability is that they went little, if at all, beyond the recognised custom of "looking through the fingers" at another's crime. We know from his letter to Morton in 1572[1] that he considered himself quite as innocent of the King's murder as Morton, who undoubtedly did nothing to forward it, any more than to hinder it; and his defence before the Convention of February 1570 seems to have satisfied them of the fact.[2] With his overmastering desire to remain at the helm of political affairs, for the sake not only of power, but of the great ends he had in view, he was placed by the Queen's misguided course in a position of the utmost difficulty, in which the appearances of compliance are, in all probability, greater than the reality. No man in Scotland was better able to shield himself from a criminal charge. That he acquiesced in the crime of Mary and Bothwell is evident; but that he gave it any real assistance is neither proved nor probable. That in so far as, by word or act, he assented to the murder, and thus encouraged the criminals, he was morally guilty, is of course indisputable; though his views as to Darnley's criminality in relation to Mary require to be taken into the account.

[1] Bannatyne, 339. See Chap. XII. below.
[2] S.P.S. iii. 70.

IX

THE FALL OF THE QUEEN—MAITLAND AND BOTHWELL. 1567

For those who have maintained the theory of Mary's innocence of the murder of her husband, or even that of her secondary and partial guilt, it has been a matter of strict necessity to find sufficient motives for the deed on the part of those nobles to whom they ascribed it. But the search for such motives has been a conspicuous failure, and has led only to a cloud of uncritical and unhistorical exaggerations as to the character and conduct of nearly all the leading men of the time. The gradual accumulation of authentic materials for the history of Mary's reign during the last eighty years has progressively dissipated this factitious gloom; and it is no longer possible, even for those most devoted to her memory, to dispute her primary responsibility for the deed.[1] In truth, the conviction can hardly now, with candour and fairness, be resisted, that the death of Darnley was the personal crime of Mary and Bothwell, as its moving and directing agents. And the fact that almost no one thought it worth his while to stand between the Queen and her revenge for his criminal misconduct,—not an easy thing to have done,—and that some of the leading nobles unequivocally assented, for the Queen's

[1] See Mr. Lang's *Mystery of Mary Stuart.* Mr. Lang has since admitted the entire authenticity of the Casket Letter II.—a concession which seems to give up the whole case for the Queen (*Scottish Hist. Review*, Oct. 1907).

sake, to his "removal," though refusing to take any actual hand in it, does not very materially lessen their guilt.

There is nothing more noticeable in the history of the plot than the eagerness with which they sought (1) to draw as many as possible into complicity with them; and (2) to relieve themselves from the actual commission of the deed. The so-called Craigmillar Band, whatever may be the exact truth about it, was an attempt to compass their end with the general assent of the nobility. When that plan failed, the idea of engaging Morton, by the bait of a full pardon, to do the deed, was eagerly embraced. Both Bothwell and the Queen brought their influence to bear on him. But Morton was too clear-sighted to fall into the trap. They next tried Balfour. "The Queen called him aside one day, and after expressing her entire confidence in him, said that she was very angry with the King for the murder of Secretary David (Riccio), and the great ingratitude he had shown to her. She hated him so that she could not endure the sight of him, and was determined to have him killed. She wished this to be done by his hand, and asked him to take charge of the business. He replied that he would serve her in all else, as was his duty, but that he could not do this, as the King was her husband and a sovereign. She said that it was his duty to do as she commanded him, as she was his natural ruler. But he excused himself. She then told him he was a coward, and forbade him to divulge what she had said on pain of death."[1]

Again, almost at the last moment, when Lord Robert Stewart, charged by the Queen with warning Darnley of his danger and urging his flight from

[1] Sp. Cal., Hume, i. 673. The story was told by Balfour to the Privy Council in his own defence, but there is no reason to doubt its substantial truth.

Kirk-of-field, denied his charitable act, and quarrelled with Darnley for betraying his counsel, Mary seems to have caught at the chances of a duel between them, which, if it ended in the way she desired, was to be only nominally punished by a short confinement in the Castle.[1] Lord Robert, like Morton, failed to embrace the offer.

Bothwell was thus left to do the deed himself. There was evidently much consultation as to the method of it. At the time Mary left for Glasgow, as we have said, it had not been settled whether Craigmillar or Kirk-of-field was to be the scene of the tragedy. While there, she sent word by Paris to Bothwell and Maitland that she would not move with her patient till his destination had been fixed.[2] At Kirk-of-field the deed could be accompanied by an explosion which would wreck the old building, and probably obliterate all traces of the criminals. At Craigmillar this advantage would be lost. Mary, apparently, was not enamoured of the explosion plan, with its noisy challenge to public attention. It was doubtless the blustering Bothwell's own idea. In Letter II. she suggested "a more secret invention by medicine," to be administered in connection with his baths—a hint which makes the alleged poisoning at Stirling far from incredible. It was not adopted. Bothwell got his way, and the Queen prepared to make the best of it. On the appointed evening, she visited her husband, spent some time with him, and left only two hours before the explosion. Thus she was enabled to pretend, to those who knew no better, that the plot was aimed at her own life as well as at his, and that she was saved from sharing his fate only by her unexpected departure. The tale would appeal to Catholic

[1] Letter IV. in Henderson, III. in Laing and Lang; Anderson, iv. 261; Paris, in Laing, ii. 286-7.

[2] Letter II.

prejudice, for, of course, any attack upon the King and Queen could only come from those who had before assailed her throne.

This was to be the official theory, at least for foreign consumption. It was suggested in a letter to the Queen Mother of France, signed by fifteen Privy Councillors, Maitland among the rest,[1] and more fully formulated in another, signed by the Queen herself, to her Ambassador in France, Archbishop Beaton. Both were written on the day of the murder. Mary's own letter, after a brief account of the event, goes on to say: "Whoever have taken this wicked enterprise in hand, we assure ourselves it was dressed as well for us as for the King; for we lay the most part of all last week" (two nights apparently) "in that same lodging, and was there accompanied with the most part of the Lords that are in this town that same night at midnight, and of very chance tarried not all night, by reason of some mask in the Abbey. But we believe it was not chance, but God, that put it in our head."[2] It was a daring fable, to which every one in the Palace could have given the lie. They all knew that her return to the wedding mask of her servant that evening had been promised beforehand, and was expected by all concerned.

Private emissaries were sent to France to propagate the tale. Clairnault was the bearer of the letters, and he was followed in a few days by Bastien, and by Dolu, the Queen's treasurer. They were reported from Paris early in March to be busily spreading it there.[3] It soon gave place to more sinister reports, founded on better information—that of du Croc, of Morette, and probably of de Silva, through Alava, the Spanish Ambassador in Paris. These all knew the facts fairly well, and did not wholly conceal them. The effect

[1] Laing, ii. 94. [2] Labanoff, ii. 2; Keith, Pref. viii.
[3] S.P.F. viii. 185-94; Ven. Cal. vii. 389.

was disastrous to Mary's reputation. On the 11th March, her own Ambassador, the faithful Beaton, wrote to her in keen distress. "Of this deed," he said, "if I would write all that is spoken here, and also in England, of the miserable estate of that realm, the dishonour of the nobility, mistrust and treason of your whole subjects, yea, that yourself is greatly and wrongously calumniated to be the motive principal of the whole, and all done by your command, I can conclude nothing but that, as your Majesty writes to me yourself, since it has pleased God to preserve you to take a rigorous vengeance thereof, rather than it be not actually taken, it appears to me better in this world that ye had lost life and all."[1] The fact that his sorrowful appeal was evaded must have convinced the Archbishop of the unwelcome truth, which his position compelled him to do his best to smother. A little later the Queen Mother and the Cardinal wrote in much the same strain. Catherine told her that, if she did not avenge the murder, she herself would become her enemy.[2]

England was nearer, and still better informed. Robert Melville, Mary's Ambassador to Elizabeth, who had left Edinburgh on the day before the murder, and on hearing of it had turned back to get further instructions, which were denied him, was not deceived. But he was now deeply committed to Mary; he was loath to prejudice the negotiations for the succession, which had become more promising than ever, and of which all the threads were in his hands. He could offer Elizabeth only an official and hesitating defence of the Queen, which did more harm than good, by confirming her suspicions.[3] Drury at Berwick was meanwhile forwarding all the information his messengers could gather, and it was by no means favourable to

[1] Stevenson, 173. [2] S.P.F. viii. 198.
[3] S.P.S. ii. 316; Sp. Cal., Hume, i. 619.

Mary. Accordingly, when Elizabeth on the 24th March wrote to her in reply to her proposals as to the succession, she took occasion to speak out about the murder. "Madame,"—so she addressed her, writing in French, as she usually did. She told how 'her ears had been so astounded and her heart so frightened by hearing of the horrible and abominable murder of her husband that she had hardly the spirit to write. She could not conceal that she grieved more for the Queen than for him.' She urged her to preserve her honour, rather than "look through her fingers" at revenge on those who had done her "*tel plaisir*," as most people were saying—to take the matter to heart—and to show to the world what a noble Princess and loyal woman she was. She intimated that she was sending Killigrew to condole with her,[1] really to ascertain the truth. Elizabeth's remonstrance was as ineffectual as Beaton's.

Of all the letters of the time, those of de Silva, the Spanish Ambassador in London, are the most interesting. Compared with his predecessor, de Quadra, and his successor, Don Guerau, de Silva was a moderate and fair-minded man. As Philip's representative he was, of course, deeply interested in Mary and Darnley, as on their union depended that of the Catholic party in England, and the chances of a Catholic restoration. On the 18th January—three weeks before the murder—he told Philip what he had heard of the Craigmillar conference, of the offer to the Queen of a plot against the King, and of Darnley's subsequent bad treatment at her hands.[2] Perhaps he also saw du Croc, as the latter passed through London on his way to France a fortnight later. At all events, when, about the 17th February, he heard from Cecil the story of Kirk-of-field, he was strongly suspicious. He certainly talked in London with Morette, who had left Edinburgh on the day after the murder, and had his suspicions confirmed.

[1] S.P.S. ii. 316. [2] Sp. Cal., Hume, i. 610.

Morette "did not in words condemn the Queen, but he did not at all exonerate her," and signified that he knew more than he cared to say. The case, de Silva told Philip, was a strange one, and the Catholics were grieved. Reverting to the Craigmillar conference, he thought it incredible that the Queen should have been approached with proposals against her husband, and that a pious and virtuous Queen should have consented to listen to them. "If she has," he said, "she will lose many friends here, her prospect of the succession will be distant, and her value as a religious instrument in England will cease." [1]

On the 1st March he reported to Philip that it became every day clearer that the Queen must take steps to prove her innocence, if she was to succeed in her claim to the English succession; that the spirit of the Catholics was greatly weakened; and on the 15th, that suspicion increased, though Mary still had friends who, for the sake of the succession, would not believe her guilty though the proofs were greater.[2]

On the 3rd May, in reporting Mary's capture by Bothwell at Almond Bridge, which, he said, was understood to be collusive, he told Philip that the Catholics were more disgusted with the Queen of Scots than with the French refusal to restore Calais; [3] and on the 24th, after the Bothwell marriage, that there was "scandal and sorrow among them." [4]

It is clear from these and other statements that de Silva believed the Queen to be guilty. Philip so understood him, and turned his back on her.

The fable of a Protestant plot against both King and Queen could not be expected to have much success in Scotland. A different attitude to the crime had to be adopted there. It was a purely negative one—that of suppressing all inquiry, of silencing all complaint,

[1] Sp. Cal., Hume, i. 618.
[2] Sp. Cal., Hume, i. 621.
[3] Sp. Cal., Hume, i. 638.
[4] Sp. Cal., Hume, i. 640.

in the hope that, in a short time, all would blow over. It might possibly have succeeded, so far as most of the nobles were concerned. They took no action till the Bothwell kingship came in view. But a new spirit had been breathed into the commons, and was shared by many above them. The Reformed Church and the Protestant Barons, Knox and the preachers, had to be reckoned with. By them the crimes of the great were held to be no less amenable to public justice than those of the humblest. They demanded inquiry, and refused to be silent. When Killigrew came to Scotland within a month of the event he reported that he saw "no present trouble or appearance of it, but a general misliking among the commons and others, who abhor the detestable murder of their King, a shame, as they suppose, to the whole nation; the preachers saying and praying openly to God, that it will please Him both to reveal and to revenge, and exhorting all men to prayer and repentance."[1] That they had a standing quarrel with the Queen, and a rooted distrust of her, did not, of course, lessen their discontent. Knox especially was inexorable. It was his fixed belief, unwearyingly proclaimed, that till blood atoned for blood, whether of great or simple, guilt remained with the nation which failed in its duty. It was in fact the commons, acting on the Lords and spurring them on, who defeated the policy of Mary and Bothwell, and ultimately forced the issue.

The excitement produced by the appalling catastrophe did not die down. On the 12th February the Privy Council met, and offered a reward of £2000 and a free pardon for the discovery of the murderers. We do not know who were the Councillors present. Whoever they were, it was a mere feint to keep up appearances. The actual murderers were all in Bothwell's keeping. When answers promptly appeared, placarded

[1] S.P.S. ii. 317.

on the Tolbooth and other public buildings, denouncing the guilty persons by name, and claiming the reward, no heed was given to them. Bothwell was universally believed to be the chief criminal. Portraits of him were scattered about the streets. Voices in the dead of night proclaimed him the murderer. The Queen herself was not spared. The grounds of the general belief may be easily guessed. The sentinels at Holyrood, who had let in Bothwell and his servants at 3 a.m., just after the explosion, the keepers of the ports who had opened their gates to them, both in going to Kirk-of-field and in returning, the tradesmen who had supplied the duplicate keys of Darnley's house, and others who had similar knowledge, were very unlikely, in the general ferment of a compact little community, much given to newsmongering, to keep their secrets to themselves. No great pains, indeed, had been taken to secure secrecy.

Nothing would have been easier than to discover the culprits. But all the efforts of the Queen and Bothwell were given to stopping the placards, and to terrorising all who were concerned in them. When they were persisted in, Bothwell on the 25th came swaggering through the town with fifty of his men, swearing that, if he knew their authors, he would wash his hands in their blood; and on the following day his henchman, Sir James Balfour, who also figured in the placards, rode defiantly with thirty horsemen through the town to the Castle.[1] These demonstrations produced little effect beyond confirming the general belief. It was noticed that Bothwell kept his hand on his dagger, and coloured strangely, when he spoke to any one of whom he was not assured, and that his men crowded close to him for his defence. On the 14th March an Act of the Privy Council ordered the apprehension, on a charge of treason, of James Murray,

[1] S.P.F. viii. 181; Tytler, vii. 447.

the brother of Tullibardine, who was believed to be the author of one of the placards, which implicated the Queen as well as Bothwell.

A few days after the tragedy, the dead body of the King was consigned at night, and with little ceremony, to a grave in the Abbey, and on the 16th, Mary went off to Seton to recruit, leaving Huntly and Bothwell in charge of the Prince. A few days later they joined her. Argyle, Livingstone, Lord Robert and the Primate are named as among her company there.[1] The only evidence that Maitland was there is his letter to Cecil of the 22nd February, which is dated from Seton. He was still temporising, trying to maintain his neutral attitude, and to let the clouds roll by, as he probably hoped they would.

It is not necessary to discuss the reports that reached Drury and Lennox of Mary's conduct at Seton and in its neighbourhood. She made no pretence of grief, and she gave no visible signs of remorse, unless her gaiety is to be regarded as a spasmodic effort to suppress it. It may have been so. She can hardly have looked back with equanimity on her cruel and deceitful conduct to her dead husband during these last weeks, though she probably justified it by his treachery to herself. In all probability she held that he had got nothing more than he deserved for the murder of Riccio, and the insults he had heaped on her on that unforgotten night. It is difficult to believe that even the combined influence of a passionate hatred and a vehement love, which had carried her far out of her normal course, could, without some such inward support, have borne her through it all, without injury to her mental sanity, of which there is no trace.

As to Bothwell, the more he was accused, the more she heaped honours on him. It almost seemed as if, by her treatment of him, she wished her subjects to

[1] S.P.F. viii. 181.

understand, without any words from her, that all he had done, was by her command, and that it was for them to accept without question what their sovereign had ordered, leaving her conduct to the judgment of a higher tribunal. That was really her view, and it was that of all legitimists.

It was necessary, however, to pay some regard to appearances in dealing with foreign Ambassadors, especially those of her watchful sister of England. So when, in the beginning of March, Killigrew was due, she left Seton for Edinburgh to receive him. There on the 8th, after he had been welcomed by Moray and the leading members of the Privy Council, who entertained him to dinner,[1] he had his audience. It took place in a room artificially darkened, in accordance with mourning customs. The darkness was doubtless welcome to Mary for other reasons than the ostensible one. She got creditably through the unwelcome ordeal, and gave the Ambassador his official answer, which included a promise to bring Bothwell to trial.[2] He had a commission to report all that he could see or learn as to recent events, and we have already quoted the substance of his account.

Killigrew took back with him letters from Maitland, Morton, and Moray, to Cecil. Maitland had previously written to him (23rd February) a short note, meant to cover much. He had asked him to make account of him as of one who, as long as he lived, would honour him as a father. Cecil had replied with "frank speech." He had apparently urged full and fair inquiry into the matter of the murder. Maitland now replied (13th March) that they "meant to demand nothing but right, and that in due time and order." Cecil had also desired, in connection with the suc-

[1] The dinner was official. Bothwell's presence at it was official, and compromised no one.

[2] S.P.S. ii. 317.

cession negotiations, that Mary should "approve the English estate in religion"—*i.e.* should guarantee the Anglican settlement. Maitland answered that it was one of the things on earth he most desired—that he did not despair of inducing her to yield to it—not perhaps at the first, but with progress of time.[1] Morton's letter was simply an expression of gratitude for past benefits, and of readiness to requite them by any service Cecil might command. Both were discreetly reticent, but evidently anxious to stand well with Elizabeth's minister in view of further contingencies.

Moray had left Edinburgh on the day before the murder. He had some difficulty in getting the Queen's permission to go, for reasons that are obvious enough.[2] He was at St. Andrews when he heard of the tragedy. He at once resolved to quit the country for a time. Bothwell's power was beyond control, and was likely to increase, and he did not choose to submit to it. He remained at St. Andrews till summoned to Court by the Queen, who, hearing of meetings of nobles at remote places, was in fear of some new coalition. Athole and Tullibardine, both Catholics, but friends of Darnley, had just left Court, and had been ordered to return at once, under the penalties of rebellion.[3] Moray came to Edinburgh at the beginning of March to see Killigrew, and to arrange for a passport through England to the Continent. He attended the meeting of the Privy Council on the 11th—the first that had been held since the 12th February—and with some difficulty obtained the Queen's licence to travel in Italy. After the meeting he returned to Fife to arrange his private affairs, and took nothing further to do with public business. On the 13th he wrote to Cecil by Killigrew, and, in a few brief sentences, advised suspense of

[1] S.P.S. ii. 318–19. [2] S.P.F. viii. 229. [3] S.P.S. ii. 316.

judgment till the whole truth should come out, as he evidently expected it would.[1] The present reign of terror could not last; it was bound to culminate in an explosion of some kind, which would clear up much that was now dark. He probably feared the marriage, which was already common talk, though in speech to Cecil he declined to credit it. Other public men were less reticent. La Forest, the French Ambassador in London, probably founding on the information of du Croc, who during the winter in Edinburgh had observed much more than he cared to put on paper, was certain that, if Bothwell could obtain a divorce from his wife, the Queen would marry him.[2]

In London, Moray saw and conversed with de Silva. Explaining the reasons of his departure, he told him that he considered it unworthy of his position (doubtless as the Queen's brother, and as her chief minister) to remain in a country where such a crime was left unpunished, and that he would not return until she had done justice on the murderers, who, with proper diligence, could easily be discovered. "He named no one, but he evidently considered Bothwell guilty," wrote de Silva to Philip.[3]

Darnley's poor father remained sunk in grief at Glasgow. On the 20th February he wrote to the Queen, apparently for the second time, beseeching her to assemble the nobility "to take good order for the perfect trial of the matter." She answered from Seton on the 21st, that she had anticipated his wishes. She had summoned a Parliament for the 14th April—nine weeks after the crime—when it would be the first matter to be handled. It was an obvious device to "drive time." Lennox naturally rejoined that this was not a Parliament matter, but one of criminal justice, which called for immediate action. He submitted that those publicly accused in the

[1] S.P.S. ii. 318. [2] Sp. Cal., Hume, i. 635. [3] Sp. Cal. i. 635.

placards should be provisionally apprehended, and their accusers summoned, by public proclamation, to appear and substantiate their charges. If they failed to come forward, the accused could then be liberated, and their accusers pronounced slanderers, and punished accordingly. It was the proper and obvious course, if justice was intended. But it would have been too effectual. The Queen replied (1st March) that the nobility would grudge being called together twice within so short a time, and as to the "tickets," they were so many, and the names on them so various, that she "wot not on which to proceed." But if there were any of the persons mentioned in them that he thought worthy to suffer trial, she "would so proceed to the cognition-taking as may stand with the laws of the realm, and if they were found guilty, would punish them as the weight of the crime deserved."

Lennox's heart must have sunk within him when he found that he was thus to be left to prosecute in his own name, and at his own risk, as if the Queen and public justice had no interest in the case. It was the 17th before he took courage to reply, repeating his first request, and naming Bothwell, Sir James Balfour, Chambers of Ormond (another legal satellite of Bothwell), black John Spens (a Border ruffian, sometimes confounded with a much better man, Spens, the Queen's Advocate), and four of the Queen's domestics, Francesco Busso, Bastien, John of Bordeaux, and Joseph Riccio, the brother of David; "which persons, I assure your Majesty, I, for my part, greatly suspect." A week later (24th March) the Queen sent her final answer from Edinburgh. The Lords, she said, had been summoned for the following week. The persons named in his letter would then be put on their trial, and if found guilty would receive condign punishment. He was invited to be present, "if his

leisure and commodity suited," to witness and further the proceedings.[1]

On the 28th, Bothwell assisted at the meeting of the Privy Council which ordered his own trial.[2] But before this measure was ventured on, a number of preliminary arrangements had been completed. On the night of the 7th March the Queen had had a secret meeting with Morton. Next to Moray and Lethington, he was the most formidable politician in Scotland, and, in present circumstances, a very dangerous one. He knew all about the murder plot, knew exactly the Queen's and Bothwell's relation to it, and yet had held aloof from it, and retained his independence. It was reported that he had met with Moray, Athole, and others, at Dunkeld or Stirling, in private conference. There was no saying what mischief might be brewing. Gratitude for his pardon had failed to secure his co-operation in the plot. It was necessary, therefore, in view of the trial, to bind him with fresh bonds. So the Queen, on condition of his "friendship" to herself and Bothwell, offered to restore to him Tantallon Castle, the fortress of which he had been deprived on the eve of the Riccio plot. The offer was, of course, accepted, probably with as little real gratitude as his pardon.[3] The custody of the Castle had been long hereditary in his family. Old Angus, his uncle, had refused, long years before, to surrender it to the "greedy gled," Mary's mother. Moreover, the Chancellorship, of which Morton had been deprived at the same time, was still withheld from him, and remained in the hands of his enemy

[1] These letters are printed in Keith, 369–73, and in Anderson, i. 40–49 and ii. 109–12.

[2] The others present were Huntly, Argyle, Caithness, the Bishops of Ross and Galloway, with the Secretary, Treasurer, and Justice Clerk, officially. The last of these had already pledged his credit to Forster, the English Warden, that Bothwell and his accomplices would be executed before Midsummer (S.P.F. viii. 192).

[3] S.P.F. viii. 191–9.

Huntly. At all events, the friendship thus purchased was neither conspicuous nor long-lived. Morton was willing to "look through his fingers" at a sham trial, but he begged to be excused from serving on Bothwell's jury, to the Queen's great displeasure. And though he signed the Ainslie Band, perhaps under duress, he soon forsook what, with his strong sense, he knew to be the crazy bark of Bothwell's fortunes.

Another important measure had been taken. On the 19th March, the Earl of Mar had been suddenly summoned to surrender the Castle of Edinburgh. Its custody had been entrusted to his father by Parliament during the French domination, with instructions to deliver it only on the order of the Estates. He yielded to the royal command on condition of obtaining the charge of the Prince in his hereditary castle of Stirling. The great fortress was at once handed over to Bothwell, the garrison was changed, and one of the favourite's creatures—first Cockburn of Skirling, then Sir James Balfour—held it for him. Bothwell was thus put in military possession of the capital. It was unlikely that Lennox, with any force he could muster, would dare to show his face in the city, which the guns of the Castle commanded, and which Bothwell's armed force would occupy.[1]

The trial could now be risked. Its object was, of course, simply to shut the mouths of the Queen's censors by an illusory process which should involve no hazard of inconvenient results. Lennox, and not the Crown, was to be the prosecutor. He was to be held responsible for the production of witnesses, whose attendance he had no power to enforce, and who were all already terrorised. Argyle was the friendly Justice-General, and with the Queen's influence a jury was secured from which there was little to be feared. Last of all, a legal flaw was introduced into the indict-

[1] S.P.F. viii. 191–9.

ment by misstating the date of the crime (9th for 10th February).

At the last moment (11th April), Lennox, who had apparently come to Stirling on the way to Edinburgh, but was there detained by sickness, of body or mind or both, appealed for delay to give him time to collect witnesses. He had already besought Elizabeth to help him to obtain his request.[1] He is said to have finally got as far as Linlithgow with 3000 followers, when he was forbidden to approach the city with more than six. He did not venture to appear thus unprotected, where his life would be in danger. But a zealous servant, Robert Cunningham, braving the 200 harquebusiers of Bothwell who surrounded the Court, answered to the summons in lieu of his master. In Lennox's name he protested against the conditions of the trial, and claimed the right to prosecute for wilful error, should the jury acquit the accused for lack of witnesses. Nevertheless, acquitted he was, on the sole ground that no evidence had been led in support of the charge.[2]

Elizabeth had responded to Lennox's appeal, and sent a letter to Mary urging delay.[3] It arrived by a special messenger from Berwick on the morning of the trial. It was then too late to be of any service. The messenger, in seeking admission to the Queen, was jockeyed by the officials, Maitland among the rest, and did not get his letter put into her hands till the trial was over. He was able, however, to describe to Drury, the Provost Marshal of Berwick, the triumphal march of Bothwell and his 4000 followers from Holyrood to the Tolbooth.[4] The transparent farce deceived no one at home, and few abroad.

Before the end of March, it had become the general belief that the Queen would marry Bothwell. It was

[1] S.P.F. viii. 199.
[2] Keith, 375–7 ; Anderson, ii. 97–108.
[3] Robertson, App. 19.
[4] S.P.F. viii. 207, 229 ; Chalmers, ii. 244.

known that a divorce was intended between him and his Countess, and that Huntly, for the sake of the broad acres of his ancient Earldom, had consented to his sister's disgrace.[1]

Parliament met on Monday the 14th April. On the 16th the Queen attended it in state, and Bothwell bore the Sceptre before her in the usual procession. On the 19th the Acts prepared by the Lords of the Articles, who were, of course, nearly all partisans of the Queen and Bothwell, chosen for that reason, were submitted and approved.

The first, and the most remarkable of these, as a proof of the ascendency of Bothwell over the Queen, was an *Act anent Religion.* It finally and conclusively abolished all the old persecuting laws, "canon, civil, and municipal," exempted the reformed from all penalties for the exercise of their religion, and took under the protection of the State "their persons, estates, honours, and benefices, against any court, civil or ecclesiastical, that might attempt to trouble them." The provisional edict of August 1561 was thus superseded, and the Reformed Church practically established by law. The Act was the formal renunciation by Mary of all hope of reaction—the abandonment of the policy she had hitherto perseveringly pursued. It was renewed, along with those of 1560, in the Regent's Parliament of December following.

Another Act aimed at the final suppression of the placards. It required the persons who first discovered them to destroy them, under severe penalties. A third provided for the more efficient administration of the Law of Oblivion by the appointment of Commissioners in room of the old Bishop of Ross and Lord Ruthven, both deceased, and of the Duke and Moray, who were out of the kingdom. They are three times over described as "deceased and absent"—meaning, of

[1] S.P.F. viii. 198.

course, some deceased and some absent—the much criticised locution employed by the Lords in their Minute of 4th December 1567 with reference to the Casket Papers.[1]

The rest of the Parliament's Acts were mostly ratifications of gifts and grants and honours. Bothwell was confirmed in all the dignities and possessions recently conferred on him, with some new ones added. Huntly and Sutherland were restored. Moray, Rothes, and Morton, compromised in the first and second "attemptates," were rehabilitated. Herries had the tenure of his lands converted into blench farm, which meant a merely nominal yearly payment. Old Sir Richard Maitland received the lands of Blyth, perhaps a delicate tribute to his son, who may have declined to participate in Bothwell's liberality. Several creatures of the favourite, such as Chambers of Ormond, were also rewarded with lands.[2]

The Parliament closed on Saturday the 19th, and Bothwell, flushed with his own and the Queen's successes, was ready for the final stroke. He invited all the Lords who had been present to a supper, to be held the same evening. It took place in Ainslie's tavern, then apparently a well-known Edinburgh resort. When the generous entertainment had done its work, Bothwell, who, in modern language, presided, produced a carefully prepared Band, pledging all who should sign it to support him to the uttermost against his accusers, and to promote his marriage with the Queen, should her Majesty be so disposed.[3] Some, like Huntly, were in the secret beforehand—some were afraid to refuse, for Bothwell's harquebusiers are said to have been in attendance outside—some, it is to be feared, were willing to assist both him and the

[1] Anderson, i. 123–6.
[2] Acts of Parliament, i. 545 ff.; Anderson, i. 113–127; Keith, 378–80.
[3] Anderson, i. 107; Keith, 380–2; S.P.S. ii. 321; Hosack, i. 576.

Queen to the abyss—some, perhaps, signed in coarse and riotous jocularity, attaching no importance to the deed. Eglinton alone, though a Catholic and a partisan of the Queen, contrived to slip away. They were all probably under duress, and were ready, as Grange, when he heard of it, predicted they would be, to unsay themselves at their leisure without a qualm.

The Queen and Bothwell flattered themselves that their way was now clear. The whole military strength of the kingdom was in Bothwell's hands. He held the Castles of Edinburgh and Dunbar, which stored nearly all its artillery and munitions; Dumbarton was in the keeping of a faithful henchman, Lord Fleming, brother to the Queen's Mary, Maitland's wife; four thousand armed followers were at Bothwell's command. Open rebellion seemed impossible. And now in addition to all, he held the written consent of most of the nobles to the marriage. There seemed to remain only a divorce from his young wife to clear their way to the altar.

What during all this time (since the 10th February) had been the attitude and action of Maitland? That he slept as usual in the Palace on that eventful night appears from a statement in the *Detection*, which, however, suggests no complicity in what was going on.[1] He signed, as we have seen, the Privy Council's letter of that date. But as there was no regular meeting of the Council on that day, as the records seem to prove, the probability is that the letter was written to the Queen's dictation, perhaps by the Clerk to the Council, and sent round for signature, which was perfunctorily given. There is no reason to suppose that Maitland had anything to do with the Queen's own letter of that date. He had already declined the mission to England, and, as he told Cecil, was cultivating quasi-retirement with his newly-

[1] Anderson, ii. 23

wedded wife—a kind of honeymoon. He took no part in the trial of Bothwell, nor in the Parliament that followed it. He was not present at the Ainslie supper, nor did he sign the Band. The Queen and Bothwell no doubt understood his attitude, but, so long as he remained passive, she at least was content.

In short, as during the Riccio ascendency, so during that of Bothwell, Maitland temporised. He continued at his post at Court, he attended to the routine duties of his office, and he did as little more as he could help doing. He "looked through his fingers" at what was going on; he identified himself with it as little as possible. His aloofness was, of course, suspicious, and, according to Melville, the Queen, to try him, once went the length of charging him with devices to wreck Bothwell.[1] He saw that her passion for Bothwell was for the present irresistible; he could do little or nothing to hinder her impetuous course; but for the sake of the future, when the course of events might enable him to strike in with effect, and save her and the realm from the fate with which her infatuation threatened both, he would not break with her. He felt probably some real attachment to her; he pitied her nearly as much as he blamed her; she was still very young; and she was a great asset in the cause of union. The throne of England might at any moment become vacant; Elizabeth had been more than once ill; Mary alone had the extensive support at home and abroad that would go far to secure the prize. He was resolute to remain at her side as long as he could. He continued, therefore, to "look through his fingers."[2]

It seems strange that a recent writer should have

[1] Sir J. Melville's *Memoirs*, 176.

[2] This phrase seems to have been in common use, not only in Scotland and England, but on the Continent. We find it in Knox (i. 333); in Elizabeth's letter to Mary of 24th Feb. 1567 (S.P.S. ii. 316); and in Chantonnay's to Philip (Granvelle, *Papiers*, ix. 582), *morar por entre los dedos.*

singled out Moray as the man whom the history of that time presents to us in this ambiguous attitude. Moray was openness and frankness itself compared with Maitland. No politician in those days could avoid at times "looking through his fingers," if he had any regard for his head. Moreover, it might sometimes be hardly distinguishable from a virtue, an exercise of charity, or of commendable caution in the formation or expression of a judgment, as in the case of Moray's slowness to condemn either Mary or Bothwell until proper proof had been led. And it was precisely because he refused to continue looking through his fingers at the conduct of Mary and Bothwell that he was now leaving the country.

It is Maitland, if any one, who, in the history of Mary's reign, stands out as the typical example of this habit. And he was not ashamed of it. It might not be a very heroic attitude. It might involve him in charges of which he was only technically guilty. But he regarded it as in many cases the only wise one, and there is no reason to doubt the comparative purity of his motives. The ends he sought to serve by it were primarily public ones. They were those set forth in the eloquent appeal to Cecil we have already quoted.

All things now hastened to the inevitable end. The divorce proceedings were set agoing in both courts—the Archbishop's and the civil one—and were quickly completed.[1] The Queen went off to Stirling to see her son. In returning she was met by Bothwell between Linlithgow and Edinburgh, and carried off to his Castle of Dunbar (24th April). The seizure was apparently forcible, but nobody doubted, and the

The editor of the last named gives the French equivalent, apparently also in common use, *regarder à travers les doigts.* See also Murdin, p. 21.

I find that the phrase is much older. It occurs in Luther's Bible, Lev. xx. 4—"*durch die Finger sehen.*"

[1] Nau, Pref. 164–6; Robertson, iii. 318.

proof was soon forthcoming, that it was collusive.[1] It was a device to suit the ends of both, to guarantee Bothwell against any accident that might take the Queen out of his hands before the marriage had been consummated, and, on the other hand, to furnish the Queen with an excuse for its hasty celebration.

Maitland, with Huntly and Sir James Melville, were in the Queen's company when the seizure took place. They were all carried to Dunbar. Sir James was liberated next day; Huntly, who was in the secret, remained with Bothwell and the Queen as their guest; Maitland was detained a prisoner, and kept under guard.[2] Was he taken by surprise? It is very unlikely that, when others, both near and far off—Grange in Edinburgh, Lennox at the Gareloch, Drury at Berwick—knew of the device beforehand, he was ignorant of it. It appears to have been the wavering Huntly who let out the secret that reached them all.[3] It is far more probable that he knew all about it, and that he risked captivity for the sake of remaining with the Queen. Maitland was no coward. Moreover, as his son tells us, he had a bodyguard of his own servants to defend him.[4] And he could count on the Queen's protection for her own sake. She knew well that if anything happened to him, Bothwell's fate, if not her own, would be sure enough. Bothwell knew it too, and might be expected to have some regard for his skin. Maitland risked the experiment, therefore, in order that, with accurate knowledge from within, and with secret correspondence with the Lords without, he might be able to direct and control the course of the latter, who were now banding themselves together to bring Bothwell to account. He might even yet save the Queen.

[1] S.P.S. ii. 324–6; Casket Letters, No. VII. in Laing, Henderson, Lang, etc.

[2] S.P.F. viii. 216, 221.

[3] "He (Huntly) hath told it" (Letter VI.).

[4] Maitland's *Apology*, in Scot. Hist. Society's *Miscellany*, ii. 191.

It was the "Rapt," with its daring disregard of public decency, that made the cup of public indignation to overflow. But four days before it, Grange, the military champion of all generous causes, had written to Bedford to know what would be the part of England if he and his friends undertook to revenge the murder of the King. Referring to the Ainslie Band, he said Bothwell would gain his point, for the Queen had avowed already that she "cared not to lose France, England and Scotland for him, and would go with him to the world's end in a white petticoat ere she would leave him."[1] He wrote again at midnight of the 23rd, telling him the plan of the seizure.[2] He wrote a third time on the 26th, repeating his first inquiry. Many, he said, would undertake the revenge, did they not fear the displeasure of Elizabeth. He had been asked to do it, and would either comply or leave the country, like Moray. If the English Queen would not favour them, they would seek the support of France.[3] On the 8th May he wrote a fourth time. The scandalised Lords, he said, had met at Stirling on the 1st, and had entered into a Band with three objects:—(1) The liberation of the Queen; (2) the preservation of the Prince, on whom Bothwell was believed to have sinister designs; and (3) the punishment of the King's murderers. The leaders of the party were Argyle (who, however, soon fell away), Morton, Athole, and Mar, and they represented many more. They had authorised him to ask Elizabeth for aid and countenance. Du Croc had offered them the help of France to suppress Bothwell. He (du Croc) had admonished the Queen to desist from the marriage, on pain of losing the friendship of his master, but "she would give no ear," he said. He offered, therefore, to go to Stirling and stay with them in the Prince's company, in the French King's name. But

[1] S.P.S. ii. 322. [2] S.P.S. 324. [3] S.P.S. 325.

they had deferred his answer till they could ascertain Elizabeth's mind, as they preferred her friendship to that of France, if it was to be had. They required a direct answer with haste. They were not afraid to meet Bothwell in the field, but all the fortresses and munitions of the kingdom were in his hands, and the Queen was coining Elizabeth's golden font to pay for the levy of additional forces.[1]

Elizabeth answered, diplomatically, that, as to the first object of their Band, she was assured by Mary that they were only acting out of malice to Bothwell. As to the second, the Prince would be safest in England with his grandmother, Lady Lennox. The third presented great difficulties if the Queen should marry Bothwell. She required further information. If, as was said, they meant to crown the Prince, that was a proceeding that neither she nor any other monarch could well digest.[2]

England and France were, in fact, competing for possession of the Prince's person, just as any faction of Scottish nobles, following the traditional practice, might have done. The Lords had no intention of giving him up to either. They required him for their own purposes.

Maitland remained a prisoner during the Queen's stay at Dunbar, in constant danger of his life.[3] Mary, as he had expected, protected him. It is said that on his first night at the Castle she interposed her person between him and the dagger of Huntly, and threatened the Earl that if a hair of Lethington's head fell he should forfeit lands, goods, and life. About the 5th of May, when the Lords were gathering at Stirling, he wrote to Drury through a friend, stating his intention of escaping to them, and his desire to do service to Cecil and Elizabeth. His object doubtless was to

[1] S.P.S. ii. 327 ; S.P.F. viii. 240. [2] S.P.F. viii. 232.
[3] Maitland's *Apology*, 191 ; S.P.F. viii. 223.

make known to Cecil his political whereabouts, and to associate himself with the request of the Lords by Grange for assistance. He remained at Court, however, a month longer, awaiting the ripening of events. Some who were not in the secret "mused" at his long stay, and suspected it of being partly voluntary, as no doubt it was. Had Elizabeth's reply to Grange been more satisfactory, he would more promptly have declared himself. For the marriage was now a certainty. He had found no means of diverting the Queen from her infatuation, and with Bothwell as her consort his occupation was at an end. Neither his policy nor any other rational one would have any longer a chance, and his life would remain in danger from the wrath of Bothwell.[1]

On the 6th May the Queen left Dunbar, where she had held a meeting of the Privy Council for ordinary business on the 29th—five days after her so-called seizure.[2] Bothwell accompanied her to Edinburgh Castle, where she remained for a few days. On the 12th she appeared before the Court of Session, and made a declaration of her freedom in the presence of a large assembly. She told how, though at first offended with her captor, she had now pardoned him, and meant to promote him.[3] On the same day she created him Duke of Orkney. On the 11th, the banns of marriage were proclaimed by Craig in St. Giles, under protest, and after outspoken remonstrance.[4] On the 15th, at 4 a.m., the wedding was celebrated with Protestant rites in the Great Hall of Holyrood by the Bishop of Orkney. It was accompanied by a sermon in which the preacher declared the bridegroom's penitence for his past life, and his resolution to amend it for the future.[5]

[1] S.P.F. viii. 223 ; Maitland's *Apology*, 191.
[2] Laing, App. 8.
[3] Keith, 385.
[4] S.P.F. viii. 230.
[5] S.P.F. viii. 232, 234 ; Tytler, vii. 455.

The Queen's best friends were falling away from her. Du Croc, though strongly urged by her, refused to countenance the marriage by his presence; her confessor pronounced it unlawful; a mere handful of the nobles attended it. She and Bothwell were left in practical isolation. To escape from it, and to ingratiate themselves with the citizens of Edinburgh, they condescended to invite themselves to the houses of the opulent burgesses.[1] Bothwell went to sermons, and boasted to the Protestants that he had dashed the toleration policy of the Catholic bishops.[2] All the licences which the Queen had granted for the celebration of Catholic rites (an early example of the dispensing power) were revoked.[3] Soon Huntly, weary and perhaps ashamed of the part he had played, asked permission to go north. He was bitterly reproached by the Queen, who charged him with intending to turn traitor, as his father before him had done to the Queen Regent on the same pretext.[4] The popular ill-feeling was increasing, and there were rumours of hostile preparations on the part of the Lords. A proclamation was issued declaring the popular apprehensions unfounded.[5]

Meanwhile, amid all the home cares of the royal pair, foreign Powers had to be thought of, to whom scant courtesy had been shown in their hasty proceedings. Chisholm, the new Catholic Bishop of Dunblane, who, like the Bishop of Ross, had servilely promoted the marriage, was appointed to go to France, to the King, the Queen Mother, and the Cardinal of Lorraine. He was to explain the circumstances which had prevented them from being consulted, and to bespeak their favour for the Queen's new consort.[6] Robert Melville, who had remained at home since his return with Killigrew in March, was sent for to go on the

[1] S.P.F. viii. 237. [2] S.P.F. viii. 240. [3] Keith, 571.
[4] Casket Letters V. and VI. in Laing, Henderson, Lang, etc.
[5] Keith, 396. [6] Stevenson, 176–9.

same errand to Elizabeth.[1] It is assumed by Skelton that their Instructions, which form a curious apology for the match, were written by Maitland. It is very improbable. He was doubtless still on fairly friendly terms with the Queen, though not with Bothwell ; he was capable of stretching a point to accommodate her ; and he was Secretary of State, to whom the duty would have fallen in ordinary times. But he could hardly be expected to write the *éloge* of Bothwell which the first of these documents contains as its most essential part, and the Queen, knowing his mind, would disdain to ask him. It is much more probable that they were written to the Queen's dictation by the Clerk to the Council, Alexander Hay, Maitland's assistant and deputy, whose hand appears, as we have said, in many documents of this time. Hay certainly wrote the letters of credit of the two Ambassadors.[2]

The story of Chisholm was received with such incredulity at the Court of France that the envoy broke down, and, according to Alava, the Spanish Ambassador in Paris, discredited his own instructions. He admitted that the Queen had never been at Mass since the day of her Calvinistic marriage, that Beaton's tale of large Catholic attendances at the royal chapel was a joke, and that the Catholic cause in Scotland was for the present at an end.[3] The King told Beaton that Mary deserved neither help nor advice.[4] Thus both France and Spain had turned their backs on her, and for the same reason—that she had betrayed the Catholic cause by her misconduct. And the Pope followed their example.[5] He had already recalled the Nuncio, who was on his way to Scotland, and stopped his contributions to her treasury.

Melville had no better success in London. Dolu

[1] S.P.S. ii. 329–30 ; Labanoff, ii. 57.
[2] S.P.S. ii. 330 ; Keith, 388–94.
[3] Teulet, *Relations*, v. 25.
[4] Ven. Cal. viii. 396–7.
[5] Pollen, 397 ; Ven. Cal. vii. 390.

had preceded him with a letter from Mary to Elizabeth, to which no answer was given. Melville, who was closely linked with Maitland in opinion and policy, and bore a letter from him to Cecil,[1] honestly did his best to excuse his mistress, with what result is shown in Elizabeth's letter to Mary, announcing the coming of Throckmorton.[2]

On the 6th June—the day after the envoys had been despatched—Maitland disappeared from Holyrood.[3] He went first to Callander[4] and Cumbernauld, and thence to Athole at Dunkeld. There could be no doubt as to the meaning of his flight. The Queen knew of the movements of the discontented Lords, among whom Athole, his brother-in-law and *alter ego*, was prominent. She had been dealing with Argyle and Morton to induce them to keep quiet, and was not without hope of succeeding.[5] To prove them she issued, on the 28th May, a proclamation for a Raid against the thieves of Liddesdale, to which she summoned all the Earls, Lords, Barons, freeholders, landed men and yeomen of the dangerous districts—Forfar, Perth, Stirling, Clackmannan, Kinross, and Fife. They were to come, "well boden in feir of war," with fifteen days' provisions, and to meet at Melrose on the 12th June, under the banner of Bothwell. The Lords took the proclamation as a declaration of war against themselves, and began to muster their followers on their own account.[6]

It was in the midst of these preparations that Maitland joined the Confederate Lords, hoping to control and moderate their proceedings. In a letter to Cecil, a fortnight later, he explained that 'the reverence and affection he had ever borne to the

[1] S.P.S. ii. 329. [2] S.P.S. ii. 336. [3] S.P.F. viii. 245–6.

[4] The Callander mentioned here and elsewhere is not the place familiar to tourists to the Trossachs, but the residence of Lord Livingstone, near Falkirk.

[5] Philippson, iii. 487–91. [6] Keith, 395.

Queen had alone kept him so long in Court with Bothwell, from whom his life had been every day in danger, since he began to aspire to any grandeur. The hazard of his reputation with men of honour, who thought it no small spot that he should countenance such a man by his company, and the Lords' call to him to join them in looking narrowly to his doings, had made it impossible that he should decline so just and honourable a cause.'[1]

He had, of course, been in secret correspondence with the Lords throughout his captivity. He had prevented Athole from taking the leadership of the movement, which would have prematurely compromised himself, and perhaps increased his danger at Dunbar. But he had at length satisfied himself that the forcible suppression of Bothwell was necessary in the interest of the country, and not less in that of Mary herself. The domestic quarrels of the ill-matched pair were of the most flagrant kind, and he did not believe their union could last for any time.[2]

The Queen and Bothwell, apprehending danger in the capital, moved to Borthwick on the 7th June, the day after Maitland's disappearance. On the early morning of the 11th—after Bothwell had returned from Melrose, where he found no host gathering in response to the Queen's call—Morton and Hume, with something like a thousand horse, surrounded the Castle. But Bothwell, warned in time, had escaped. They did not touch the Queen, who, the same night, in male attire, joined her husband at a little distance, and fled with him to Dunbar. The Lords, disappointed of their prey, returned to Dalkeith and thence to Edinburgh, which they boldly entered.[3]

It is plain that Balfour, Bothwell's captain of the

[1] S.P.S. ii. 336 : Skelton, ii. 226–7.
[2] S.P.F. viii. 229, 232 ; Teulet, *Papiers*, ii. 154.
[3] Laing, ii. 106–15 ; Teulet, *Papiers*, ii. 158.

Castle, had been already gained. They could not otherwise have faced his guns, and the fact is established by a reference to the *Bond of Agreement with the Lords*, of which a copy is among the Dalmahoy Papers. The document is undated, but its contents prove its priority to this date. Its obligations were to take effect subject to the following condition :—"Providing always that he (Balfour) may be so required as his honour be safe at our first coming to the town of Edinburgh."[1] He formally conveyed to the Lords the Queen's order to retire. But he did nothing to enforce it, and they entered without difficulty. The Queen's Lords in the city—Huntly, Archbishop Hamilton, the Bishops of Ross and Galloway, and Gavin Hamilton of Kilwinning—took refuge in the Castle, from which they were allowed to escape a few days later.

The Confederate Lords, taking upon them the functions of a provisional government, at once issued a Proclamation. They declared that the Queen's Majesty, being detained in captivity, was neither able to govern the realm, nor to try the murder of her husband. They of the Nobility and Council, therefore, commanded all her subjects to assist them in delivering her, in preserving the Prince, and in pursuing the King's murderers. On the following day (12th) they published an Act of Council, which had for its preamble the legal formula on which they continued to act till the Parliament of December following.[2] It stated that 'the Earl of Bothwell, having put violent hands to the Queen's person, and having shut her up in the Castle of Dunbar; having proceeded to a dishonest marriage with her Majesty,

[1] *Reg. Hon. de Morton*, i. 18.

[2] This was the *prima facie* aspect of the case, and the most respectful to the Queen. Collusion had not yet been proved. The Casket Letters established it ten days later, but as they were meanwhile kept secret, the formula was not altered.

after obtaining a divorce from his former wife; having already murdered the late King, and now attempting by his gathering together of forces to murder the young Prince also; Therefore they command all the lieges to be ready, on three hours' warning, to pass forward with them for the delivery of the Queen and the punishment of Bothwell, under severe penalties to the disobedient.'[1] They scoured Edinburgh for the murderers of the King. They seized among others the notorious Captain Cullen, and put him in irons. He was tried and acquitted; he had had no actual hand in the deed.[2] So also, and on the same ground, was Bastien, who had returned from France. Blackater, who had been the leader under Bothwell of the band that seized the Queen at Almond Bridge, was tried and executed, presumably for treason.[3]

On the 14th, Athole, the Master of Graham, and Lord Ruthven, rode into the capital, "and with them my Lord Secretary." At 2 p.m. Maitland went up to the Castle, and remained till 5 in conference with its captain. What was said and done during these three hours has been the subject of much speculation. Maitland has commonly been credited with gaining Balfour and the Castle to the confederate cause at this interview. We have already seen that this is a mistake,[4] that Balfour had been already gained, and had signed a bond with the Lords. But he was probably still anxious about his own security. He had taken no part in the actual murder. But he had assisted Bothwell in some of the preparations for it, not for any grudge he bore to Darnley, but simply from servility to the Queen. He was probably within the

[1] Keith, 398; S.P.S. ii. 331; Anderson, i. 128–34.
[2] S.P.S. ii. 515; Wright, 1. 270; Laing, ii. 115.
[3] S.P.S. ii. 337.
[4] Of course, it is quite possible that Maitland's influence may have previously been exerted on Balfour by letter or message.

net of the law, and he was determined to take every precaution in his power against future prosecution. In the possession of the Castle he had a powerful lever. That it should be in friendly hands was absolutely essential to the success of the Lords. They had no choice, therefore, but to buy him, and to ratify the bargain by the usual instrument—a Band—which, though it could hardly be pleaded in a court of law, would be binding in honour on those who signed it and took the benefit of its provisions.[1] It was a form of security on which tradition had conferred a greater sacredness than on almost any other. He was naturally anxious to make sure of Maitland's adhesion to the bargain, and to have the guarantee of his great influence to secure its observance. Even after he had presumably obtained both, he insisted on retaining possession of the Castle till a regular government should recognise the Band, and accept its obligations.[2] Moreover, he is said to have claimed a pecuniary reward, and he certainly stipulated for the appointment of Grange, the military adviser of the Lords, with whom the bargain had been struck, as his successor in its captaincy. He no doubt reckoned that the brave soldier, who was the soul of honour according to his own standards, would afford him the protection of the Castle in the event of any attempt to break the contract. And it was probably this very Band that did save him from being prosecuted, along with Maitland, in 1569.[3]

Maitland has been heavily reproached for this transaction. Had his share in it been that which tradition ascribed to him, it would not have been the

[1] *Reg. Hon. de Morton*, i. 18.

[2] S.P.F. viii. 263. The Regent's *Bond of Maintenance* is in H.M.C. Rep. vi., *Moray Papers*.

[3] "Sir James Balfour, at the earnest intercession of his friends, and for the friendship he showed when he was captain of the Castle, was set at liberty" (Calderwood, ii. 505).

treacherous act supposed. The loss of the Castle was indeed a fatal blow to the cause of Bothwell—but not, in Maitland's intention, to that of the Queen. Had all gone as he intended, there would have been no question of touching Mary in person or estate. He simply aimed at getting rid of Bothwell, as an impossible consort for the Queen, and a danger to the kingdom.

Another transaction has been connected with this interview. It was afterwards "universally bruited," according to Randolph,[1] that Maitland and Balfour, either then or soon after, took the opportunity of burning the Craigmillar Band—the obsolete document which had somehow survived. But there is no satisfactory evidence that the Band was ever in the Castle. It was at Holyrood that Ormiston saw it, and at Dunbar (after the Rapt) that it was produced to Bolton; and Nau says that Bothwell handed it—he does not say a copy of it—to the Queen, when leaving her at Carberry. Much legendary matter gathered round the Band, as round the tragedy itself, and "bruits," even when "universal," cannot be trusted. They are often mere gossip and surmise. The lips of those who knew all were sealed. It was not the interest of any of them, not even of Mary, to produce the Band, if it still existed, or to tell the whole truth about it. It continued therefore to be a fruitful subject of reports in which no confidence can be placed.

Next day (15th June) the army of the Lords met Bothwell and the Queen at Carberry, and the bubble of Bothwell's kingship burst. He and the Queen were ill supported by their own followers, who had no heart for the quarrel. The day was lost without a battle, and Bothwell, by the Queen's mediation, was allowed to escape unmolested, while she surrendered to the

[1] S.P.F. ix. 354.

Lords.[1] Maitland was on the field, but took no part in the proceedings. Nau says, perhaps with truth, that he professed to be there on his own account. Morton and he were never very cordial allies, and Morton was now taking the lead.

On the scenes of the dusty march to Edinburgh—the rude cries of the northern soldiers and the Edinburgh populace—the terrible pictorial banner, depicting the murder, and calling for its revenge; which was kept constantly before her eyes—the wild threats of Mary against her captors—her lodgment in the Provost's house in High Street—and her hysterical protests and appeals on that and the following day—there is no need to enlarge. What chiefly concerns us at this juncture is her appeal to Maitland, and his attitude to her during the next few weeks.

Early on the morning of the 16th, Mary, in the midst of her wild excitement, saw him pass under her window. She entreated him, for the love of God, to speak to her. He went into her chamber. She reproached him with being so extreme against her, and with the wrong done to her in separating her from her husband, "with whom she thought to live and die contented." He answered that, "so far from thinking to do her a displeasure in separating her from him she called her husband, they thought it the greatest good and honour they could do to her, hoping for her repose and contentment thereafter." He told her that Bothwell had never really separated from his lawful spouse, that he had recently written to her, telling her that he still held her for his wife, and the Queen for his concubine. Mary was incredulous, and only wished that, being in such extremity, he and she were both put into a boat, and carried whithersoever fortune should take them. Du Croc hoped they would

[1] Teulet's *Papiers*, ii. 158, 168. See also Laing, ii. 106–15, and S.P.F. viii. 252–5.

drift to France, where the King would judge righteously, "for the unhappy facts were only too well proved."[1]

Some other Lords followed him, and tried to comfort her. But she was inconsolable, and would not for the world forsake her husband. She wrote to him a letter which was intercepted, and she sent a message to Balfour, to keep the Castle in their interest.

It was obvious that, if she remained at liberty, she would rejoin Bothwell, and inaugurate a civil war. A temporary sequestration, till he could be disposed of, seemed absolutely necessary. The Lords hastily conferred, and the decision seems to have been unanimous. The same evening, she was marched down to Holyrood between Athole on one side and Morton on the other, the representatives of the two sections of the party. Thence she was transported to Lochleven Castle, an ancient abode of political prisoners. The Warrant for her sequestration was signed by Morton, Athole, Mar, Glencairn, Graham, Hume, Sanquhar, Ochiltree, and Semple. Here again both sections were represented; Athole, Semple, and perhaps Hume were Catholics.[2] It was a grave step, and to make themselves as secure as they could, they entered into a fresh Band of mutual defence.[3]

The Queen's resolute adherence to Bothwell was a blow to Maitland's plans on which he does not seem to have reckoned. Perhaps he had attached undue importance to their domestic quarrels. Wishes to be dead, and threats of self-immolation, such as had been overheard in their privacy, came readily to the Queen's lips in her passionate moods. In the circumstances, he could not resist the proposal of the Lords. But he certainly regarded it as a temporary measure, justified only by urgent necessity. Like Grange and

[1] Teulet, *Papiers*, ii. 169–70. [2] Laing, ii. 116. [3] Keith, 404.

the two Melvilles, he remained loyal to her interests. He fully expected that time and reflection would soon cure her of her infatuation, and render her restoration to freedom and estate practicable and safe, if, in the meantime, Bothwell were finally got rid of. Like most of the nobles, traditionally familiar with the violent solution of difficulties, the murder of her husband, after the provocation she had received from him, did not bulk very largely in his eyes, though of course, like many more, he paid a lip homage to the strong public sentiment.

Two days after Mary entered Lochleven, an incident occurred which gravely affected her position and prospects. On the 19th June messengers came from Dunbar, sent by Bothwell to the Castle, to fetch away important documents, which for safety he had kept there. Intelligence of the arrival of the three men, and of their errand, reached Morton while he was at dinner with Maitland in the city. He at once took measures to capture the men, and overhaul their documents. It was late on the following day (20th June) before he succeeded in getting hold of the most important of them. They were contained in a small silver casket, covered with green velvet, which the messenger produced from its hiding-place only after being faced with the instruments of torture. On the following day, in presence of the assembled Lords—Athole, Mar, Glencairn, Morton, Hume, Semple, Sanquhar, the Master of Graham, Maitland, Tullibardine, and Archibald Douglas (at least four of whom were Catholics), the casket was broken open, Bothwell having naturally retained the key. It was found to contain letters and sonnets from the Queen to Bothwell, and other documents relating to the marriage. They were "sichted" (*i.e.* read and inspected) by those present, and then returned to the casket, which remained in the custody of Morton. These fatal

documents are now familiar to every reader of Queen Mary's history.[1]

We have no account of the meeting except the bare statement in Morton's *Declaration*, made at the Westminster Conference, nor of the effect produced by the reading of the Letters. It must have been decisive. A meeting of the Privy Council was held on the same day, and an envoy was despatched in all haste to London. George Douglas, Morton's cousin, and his old ally in the Riccio plot, was the person chosen for the errand. He was the bearer of letters to Cecil, which were to be presented by Robert Melville, the resident Scottish Ambassador in London, asking for financial aid to suppress Bothwell. He was to see his sister Lady Lennox, Darnley's mother, who was at the time in great favour with Elizabeth, and to enlist her influence in their behalf. He was also to see Drury, Forster, and Bedford by the way. Nothing is said in his Instructions[2] about the Casket Letters, but there was given to him in addition to these a general credit (*i.e.* a warrant for verbal communications), addressed to Bedford, and signed by all the Lords, Maitland included.[3] Before he arrived in London, Melville had left for Scotland on an errand of Elizabeth's to the Queen. They had passed each other on the way without meeting. Probably the letters for Melville were returned to him.[4] But Douglas at once proceeded to carry out the rest of his instructions. He saw Lady Lennox, who promptly saw Elizabeth, and obtained an audience for him on the following

[1] T. F. Henderson, *Casket Letters*, 113. In this volume, supplemented by his *Life of Mary*, and his articles in the *Scot. Hist. Review*, Mr. Henderson has said nearly all that need be said in proof of the genuineness of these Letters; and the fact that Mr. Lang has now admitted the entire authenticity of Letter II. may fairly be regarded as closing the long controversy.

[2] S.P.F. viii. 255.

[3] S.P.S. ii. 335.

[4] Sp. Cal., Hume, i. 649; S.P.S., R. Melville to Cecil, 28th June, from Berwick.

day (28th June), to "give details" of his mission.[1] The Lords wanted three or four thousand pounds to meet their heavy charges. It is very unlikely that Douglas maintained silence as to the Letters, either to his sister—the mother of the murdered man, and therefore profoundly interested in them—or to Elizabeth; or that he was intended to do so. In all probability he was the official, though confidential, informant of the English Queen, and the source also of the somewhat inaccurate versions of Letter II. supplied to Lennox and to Moray. These were probably taken down from his lips by the two Earls at different times, with an interval of two or three weeks between them, during which he remained in London with his kindred, his mission having been superseded by that of Throckmorton. This highly probable supposition would explain both their general similarity and their slight differences. Considering the errand on which he was going, Morton and his colleagues may well have permitted him, before setting out, a perusal of the Casket documents—the qualification ascribed by Moray to his informant. We hear of no other person then in London who is likely to have had this privilege, as we probably should, had any of the "sichters" been there.[2]

Early in July, du Croc passed through London, bearing copies of the Letters, supplied to the French King in confidence by the Lords.[3] Ten days later, de Silva, who had conversed with him and with la Forest, the French Ambassador in London, mentioned to Elizabeth what he had heard—that the Lords were in

[1] Sp. Cal., Hume, i. 654.

[2] John Forret, the messenger sent to Moray by Maitland and the Melvilles, is very unlikely to have seen them, and probably could not have read them if he had, being in French. Douglas was an educated man. John Wood, Moray's secretary, does not appear to have been with him, either in France or London. Elphinstone was his substitute.

[3] S.P.S. ii. 351; Sp. Cal., Hume, i. 656.

possession of letters which proved the Queen's complicity in the murder. "She told him it was not true, although Lethington had acted badly in the matter, and if she saw him she would say something to him that would not be at all to his taste."[1] Much has been made of these words of the English Queen, as if she had been in possession of some special information on the subject. But obviously she had none. She knew only what Douglas, directly or through Lady Lennox, had told her, and he could have said nothing that warranted such a statement. She had not apparently seen du Croc, and even if she had, it is very improbable that he would have discredited them. Neither he nor his master ever questioned them. She knew nothing from Melville, for he had left London before anything was known about them there. The denial was evidently a diplomatic one, simply implying disapproval of the Lords' dealings with the Letters, which, from her legitimist point of view, ought to have been instantly suppressed. She told Randolph that "she would not that any subject, what cause soever there be proceeding from the Prince, or whatsoever her life and behaviour is, should discover that unto the world."[2] And her reflection on Maitland had the same origin. She singled him out from the rest because he had been Mary's most zealous and trusted servant, and had shared so largely in her bounty. And, in fact, it is more than probable that Maitland would have greatly preferred to suppress them; but with the resolute Morton as their captor and custodian he was helpless.

Elizabeth's real sentiments may be gathered from a letter of her confidential echo, Leicester. Writing to Throckmorton on the 6th August, Leicester told him that "it is no use persuading Elizabeth to disguise or use policy in the matter. She breaks out to

[1] Sp. Cal., Hume, i. 658. [2] Nau, Pref. 162.

all men her affection, and says she will be utter enemy to the Scots if the Queen perish. He thinks her punishment most unnatural, though her acts be loathsome and foul for any Prince. Lethington ought not to let private security banish due pity. The Queen deserves better consideration at some of her servants' hands. Let Lethington," he added, "know what he says."[1] "Fie upon ingratitude!" he said in another letter. What Maitland's offence was, in the eyes of Elizabeth, is quite plain. Disloyalty and ingratitude were his supposed crimes. Forgery, or manipulation of the Letters, was not in all her thoughts, nor, we may add, in those of any of her statesmen. Had she suspected anything of that kind, her language would have been very different. It was simply that his co-operation with the more violent Lords was a disappointment to her. She did not know all the circumstances.

Two days after the discovery of the Letters came the examination of Powrie (23rd June), Bothwell's porter, who had carried the gunpowder from Holyrood to Kirk-of-field on the fatal night. It took place before the Privy Council, and disclosed the outline of the deed, with the names of those who took part in it—Bothwell, Hay, Hepburn, the two Ormistons, Paris, Wilson, Dalgliesh and himself. It was followed on the 26th by the examination of Dalgliesh, from whom the casket had been taken.[2]

The discovery of the Letters steeled the hearts of many of the Lords against the Queen; the evidence of Powrie and Dalgliesh powerfully affected public opinion; and both combined, hurried on the decisive measures of a month later. On the 26th a proclamation was issued, offering 1000 crowns for Bothwell's capture, and on the 30th another summoned him to appear in Edinburgh before the 22nd of August.[3]

[1] S.P.F. viii. 311; Hosack, i. 363.
[2] Laing, ii. 249.
[3] Anderson, i. 139; S.P.S. ii. 341.

Maitland, knowing better than any of the rest of the examiners the Queen's passionate nature, which had its good as well as its bad side, was perhaps the least impressed of any of them by the Letters; and as to the story of the murder, he could probably have guessed its substance beforehand. He still pitied Mary, and desired to deal leniently with her. But the tide of public feeling among all classes was running strongly against her.

Another disquieting symptom was apparent. The Hamiltons, with Huntly and Argyle and some of the old neutral nobles, were gathering together in opposition to the confederate Lords. After some consultation, they too entered into a Band at Dumbarton (29th June).[1] They professed to bear no hostility to the Queen's captors, but as they had not been taken into their counsel, they had thought it necessary to stand on their guard. Their Band professed three objects: (1) The release of the Queen; (2) the punishment of the King's murder; and (3) the preservation of the Prince. In point of fact, the Hamiltons were at their old game of looking after the succession to the Crown. The Duke was in France, filling up his term of five years' banishment for his share in Moray's rebellion. But his place was more than supplied by his wily brother the Archbishop. This unscrupulous man had promoted the Bothwell marriage from the most cynical motives, as was universally believed; and now that the Queen had achieved the political ruin on which he had reckoned, he was intent on reaping the fruits of his foresight. The confederate Lords, it was feared, would crown the infant Prince, and would reign in his name—a solution they greatly deprecated. Then again, should the baby-King die, as was thought not unlikely, considering his ante-natal history, who was to succeed him? Many of the Lords, who wished never again to

[1] S.P.S. ii. 339; Keith, 436.

see a Hamilton in power, preferred the claim of Darnley's younger brother, the Prince's uncle, to that of the Duke. Thus a question of Stewarts versus Hamiltons was added to other grounds of jealousy.[1]

So hollow were the Hamiltons' professions of loyalty to the Queen that, during the anxious days in which her fate hung in the balance, when the Lords were driven almost desperate between the threats of Elizabeth and the demands of Knox and his large party, they went the length of intimating, not obscurely, to the custodians of the Queen, that her death would be as acceptable to them as her liberation, and offered in that event to join with them, to approve all they had done, and to safeguard their interests.[2] Their hope, of course, was to secure the Regency, and, in the event of the Prince's death, the succession. When these overtures were disregarded, they reverted to their original professions, resolved, if they could bring about the Queen's release, to marry her to Lord John of Arbroath, the eldest sane member of the family. Mary was well aware of their designs, and though she used their help to regain her freedom, she took every available precaution against their ultimate ends.

Maitland, now, as of old, anxious for the union of the nobility, tried to conciliate all parties. With Argyle, who was halting between two opinions, he had a long conference.[3] Since the disastrous issue of Moray's rising, the Earl, as we have said, had broken away from his old moorings, and, partly under the influence of unhappy relations with his wife, who was a sister of Moray, was drifting away from his old friends. By his mediation, Maitland obtained a meeting of both parties, which took place at Stirling (10th July). But no agreement was reached. The Hamiltons proposed that the Queen should be removed to Stirling, and

[1] S.P.F. viii. 261. [2] S.P.S. ii. 351; Stevenson, 208, 217, 222.
[3] S.P.S. ii. 347.

there placed under the guardianship of Lords chosen in equal numbers from both parties.[1] The confederate Lords, who alone had incurred dangerous responsibilities, could not afford any doubtful measures as to the Queen's custody. Until their proceedings had been sanctioned by a Parliament, their lands and their lives were at stake. They had therefore to go on in their own path, leaving the Hamiltons and their allies alone. The power of that faction, as estimated by Sir James Melville and by Throckmorton, as well as by Maitland, was not formidable. The confederate Lords, with public opinion at their back, had little to fear from them.[2]

A quite different alliance was more natural, and likely to be much more serviceable—that of the Reformed Church. The General Assembly was to meet, as usual, on the 25th June, and would assuredly, in its own interest, deal with the questions of the day. Every one knew where Knox stood, and Knox was the soul of the Assembly. The Lords were sure of his support, but, as they well knew, the long arrears of debt to the Church, on the part of the Queen and the nobles, would have to be faced at the same time. A concordat was drawn up, based on the completion of the settlement of 1560, and the effective pursuit of the three objects of the confederate Lords' Band.[3] The Assembly was prorogued till the 20th July, in order to obtain, if possible, a fuller attendance of the nobility. It sent letters and deputies to the absent Lords, but the result was slender. The Hamilton Lords professed much regard for the Church, but

[1] S.P.F. viii. 279.

[2] S.P.S. ii. 347, 385–6; S.P.F. viii. 275—324. "As for the Hamiltons and their faction, their conditions be such, their behaviour so inordinate, the most of them so unable, their living so vicious, their fidelity so tickle, their party so weak, that I count it lost whatsoever is bestowed on them" (Throckmorton to Cecil, 20th August).

[3] Keith, 581.

excused themselves from coming to the capital in present circumstances.

Meanwhile, Throckmorton arrived from Elizabeth with a message, hardly expected and very unwelcome. By Robert Melville the confederate Lords had understood that the English Queen was friendly to their enterprise against Bothwell, and likely to assist them. But Melville had left London before the Queen's imprisonment was known there. That decisive step had greatly scandalised Elizabeth, and completely changed her attitude. Throckmorton was charged to tell Mary that, whereas 'she had almost thought nevermore to deal with her by way of advice, taking her by her acts to be a person desperate to recover her honour, just as other Princes, her friends and near kinsfolk, had come to the like judgment; yet, nevertheless, by this mischief that had happened in the end, her stomach was so provoked that she had changed her intention, and would not suffer her, being by God's ordinance Prince and Sovereign, to be in subjection to them that by nature and law were subjected to her.' Throckmorton was to demand access to her prison, and to require her liberation under such safeguards as would protect the interests of all—safeguards of which Elizabeth was to be the guardian and arbiter.[1] The English Queen, and even Cecil, still believed in the old claim of the Edwards to be the overlords of Scotland, and the referees in any dispute as to the Scottish succession, though they knew better than to flaunt it in the face of Scottish statesmen.[2] In Elizabeth's eyes the Lords had forgotten their duty, not only to Mary but to herself, in dealing so freely with their sovereign. She was determined to bring them to book, and, by encouraging

[1] Keith, 411–16.

[2] Stevenson, 309. It was, however, asserted at York and Westminster, and suitably repelled, with some merriment on both sides.

the weaker party and depressing the stronger, to reduce both to dependence on herself. It was her too frequent policy in dealing with Scottish affairs. But her craft was now well known, and the Lords, with Maitland as their alert and wary spokesman, were on their guard. When, at the preliminary interview which he had with the Secretary at Fast Castle, on the way to Edinburgh, Throckmorton disclosed the plans of his mistress, Maitland at once saw their drift. He "smiled and shook his head, and said;—It were better for us you would let us alone, than neither to do us nor yourselves any good, as I fear in the end it will prove." She would lead them on, he thought, and then "leave them in the briers," as she had left Moray. To talk of the Queen's liberty as a condition precedent to all else was folly, he said; the Queen, still clinging to Bothwell, was bent on their undoing. Her liberation, therefore, was impossible for the present. It would be good neither for England nor for Scotland. "If you will do us no good, do us no harm, and we will provide for ourselves."[1]

Throckmorton saw that his mission was foredoomed to failure unless his instructions were modified. The Lords, he told Cecil, had thoroughly thought out their problem, and had provided for every contingency. They would favour neither France nor England, nor would they offend either. They would deal with them *pari passu*—"that was Lethington's term." Elizabeth, he said, had refused them the aid they sought; they had declined the offers of France; though poor, they would themselves provide in some way for their needs, and follow their own course.

Personally, Throckmorton did not approve of the instructions on which he had to act. He would have liked to pursue a more conciliatory course. He knew that the confederate Lords were the only true friends

[1] S.P.S. ii. 348–9; Stevenson, 198; Robertson, App. 22.

of England, and that on them Elizabeth would, in the long run, have to depend.[1] He was apparently satisfied that the sequestration of the Queen had been a necessity, till they could get rid of Bothwell and the danger of civil war. He was greatly afraid that the strong language he had been instructed to use would drive the Lords into the arms of France. He did all he could, therefore, through Leicester and Cecil, to get his instructions modified, and his discretion enlarged. They were entirely with him, and willingly lent their aid. But Elizabeth was inexorable.[2] She would listen to no considerations of prudence or interest. The Protestant Lords of Scotland had set a bad precedent, which the Catholic Lords of England might some day imitate—a possibility which powerfully seconded her legitimist prejudices. At length, it was pointed out to her, both by Cecil and Throckmorton, that her continued threats could have only one effect—that of driving the Lords, in sheer desperation, to end the difficulty by putting the Queen to death—and that it would then be said, by France and Spain, that that had been her object from the first. It was too true, and she sullenly retreated. But she persistently refused to recognise any government the Lords might set up. The Ambassador's letters describe, almost from day to day, the anxious and troubled scene.[3]

He arrived in Edinburgh late on the 12th July. The following day was Communion Sunday. Lethington alone came to him in the afternoon. He held out little hope of his getting access to the Queen. They had already refused it to the French envoy, and they could not afford to offend France by any display of partiality to England, so long as England remained unfriendly. He was told, moreover, that he would

[1] Robertson, iii. 322 ; Laing, ii. 121. [2] S.P.F. viii. 275.
[3] S.P.S. ii. 368, 379 ; Stevenson, 225, 253, 261, 295.

have to await the return of those of their number who were absent before he could officially deliver his message, or receive an official answer. They were, of course, simply "driving time" with him, as he very well knew, and repelling Elizabeth's attempt to entangle them in her net.[1] Meanwhile, they were in daily consultation among themselves as to the issue.

He was evidently told all about the Casket, and the Queen's Letters. In his first despatch from Edinburgh (14th July), he mentioned that du Croc "doth carry with him such matter as shall be little to the Queen's advantage." He thought the copies of the Letters would make the Lords safe from French coercion. He obviously had not the slightest doubt as to their genuineness. Drury seems to intimate that, a week or two later, at a feast in the Castle, he saw and read the originals. "All secrets were shown him." There were no other secrets than these.[2]

He soon found that the question was not only of the Queen's liberty, but of her life, and the influence he most feared was that of Knox and the General Assembly, which was to reassemble on the 20th. He tried in vain to get the meeting postponed. The people were already sufficiently excited, and the Lords, he thought, dared not show so much lenity to the Queen as they otherwise might, for fear of the popular rage. "The women be most furious and impudent against the Queen, and yet the men be mad enough, so as a stranger, over busy, may soon be made a sacrifice among them." The Queen, now fearing for her life, was said to be willing to retire into France or England, the latter by preference—an honour which Elizabeth, when apprised of it, showed no alacrity to

[1] S.P.S. 349–52; Stevenson, 203, 214, 219; Robertson, App. 22; Laing, ii. 122.

[2] S.P.F. viii. 308.

accept, any more than at a later date. Mary, she well knew, would be a dangerous guest.[1]

By dint of importunity, Throckmorton on the 15th succeeded in getting his message delivered to a portion of the Lords. But his answer was delayed on the same pretext as before. On the 18th, he told how Robert Melville, sent by the Lords to the Queen, had brought back from her two offers as to the government of the realm. "The one is to commit it only and wholly to the Earl of Moray, the other is to the Lords whose names follow"—to nine, namely, of the principal Earls. "She will by no means yield to abandon Bothwell for her husband, nor relinquish him. Which matter will do her most harm of all, and hardeneth these Lords' hearts to great severity against her." Her obstinacy meant civil war, if she were freed. He had himself found means of communicating with her—doubtless through Melville. He had advised her to renounce Bothwell, and suffer a divorce to pass. "She hath sent me word that she will in no wise consent to it, but rather die, grounding her refusal on this reason, that, taking herself to be seven weeks gone with child, she should acknowledge herself to be with child of a bastard, and to have forfeited her honour, which she will not do to die for it."[2] Throckmorton repeated his advice without avail.

Knox arrived from the West on the 17th. The Ambassador at once saw him, along with Craig, his colleague, and urged them "to preach and persuade lenity." But he found them "very austere," and well supplied with arguments against it, "from Scripture, History, and the Jus Gentium." The Lords spoke "reverently, mildly, and charitably of the Queen," indicating no disposition towards "cruelty or violence." Yet she was "in great peril of her life by reason that the people assembled at this

[1] S.P.S. ii. 357; Stevenson, 231. [2] Robertson, iii. 332.

Convention do mind vehemently the destruction of her. It is a public speech among all the people, and among all estates, saving the (Privy) Councillors, that their Queen hath no more liberty nor privilege to commit murder or adultery than any other private person, neither by God's law nor by the laws of the realm."

On the 19th, Throckmorton received a letter from Elizabeth, asking him to persuade the Queen to hand over the Prince to her.[1] He replied that she was not in a position to hand over anything, much less the heir to the throne. Elizabeth must apply to the Lords; and Lethington, he said, advised that, in her own interest, she should refrain. A day or two later, the Ambassador told Leicester that the only conditions on which the Prince would be sent to England were, a formal parliamentary recognition of his title to the succession, and suitable provision for his state and train. Maitland would have welcomed the bargain on these conditions. But he knew Elizabeth too well to expect them.[2]

Edinburgh was now swarming with those who came to the Assembly. "The repair to this town doth begin to be great," and men "of good regard," though not Councillors, "do boldly and overtly, by their speech, utter great rigour and extremity against their sovereign, saying: It shall not lie in the power of any, within the realm or without, to keep her from condign punishment for her notorious crimes." Throckmorton's pertinacity was arousing public resentment, and leading him to fear for his own safety.

The General Assembly and the people, he reported, were stable in their opinion, but the Lords fluctuated from day to day.[3] The case was likely to come to

[1] Stevenson, 202; Keith, 420. [2] S.P.S. ii. 361; Robertson, iii. 336.
[3] S.P.S. ii. 356–9; Stevenson, 239; Keith, 420; Robertson, App. 22.

one or other of four issues. (1) The restoration of the Queen to freedom and estate, under "conditions and capitulations" sufficient to secure the safety of all concerned, the punishment of the murder, the protection of the Prince, the divorce of Bothwell, and the final establishment of the Reformed Church. To this solution, Lethington alone among the Privy Councillors adhered, "fortified with a very slender company" outside. (2) That the Queen should abandon the realm, and reside either in France or England, resigning the government to her son, and appointing a Council to rule in his name. Athole and his followers were in favour of this plan, and Morton "did not seem to impugn it." (3) That they should try the Queen and condemn her, crown the Prince, and imprison Mary for life in Scotland. The "most part of the Council, and a great many others," supported this proposal. Or (4), that they should try the Queen publicly, condemn her, and "deprive her both of estate and life." It is surely to the credit of Morton that, by his influence chiefly, the last of these proposals was rejected, considering the security it offered to them all. None of them had more to lose from the Queen's enmity than he, should she recover power.[1]

As to the want of a suitable tribunal to sit in judgment on the Queen—a point which exercised Throckmorton—they had no difficulty. The "Estates of the realm and the assembled people" would, they held, be her competent judges. In any case, "new offences did in all states occasion new laws and new punishments." A *pro re nata* tribunal could be appointed by Act of Parliament.

On the 20th, the Ambassador again pressed for an answer to the message of his mistress. It was "the day appointed for the Communion, destined

[1] Calderwood, ii. 366.

to continual preaching and common prayer," and Morton availed himself of this excuse to evade his request. But late in the evening, Maitland came to his lodging, and delivered to him, on behalf of the Lords, a long unsigned Memorandum, which, though offered simply as an aid to his memory in narrating the facts to Elizabeth, was practically a part of their answer. It was an admirable summary of their proceedings towards Bothwell and the Queen, and of the grounds on which they had acted, drawn up by Maitland, with his usual lucidity and force. Whoever wishes to see, in the fewest words, a vindication of the conduct of the confederate Lords in this crisis, showing how step followed step by natural and almost inevitable sequence, should read this paper as it is given in full by Keith.[1] It has an occasional touch of sarcasm, as, for instance, where reference is made to the advice of Elizabeth, that they should commend their cause to God, instead of using force against their anointed sovereign. "The advice," he admits, "may be good for the soul, but not safe for the body, and hard to be followed. For therewithal, it behoved us assuredly to have recommended the soul of our Prince, and of the most part of ourselves, to God's hands, and, as we may firmly believe, the soul also of our sovereign the Queen, who should not have lived with him (Bothwell) half a year to an end, as may be conjectured by the short time they lived together, and the maintaining of his other wife at home at his house."

Throckmorton read the paper, and "showed himself nothing contented." Maitland then spoke out, "as of himself." He told him he "would talk to him more frankly than he would have done to any other Englishman, except Leicester or Cecil." "You see our humours here," he went on, "and how we be bent. Let the Queen your sovereign be well advised, for surely

[1] Keith, p. 417. It is also in Stevenson, 232.

you run a course which will breed us great peril and trouble, and yourselves most of all. Do you not see that it doth not lie in my power to do that I fainest would do, which is to have the Queen my mistress in estate and honour? I know well enough it is not hidden from you, the extremity that the chiefest of our Assembly be in concerning the ending of this matter. You heard yesterday, and somewhat this day, how both you and I were both publicly taxed in the preachings, though we were not named. We must be fain to make a virtue of necessity, and forbear neither to do ourselves good, the Queen, or our country. And the Queen your mistress had need to take heed that she make not Scotland better French than either they would be, or should be. You see in whose hands resteth the power. You know the French have a saying, *Il perd le jeu qui laisse la partie.* To my great grief I speak it, the Queen my sovereign may not be abidden amongst us, and this is not the time to do her good, if she be ordained to have any. Therefore take heed that the Queen your sovereign do not lose the goodwill of this company irrecoverably. For though there be some among us which would retain our Prince, people, and amity, to England's devotion, yet I can assure you, if the Queen's Majesty deal not otherwise than she doth, you will lose all, and it shall not lie in the power of your well-wishers to help it, no more than it doth in our powers now to help the Queen our sovereign."[1]

Throckmorton knew it, but dared not give way. He could only renew his efforts with the English ministers to get his instructions altered. On the 24th he wrote afresh to Leicester, and on the following day to Cecil, remonstrating against the folly of Elizabeth's persistence in driving the Lords to extremities, and urging a policy of conciliation.[2] These

[1] Stevenson, 237. [2] S.P.S. ii. 361–2; Stevenson, 245.

Lords, he said, had all the power of Scotland in their hands, and were so united that they feared neither England nor France. But Cecil and Leicester were as helpless as himself against Elizabeth's angry caprice. Thus foiled in all his efforts, he asked for his recall.[1]

As, in the Memorandum, we have Maitland's vindication of the conduct of the confederate Lords in taking up arms to get rid of Bothwell, and to rescue the Queen from his hands, so in these earnest words to Throckmorton we have his apologia for his own part in all that followed, including the deposition of the Queen, which saved her from a worse fate.

The statement is in harmony with his whole career and with his fixed conception of the requirements of political wisdom. He was one of a small minority in favour of milder measures. He had no chance of carrying them, in the excited and dangerous condition of the public mind. He had, therefore, to bend to the storm, and to content himself with mitigating its fury. By giving way to some extent he could minimise the evil, and retain the leadership of his party, with the hope of ultimately bringing it round to his own position. There can be little doubt that the coronation of the Prince was, in his eyes, what he afterwards called it, a "fetch" to serve a temporary purpose, and was not intended to bar the restoration of the Queen, when circumstances should make it safe. Of that end, as he tells us, he never lost sight; he pressed it on Moray almost from the outset of the Regency; and the final abandonment of it by Moray, Morton, and the majority of the confederate Lords, with their adoption of an uncompromising policy, on the lines of Knox rather than on his own, was the cause of his increasing alienation, and of his ultimate severance from them.

Of the sincerity of his language to Throckmorton,

[1] S.P.S. ii. 369; Stevenson, 260.

and especially of his desire to save the Queen, I see no reason to doubt. It was credited by all who knew him best, and is in harmony with the whole tenor of his life, from the time he became her minister till he died in her service. The hearsay statement of Randolph, long after, as to what Mary had said about him and Grange—"that they two were the chief occasions of all the calamities that she was fallen into, by their persuasion and counsel to apprehend her, to imprison her, yea to have taken presently the life from her"—is not borne out by anything in Nau or elsewhere, and has little or no weight, in face of all the evidence to the contrary. Randolph was probably misinformed as to Mary's words, which he had not now very good means of knowing.[1]

On the 21st, Throckmorton heard that the Lords had resolved forthwith to proceed to the coronation of the Prince. The Queen's consent was to be asked, with the assurance that, if given, she would be saved from trial and exposure; if refused, a judicial process would follow.

Knox "continued in his severe exhortations as well against the Queen as against Bothwell, threatening the great plague of God to this whole country and nation, if she were spared from her condign (*i.e.* deserved) punishment."[2]

On the 23rd, the hitherto absent Lords—Glencairn, Mar, Semple, Ochiltree, and the Master of Graham—rode into Edinburgh from the West. Lord Lindsay was sent for from Lochleven, and a final conference was held next day. As its result, Lindsay, accompanied by Robert Melville, went back the same evening to Lochleven, the bearer of three documents for the Queen's signature. These were (1) her demission of the Crown in favour of her son; (2) the appointment of the Earl of Moray as Regent; and (3) the nomination

[1] See Lang's *Mystery of Mary Stuart*, 161. [2] S.P.S. ii. 359.

of a commission of Regency in the event of Moray's refusal to act alone.[1] On the same day, Throckmorton was received by the whole body of the Lords, and allowed at last to deliver his message. In the evening, Lethington brought him their answer.[2] It was a courteous refusal, on the ground of expediency, to allow him to deal with the Queen. They were themselves treating with her, and were in hope of an agreement that would satisfy all concerned, including, as they trusted, the Queen of England.

Mary, prepared by Melville, and by secret advices in various forms from Athole, Maitland,[3] Tullibardine, and Throckmorton himself, that it was her wisest course to submit for the present, especially as her consent in prison would have no permanent validity, signed the documents, apparently with little ado.[4] On the 28th, she admitted to Sir William Douglas, her custodian, in the presence of a notary, that "she had subscribed them of proper motive," and now as then "ratified and approved them."[5] Lindsay returned with them to the capital on the following morning. Throckmorton, by Elizabeth's instructions, made a last attempt to restrain the Lords from proceeding further, pending the arrival of Moray, who had now reached London. In answer to his demand for an audience, Lethington called on him to ascertain his object in asking it, and to dissuade him from persisting. The Lords, he said, were too busy to see him that day. Having heard his message, he promised to report it to them in his own way, and get their answer. Then, "as of himself," he assured him

[1] Keith, 430. [2] S.P.S. ii. 360; Keith, 427.

[3] Maitland's token, according to Nau, was "a small oval ornament of gold, on which was enamelled Æsop's fable of the lion enclosed in the net which is being gnawed by a mouse, with these words written round it, *A chi basto l'animo, non mancano le forze*" (who has spirit enough will not want strength).

[4] S.P.S. ii. 367–8. [5] Reg. Honoris de Morton, i. 27.

that should he press the Lords further, and use any more threatening language to them, he would put the Queen's life in serious peril. He advised him, in her interest, "to give place for the present, and use mildness."[1]

At noon on the following day the whole body of the Lords came to the Ambassador's lodging, "booted and spurred, and ready to mount on horseback." Maitland, on their behalf, stated that they had meant to satisfy Elizabeth's desire to suspend their proceedings till Moray's arrival. But in the meantime, the Queen, weary of the care and governance of the realm, had voluntarily commanded them, under her own handwriting, to proceed to the coronation of her son, which they were now on their way to Stirling to carry out. He added an invitation to the Ambassador to accompany them. Throckmorton, of course, declined, and remonstrated. The Lords grew impatient; the rank and file began to get restive; and "therewithal with a loud charm, they said, My Lord, we will trouble you no longer; the day passeth away, and we have far to ride. And so they took their leave of me," and rode away towards Stirling. There, on the 29th, they crowned the Prince. Knox preached the sermon, Morton and Erskine of Dun took the oath for the infant King, the Bishop of Orkney anointed him. On that day nearly a thousand bonfires blazed in Edinburgh, "with great joy, dancing and acclamations," under the Ambassador's eyes.[2] It was much the same in all the large towns, which from the outset of the quarrel had been with the Lords. They were the strongholds of the Reformed Church, and the centres of intelligence and public spirit.

The Hamilton Lords, invited to take part in the coronation, sent a mild and courteous apology for their

[1] S.P.S. ii. 362–4; Stevenson, 247–9.
[2] S.P.S. ii. 369–71; Stevenson, 255–260; Keith, 437.

absence. They were allowed to present a formal protestation, that the proceedings of that day should not prejudice their rights in relation to the succession. The confederate Lords entered into a fresh Band of allegiance to the King.[1] Throckmorton feared that 'this tragedy would end in the Queen's person after this coronation, as it did begin in the person of David the Italian and the Queen's husband.'[2]

[1] Keith, 434.

[2] S.P.S. ii. 365.

X

YORK AND WESTMINSTER: MAITLAND AND MORAY. 1567–8

THE whole nation was now awaiting the return of Moray.

On leaving Scotland he had spent a few days in London, and then passed over to France. There he visited Coligny, Condé, and Beza, and was in Lyons on his way to northern Italy, when he received a letter from the Queen Mother of France, informing him of Mary's imprisonment, and summoning him to Paris to consult.[1]

He was deeply moved, and feared that measures of undue violence had been resorted to. He had probably not yet received any of the letters sent to him from Scotland, none at least of a late date. He at once turned his face homeward, and in a few days reached Paris (30th June).

The object the French Court had in view was to repeat the policy of 1548—to get the infant Prince into their keeping, as they had then got his mother—and thus to regain their hold on Scotland. On his arrival, Moray was at once assailed by bribes and offers of all kinds to induce him to run the French course—a very unlikely event. "He answered, full of firmness, that he could do nothing against his Sister's crown or his Nephew's rights, but would accept with gratitude the King's favour in all things rightful,

[1] Teulet, *Relations*, v. 24, 26; Ven. Cal. vii. 393–8.

conform to the ancient amity of both kingdoms." So wrote Alava, the Spanish Ambassador in Paris, who had the best means of information, and was no friend to Moray.[1] He tells further how he declined a pension, and refused to be moved from his intention of returning through England. Alava's statements are confirmed by Norris, the English Ambassador in Paris, by Correr the Venetian, by Captain Cockburn, who was also there, and by de Silva in London, apparently on the authority of Cecil. Moray had no wish to waste time in Paris, but his immediate departure was objected to, and he was induced or compelled to send forward a confidential servant to ask the reasons of the Queen's imprisonment, and whether the Lords would agree to send the Prince to France.[2]

Elphinstone, the servant in question, was in London on the 8th July, and communicated to Elizabeth Moray's mind as at the date of his departure.[3] He carried letters also from Moray to Mary, which, on his arrival in Edinburgh, he was not at once allowed to deliver, for obvious reasons—they had been written before Moray knew all, and might do harm.[4] Elphinstone had hardly left Paris when a courier arrived, with letters which put the Earl in possession of all the facts, and necessarily modified his attitude. They were accompanied with urgent requests for

[1] Teulet, *Relations*, v. 28–30. That he accepted the usual present of plate due to a foreign ambassador at his departure was a matter of ordinary courtesy. He could not have refused it without giving offence.

[2] S.P.F. viii. 269, 287, 293; Ven. Cal. vii. 399; Sp. Cal., Hume, i. 656, 661.

[3] S.P.F. viii. 275; Stevenson, 192.

[4] Laing, ii. 126. It could only be at the last moment, if in France at all, that he received the letters of Maitland and the Melvilles, sent with John Forret on the 8th July (S.P.S. ii. 347), and probably among those forwarded by Cecil to Norris on the 14th (Chalmers, ii. 244). These would doubtless mention the Letters, but that they would contain copies of them is very unlikely. The writers were Mary's friends, who were not disposed to say more about them than could be helped.

his return. At the same time, dangerous intrigues, stimulated by letters from du Croc on his way from Scotland to France, and zealously promoted by him on his arrival, and by Beaton, Mary's Ambassador in Paris, were gathering around him. With the help of Norris, who secured for his use an English fishing-boat at Dieppe, he quietly slipped out of Paris (21st July), and crossed the Channel to Dover.[1]

On the 25th,—the day after Mary had signed her demission in Lochleven—he was in London, and saw Elizabeth.[2] She met him with a storm of vituperation against the Lords, who were setting at nought her intervention in Scotland.[3] Moray, now satisfied that the proceedings of the Lords had been just, and indeed inevitable, was much offended, and but for his confidence in her ministers, who were equally opposed to her exorbitance, would have resented it more openly. He saw as little of her as he could help. He visited the Lennoxes,[4] and there in all probability, as we have suggested, he met George Douglas, and received from him the sketch of Letter II., known as the Moray version. He repeated it to de Silva within a day or two, and it is from de Silva's third-hand report in his letter to Philip that the so-called version is taken. Elizabeth, who had heard of the letter, directly or indirectly, from Douglas,[5] quizzed Moray about it; but, knowing her temper, he refused to be drawn.

Moray left London for Edinburgh on the 31st. He called on the way at Apthorp in Northamptonshire, the seat of Sir Walter Mildmay, Elizabeth's Chancellor of the Exchequer and an old friend; and at Berwick

[1] Wright, i. 255.

[2] Sp. Cal., Hume, i. 661.

[3] S.P.F. viii. 315.

[4] Sp. Cal., Hume, i. 664; Lennox had been in London since 12th July, well received by Elizabeth.

[5] Sp. Cal., Hume, i. 654.

he spent a day or two with Bedford. Both of these English statesmen frankly disapproved of Elizabeth's policy in Scotland, especially the outspoken Bedford, who told Throckmorton himself that "the action of the Lords was good and honourable, and the Queen's (Mary's) abominable and to be detested." They helped to smooth Moray's ruffled plumage. On the 10th August he moved on to Whittingham, and on the 11th he entered Edinburgh. Between Berwick and the capital he was met and welcomed by "a great company of gentlemen." Throckmorton went out three or four miles to meet him. "He was received with great joy of all the people."[1]

Moray's position in the eyes of the nation was, as we have said, unique. He was the Queen's half-brother. Illegitimacy in royal and noble families was not in those days the barrier to consideration it now is. The natural children of Charles v.—Margaret of Parma and Don John of Austria—were among the great personages of Europe. Moray had been for many years the most conspicuous noble in the kingdom. He had earned the confidence of his own party and the respect of his opponents. He had smoothed the way for Mary's return to her ancestral kingdom, and had been the main prop of her throne till she embarked on the ill-starred Darnley match. The ruinous issue of his opposition to it, due to the treachery of Elizabeth, excited general sympathy, and the threat of his forfeiture evoked a supreme effort for his restoration. Reinstated with divided power, he had striven to avert the sinister supremacy of Bothwell. When the Darnley murder opened out a vista of disgraceful possibilities, he had refused any longer to be implicated in the vile imbroglio, and turned his back on Scotland. Now he was returning at the call of the nation,

[1] Stevenson, 270.

uncommitted by anything done in his absence, free to form his own judgment on the complicated situation.[1]

Early in the struggle with Bothwell, his return had been generally desired. Grange on the 8th May, and Robert Melville on the 10th, had written to him to "haste him home," and other letters followed. 'His speedy return is earnestly desired by all the Lords,' wrote Melville to Cecil on the 8th July; 'they greatly lack his presence. Most part of the realm agree that he bear greatest charge under our Sovereign and the Prince.'[2] Moderates like Maitland, Grange, and the Melvilles had confidence in the mildness of his temper, the party of Knox and the Reformed Church in his religious principles, and nearly all in his integrity. The confederate Lords had much to gain by the sanction of his name and the weight of his influence. His Regency offered the only prospect of a government which would command general respect, and they trusted to his sense of duty to accept the burden. Many of the nobles were well aware that he was not altogether one of themselves, that he had points of view and ideas of duty which they but imperfectly appreciated. They accordingly showed some caution in making their covenant with him. He was not at once allowed to see his sister, as he desired; and when he was, it was in the company of Athole and Morton, the representatives of the two sections of the party. And one of the articles to

[1] The story told in the *Herries Memoirs* of a conference between Moray and Morton, before the former left Scotland, in which their future procedure was arranged, is doubtless a later legend. I venture to add that there seems to me no ground whatever for connecting the name of the fourth Lord Herries (the Herries of Mary's reign) with these Memoirs, traditionally ascribed to the seventh Lord (1656); or for according to them in any degree the credit of a contemporary authority. Mary's Herries was by no means a literary character, and is very unlikely to have left Memoirs behind him. Moreover, the internal evidence is opposed to his connection with them.

[2] S.P.S. ii. 346.

which they bound him prohibited him during the time of his charge from "treating about the liberty of the Queen, or even speaking to her, without the advice of my Lords of the Secret Council, present and under-subscribing, or the most part of them."[1]

Throckmorton, of course, at once assailed him, hoping to gain from him concessions which Maitland and the Lords had denied. He was disappointed. Moray already knew, from Elizabeth herself, her unreasonable demands, and distrusted her intentions. He had had time in his progress homeward to think over the problem in all its bearings, and he was satisfied, as we have said, that the proceedings of the Lords had been inevitable, in the circumstances with which they had to deal. Throckmorton wished to extract from him some satisfaction for his offended mistress. He had just received from her a message, couched in the most peremptory and threatening terms, to deliver to the Lords.[2] Cecil, in trying to restrain her violence, had incurred her wrath. By dint of plain speaking, however, he had received permission to direct the communication of the message to Moray and Maitland only. When delivered, it drew from both a decisive answer.

Maitland's answer, as reported by Throckmorton, is a characteristic one, in his boldest vein. Elizabeth, he said, taxed the Lords with ingratitude, and threatened them with war, not only from herself, but from other Princes. As to the first charge, they did not forget the manifold benefits they had received from their Queen, and they meant no harm to her. But she was at present like a sick person in a burning fever, whose appetites ought not to be followed. "When they see a moderation of her passion, she shall have nothing but good at their hands. There is no way to do her so much harm as to precipitate matters before

[1] S.P.S. ii. 388; Stevenson, 286. [2] S.P.S. ii. 378.

they be ripe, or to put these Lords in a strait. They have been contented hitherto to be considered as rebels, traitors, seditious, ingrate and cruel. But in case they be with these defamations continually oppressed, or with the force, aid, and practices of other Princes, including the Queen of England, put in danger, or to an extremity, they will be compelled to deal otherwise with their Queen than they intend or desire. For, my Lord Ambassador, you may be sure we shall not lose our lives, have our lands forfeited, or be reputed rebels through the world, seeing we have the means to justify ourselves.[1] And if there be no remedy but that the Queen your sovereign will make war, and nourish war, against us, we can be but sorry, and do the best we may. But to put you out of doubt, we had rather endure the fortune thereof, and suffer the sequel, than to put the Queen to liberty now, in this mood that she is in, she being resolved to retain Bothwell, and to fortify him, to hazard the life of her son, to put the realm in peril, and to forfeit all these noblemen. You must think, my Lord Ambassador, your wars are not unknown to us; you will burn our borders, and we will do the like to yours. And whensoever you invade us, we are sure France will aid us, for their League standeth fast, and by it they are bound to defend us. And as to the practices which you have in hand to nourish dissension among us, we do oversee your doings, and foresee the end well enough. For either the Hamiltons, and such as you practise with, will take your silver, and laugh you to scorn when you have done, and agree with us (for we have in our hands to make the accord when we will); or else you will make them attempt some such act as they and their house shall repent it for ever."

"The Queen's Majesty your Sovereign hath connected together with the Queen's liberty, and her resti-

[1] By the publication of the Letters.

tution to her dignity, the preservation of the King her son, the punishment of the murder, and the safety of these Lords. Many things have been done, much time spent, and strange language used, as by you in this last commission, charging us, another Prince's subjects (for we know not the Queen's Majesty to be our Sovereign), to set our Queen at liberty. But nothing hath been done by Her Majesty either for the apprehension of Bothwell and the murderers, for the safeguard of the King, or for the safety of these Lords. Will the Queen, your mistress, arm two or three ships to apprehend Bothwell, or pay a thousand soldiers for a time to reduce all the forts of this realm to the King's obedience? Then we will say, doing this, that she mindeth as well these other matters as the Queen's liberty."[1]

Throckmorton turned to Moray. "Sir," he said, "you have no such interest in this matter as these men have, for you have committed no such excess, and therefore I trust this answer of the Lord of Lethington, though it may be the mind of the other Lords his associates, yet I trust it be not agreeable to yours." "Sir Nicholas," said Moray, "truly methinketh you have heard reason at the Laird of Lethington's hand. And for mine own part, though I was not here at the doings past, yet surely I must allow" (*i.e.* approve) "of them; and do mean, God willing, to take such part as they do. And seeing the Queen and they have laid upon me the charge of the Regentry—a burden which I would gladly have eschewed—I do mean to ware my life in defence of their action, and will either reduce all men to obedience in the King's name, or it shall cost me my life." And he added that the Queen of England would find more profit,

[1] This speech extorted the admiration of Keith. "In all his (Lethington's) discourses," he exclaims in a note, "the great man still shines," p. 449.

for herself and for her realm, in their alliance than in opposition to them.[1]

There was really nothing more to be said, and Throckmorton prepared for his departure, which was desired by all parties, and most of all by himself. His stay meant only "lost money, lost labour, and lost time," as he told Cecil. But, loath to go back empty-handed, he made a last attempt to extract from Moray some pledge as to the future. If Bothwell were apprehended and executed, would they then liberate the Queen? Moray replied that "they could not merchandise for the bear's skin till they had him." "As far as I can perceive," he continued, "the Queen's liberty then will depend chiefly on her own behaviour and considerate doings. For if the Lords perceive that she doth digest well the execution of Bothwell and the punishment of his adherents, and doth not discover a wrathful and revengeful mind towards these proceedings; and likewise, if the Queen your sovereign will so deal as we may have cause to think she seeketh the quietness of this realm, and not the trouble of it—as by countenancing and nourishing contrary factions—then these Lords will seek to do all grateful things to the Queen our sovereign, and to the Queen's Majesty of England. Marry, to fish so far before the net, and to tell now what shall be done then, neither do I nor they think it convenient to give any determinate answer."[2]

Moray and the Lords were getting dangerously plain-spoken—the result of the long strain.

A day or two later (30th August) Throckmorton took his departure, declining the usual present of a foreign ambassador because it was offered in the name of the young King, whom he was forbidden to recognise. His refusal gave some offence. But the Lords knew well the state of opinion among Elizabeth's

[1] Keith, 448–9. [2] Keith, 456–7; Stevenson, 297–301.

ministers, and did not doubt even that of Throckmorton personally, with whom they parted quite amicably. When divested of his representative character, he showed himself the warm friend of Moray and his government. When, within a year, Mary contrived to liberate herself, he wrote to the Regent to "take order with that woman," committing him to the care of God, "who will prosper you, as always hitherto, to His glory."[1]

From these and other statements of Moray, we see what were the conditions on which he contemplated the possibility of her restoration. Whether he had much hope of their fulfilment it would be hard to say. In any case it seemed to him that unless she manifested some elementary sense of shame for the folly and wickedness of her recent conduct—the murder of Darnley, and the disgraceful connection with Bothwell—it was useless to hope that she would "digest well" the conduct of the confederate Lords, or cease to seek revenge on them. It is not difficult, therefore, to understand the reason of his manner of dealing with her in their first interviews, which Throckmorton likened, not altogether untruly, to that of a "ghostly father." "He did plainly, without disguising, discover unto the Queen all his opinion of her misgovernment, and laid before her all such disorders as either might touch her conscience, her honour, or surety. . . . Sometimes the Queen wept bitterly; sometimes she did acknowledge her unadvisedness and misgovernment; some things she did confess plainly; some things she did excuse; some things she did extenuate. In conclusion he left her that night in hope of nothing but of God's mercy, willing her to seek that as her chiefest refuge. And so they parted. The next morning betime she desired to speak with her brother. He repaired unto her; they

[1] Teulet, *Papiers*, ii. 204, 207, 211; Ven. Cal. vii. 417.

began where they left off overnight. And after those his reprehensions, he used some words of consolation unto her, tending to this end, that he would assure her of her life, and as much as lay in him, of her honour. As for her liberty, it lay not in his power, neither was it good for her to seek it, nor presently for her to have it, for many respects." He warned her of what would still put her life in danger—attempts to escape from where she was, to disturb the quiet of the realm, to stir up factions, and "her own persisting in this inordinate affection to the Earl Bothwell."[1]

It was all in vain. Relieved from the fear of immediate death, Mary bounded back to her old natural self, and was soon employing all her fascinations on the little circle round her in the Castle, in order to prepare the means of escape, so that she might resume the interrupted thread of her life with Bothwell, and, with the help of the Hamiltons, overthrow the government of her brother.

The "craft" of Moray in these interviews, first perceived by Keith, and duly repeated by many of his successors, is, we submit, imaginary.[2] He might more reasonably be charged with simplicity. He had nothing to gain by Mary's verbal sanction of his Regency; he had it already in writing. He was simply acting on a theological commonplace familiar to him, as to all his Calvinistic brethren, that a genuine repentance is the only hopeful basis of a real reformation. Moray, especially when deeply moved, was a puritan first and a statesman afterwards.

Maitland's ideas were hardly those of Moray. He was no puritan. In his heart he blamed the Queen but lightly for the murder of Darnley, and he probably

[1] Keith, 445–7.

[2] Mary herself did not perceive it. See Labanoff, vii. 323, and Nau, 66–71.

regarded the Bothwell episode as one of the follies of youth, though a gravely inconvenient one in the case of a sovereign.[1] With Grange and the Melvilles, he thought permanent deposition a punishment beyond her deserts. He looked forward to her restoration when the time was "ripe"—that is, when the popular anger had subsided, when she had forgotten Bothwell, when she had ceased to cherish resentment against Bothwell's enemies, who, in pursuing him, had been unable to spare her. Within a month of Moray's inauguration as Regent, according to his own testimony,[2] he was urging him to prepare the way for an agreement with her, and with the Lords of her party. He was still, as of old, eager for union, ready for compromise to reconcile the dissentient nobles.

He had powerful motives for seeking the Queen's restoration. His eye was still on the English succession, and the union of the Isle. It was not desirable that the interests of both realms should hang on the uncertain life of the baby King. As Norfolk bluntly put it, more heirs were wanted to make sure of the prize. Maitland hoped that, when Bothwell had been conclusively got rid of, and Mary had forgotten her transient fit of unworthy passion, she would marry again, reputably, with some great English noble, approved by Elizabeth and her ministers; that then she should be restored, with safety to all concerned, and fortify the Scottish claim to the succession.

Moreover, he had a strong personal interest in her restoration. Mary's permanent exclusion would mean the complete triumph of Knox and Morton, who had already proved too powerful for him, and had compelled him to temporise. It would mean the permanent defeat of his policy, and his exclusion from power, or at all events his entire subordination. He had been so long accustomed to lead, he was so convinced of his

[1] She was still under twenty-five.

[2] Bannatyne, 127; Skelton, ii. 371.

capacity to lead, as well as of the wisdom of his course, that he must sooner or later refuse to follow, and a struggle for power must ensue. He was already losing ground in the party, and was likely to lose it more and more, unless the balance were restored by the reunion of the nobles, and the influence of the sovereign. The Lords who had always been most responsive to his guidance were nearly all in opposition, and counted for little. The Regent, knowing his bias, did not cordially trust or employ him. He was soon acting very much as his own minister, employing his personal friends on diplomatic business —the origin, doubtless, of the disparaging reflections of Sir James Melville, and of those historians, like Dr. Robertson, who too readily credit his representations, on Moray's aloofness and his entourage. Moray's action was the natural result of his alienation from Maitland and his sympathisers, of whom Sir James, his brother and Grange, were the chief.[1]

A letter of Throckmorton's of this time throws some light on their relations. The warm friend of both, the old envoy had remained in London since his return from his Scottish mission of the year before. He was deeply interested in Scottish affairs, and corresponded freely with his old friends there. By an accident which we cannot regret, some of his letters, or copies of them, fell into French hands, and after three centuries were printed by Teulet from the French archives. Among them was the one to which we refer.

It was addressed to Sir James Melville, as the known friend of both Maitland and the Regent. "Following the affection," so he wrote, "I always have to the Regent and to Lethington particularly,

[1] It was probably also the origin of Sir James's evident animus against the Regent in his old age, his stories about whom are not to be trusted. Some of them are absolutely disproved. See p. 241.

and generally to all your kingdom of Scotland, desiring always happy success in your affairs, am constrained to say one small word upon the divisions of some among you, which I pray you to take in good part. That is to say, that in this country every one thinks that Lethington is a man of great wisdom and counsel, very capable and very worthy to manage the affairs of a kingdom, by which it appears to me that the Regent does himself great wrong in suffering the absence of such a man from his company. And on the other hand, I know that Lethington has such an opinion of his own sufficiency that he thinks his sole counsel ought to be followed in all things, and thinks himself worthy of being seen and recognised over all —which is the cause of the division. Now it seems to me that it would be well done to recognise each according to his merits. But also that, seeing all the Regent's affairs and intentions are directly founded on the Word of God, and that according to it he manages and effects all his actions, it is not only reasonable, but expedient and necessary, that all and each of you obey him, and conform to his will, knowing the zeal and intention of the man. That is how it appears to me, but I remit the rest to your discretion."

There were few better judges of men than Sir Nicholas Throckmorton, and he knew both men well.

The Regent was inaugurated with due ceremony on the 22nd August. He took the same oath which had been taken by Morton on behalf of the King at the coronation a month before, and his supreme authority was made known by public proclamation. He knew the rugged, uphill, and probably thankless task he had undertaken. Throckmorton heard, no doubt truly, "that he sought to imitate rather some who had led the people of Israel than any captain of our age"—an evidence of the strain, as well as of the puritan texture of his thoughts. "He meaneth to use

no dallying, but either he will have obedience for this young King of all estates, or it shall cost him his life." The Hamiltons tried to make reservations, which were promptly rejected. Huntly, Argyle, and Herries, after standing out for a time, were all constrained to submit. Before a month had passed he could report to Throckmorton that "there was no apparent breach in the whole wall."[1] His success, precarious as it was, so mortified Elizabeth that she tried to induce the King of France to join her in destroying Scottish commerce. He received the Castle of Edinburgh from Balfour in accordance with the Band of the Lords,[2] and after lodging in it one night, as is said, handed over its custody to Grange, who had just retaken Dunbar. A naval expedition against Bothwell narrowly failed of capturing him, and drove him to his doom. About the same time, one of Bothwell's servants, Hay of Talla (sometimes spelt Tallaw,[3] and doubtless the Callan of the Regent's letter of the 15th (13th?) September,[4] as printed in the "State Papers, Scotland and Mary") was apprehended. He was examined on the 13th and opened the whole device of the murder, in which he had been a chief actor. Nearly two months later, Hepburn of Bolton, another of the gang, was also caught.

The first disquieting symptom was the rise of rivalries among the confederate Lords themselves. On the capture of Dunbar, Maitland and Hume were competing suitors for its custody.[5] It is the only

[1] S.P.S. ii. 394.

[2] He may or may not have approved of the Band, but he could not now dispute or disown it. His own bond was its necessary sequel. See H.M.C. Rep. vi. *Moray Papers*.

[3] See Laing, i. 122 (note).

[4] Both the date and the name are probably mistakes of the transcriber to whom we owe the copy in the Record Office. The original letter is not extant. That Callan was not Cullen, as Mr. Lang (*Mystery of Mary Stuart*, p. 131) supposes, is plain from S.P.S. ii. 515; Wright, i. 270; and Laing, ii. 115.

[5] S.P.F. viii. 350.

personal suit of Maitland's we hear of throughout his career. What did he want with it? Did he fear coming storms, and wish to secure a safe retreat, with access to the sea? To avoid offending either claimant, the Regent ordered the Castle to be razed, and thus closed its interesting history. Soon after, Hume was in contention with Morton, who thought it prudent to strengthen himself, and so increased the jealousy. Morton, a keen, shrewd, and resolute politician, had no hope of the Queen ever "digesting well" his action, and had no intention of being again at her mercy, if he could help it. He was the most powerful supporter of the Regent, who had restored to him the Chancellorship.

In view of the Parliament, which had been summoned for the 15th December, to legalise all that had been done, the Privy Council and the confederate Lords, "with many of the Barons and men of judgment," met on the 4th, to consider the terms of the Act of Indemnity which should be submitted to it.[1] The lives, lands, and goods of all of them were at stake for meddling with the Queen's person and estate, till their proceedings had received parliamentary sanction; and as these had been of unusual gravity, and had not been universally approved, either at home or abroad, they felt the need of making their vindication complete. After long deliberation, extending over several days, they found it impossible to dispense with the avowal of the whole grounds on which they had acted. They had hitherto, out of consideration for the Queen, limited their public declarations to the *prima facie* aspect of the case, laying the whole guilt of the murder on its actual perpetrator, Bothwell, and charging the Queen only with maintaining him, and sheltering him from punishment. Their reserve had

[1] S.P.S. ii. 397; Haynes, 453; Goodall, ii. 62; Henderson, *Casket Letters*, 177.

exposed them to misrepresentation and obloquy. "Foreign nations and many of the inhabitants of this Isle" still remained "in suspense of judgment" as to the justice of their action. They were unwilling any longer to suffer themselves and the kingdom to be slandered, while they held in their hands the means of their complete justification. They resolved, therefore, to declare, authoritatively, the Queen's complicity in the King's murder, of which they had always been aware, and to produce publicly in Parliament the evidence which proved it. The Casket Letters, which had hitherto been kept secret, except in so far as it had been necessary to communicate them in confidence to the representatives of foreign Powers, were submitted to the assembly, and an Act of Security which avowed them was prepared for the Legislature. Nearly all those present, probably, had now ceased to contemplate the possibility of the Queen's restoration. The whole Protestant party, now in the ascendant—the party that had forced her deposition—was resolute against it.

The minute of the meeting was signed by all present, including Maitland and Grange. Maitland was still temporising. He was still "fortified by a very small company" in his own party.

The Parliament met on the 15th, and was well attended. Huntly, Argyle, and Herries were there; the Hamiltons were the only notable absentees. Huntly and Argyle carried the Sword and Sceptre, and acted as Lords of the Articles. Twenty-eight burghs were represented, a sign of the popular interest.[1] As in 1560, Lethington acted as Speaker, in room of the Chancellor Morton, who, though present, was indisposed. His opening speech was of course an official one. He was undoubtedly in a state of discontent, but he had too much tact, or too much

[1] Keith, App. 152; Anderson, ii. 206; Goodall, ii. 66; Philippson, iii. 496.

confidence in his own resources, to let it appear. 'They were met,' he said, 'for necessary purposes —for the establishment of one uniform religion; the acknowledgment of the just authority in the person of the King, upon demission of the Crown in his favour by the Queen his mother, and, during his minority, in the person of my Lord Regent, also by her appointment;[1] the reunion of the minds of the nobility in so far as any diversity of judgment had appeared in the time of the late controversies; the taking order for the cruel murder perpetrated in the person of the King's father of good memory; besides the reform of many other disorders standing in the public state.' Two encouragements they had. The first was the great success that in a short time had followed upon a small beginning concerning matters of religion, as to which God's providence had wrought miraculously, and far beyond their expectation. 'The quietness you presently enjoy declares sufficiently the victory that God by His Word has obtained amongst you within the space of less than eight or nine years. How feeble the foundation was in the eyes of men, how unlikely it was to rise so soon to such greatness, with what calmness the work has proceeded, not one of you is ignorant. Iron has not been heard within the house of the Lord, that is to say, the whole is builded, set up, and erected, without bloodshed. Note it, I pray you, as a signal testimony of God's favour, and a peculiar benefit granted only to the realm of Scotland, that the true religion has obtained a free course universally through the whole realm, and yet not a Scotsman's blood shed.' How different had been the lot of other countries—of Germany, Denmark, England, France, Flanders—where the lives of thousands had been

[1] The phraseology here employed seems to point to his subsequent contention, that Moray's appointment exhausted the content of the Queen's Deed, and left any future appointment in her own power.

sacrificed 'before they could purchase the least part of that liberty whereunto we have attained, as it were, sleeping upon down coddes' (*i.e.* feather pillows). 'If they failed to put to profit the talent whereof God had put them in trust, specially when, as now, they had the time and fair occasion offered, it was to be feared that by the dreadful plagues that should come upon them, He should teach others not to abuse the time of His merciful visitation. He said this, not because he despaired of their zeal in the work begun, but to admonish them of their duty.'

'A second encouragement was the fit instrument they had to forth-set the godly ordinances you shall agree upon, as well in matters of religion as touching the commonwealth, I mean my Lord Regent, whose behaviour, being so well known to you all by the experience you have had of him from the beginning even to this hour, will make me to speak of him the more moderately, especially in his presence. This only will I dare promise in his name, that he will never take upon him to raise himself above the law, but on the contrary will submit his own person to the law according to such ordinances as you may agree upon, without respect to his own private commodity.'[1]

We have said that the speech was an official one. But it would be a mistake to regard it as wholly insincere. Maitland was in many respects, as we have said, a man of his time. Though a *Politique*, he had always set a high value on uniformity in religion, as indeed the *Politiques* of France themselves did; and even the reference to the "dreadful plagues" that might be expected to follow national shortcomings, which sounds to us like an echo of Knox, was part of the common thought of the time. Nor is there any reason to doubt the genuineness of his compliment to the Regent. Maitland was one of the least rancorous

[1] Skelton, ii. 270.

of men, and he had not yet come to any decisive breach with Moray. He still hoped to control or coerce him.

The Parliament sat from the 15th to the 29th of December. Bothwell and his assistants at Kirk-of-field were forfeited. The Queen's demission, the King's coronation, and the appointment of the Regent were confirmed. The Reformed Church was finally established by the re-enactment of the Acts of 1560, along with some additional ones. As in 1560, there were few dissentients—Athole, Cassilis, and the old Bishop of Moray, Bothwell's disreputable uncle, alone protested. The Act of Security to all concerned in the Queen's sequestration, foreshadowed in the Privy Council meeting of the 4th, was passed, after the Casket Letters had once more been produced, in the presence of many who could have challenged their authenticity, had there been any ground for dispute. On the last day of the session, Huntly, Argyle, and Herries protested that their past opposition to the Regent should not be remembered against them, and an amnesty was assured to them.[1]

On the 3rd January four of the King's murderers were brought to the scaffold—Hay, Hepburn, Powrie, and Dalgliesh. They were condemned on their own confessions.[2] It seems to have been tacitly recognised as necessary, and not, in the circumstances, unjust, that prosecution should be limited to those who had actively taken part in the commission of the crime. The primary criminals were now well known, and their position and influence sufficiently accounted for the quasi-implication of many, under royal pressure. The case was peculiar, and in some respects unprecedented. According to feudal ideas not yet extinct,

[1] S.P.S. ii. 398–9 ; Anderson, ii. 206, iv. 153 ; Goodall, ii. 66 ; Keith, App. 152.

[2] Anderson, ii. 188 ; Laing, ii. 260.

the command of a monarch removed the slaughter of a subject from the category of ordinary crime, and gave it something of a judicial character. The Queen and Bothwell had taken full advantage of this notion, and had used to the utmost the influence of the Crown to bring many within the sweep of strict law who would never, on their own account, have thought of the crime. Had all those been brought to trial who had more or less foreknown, and in varying degrees assented to, the King's removal "by one means or another," few probably of the nobility would have escaped.[1] The realm would have been convulsed, and government rendered impossible. This doubtless was the reason why the statements of the murderers which tended to implicate others—Huntly, Argyle, Lethington, and Balfour—founded on the interested statements of the chief criminal, were ignored, and were even suppressed in the copies of the depositions supplied to the Conferences of York and Westminster. They were not needed there. They did not in the least relieve the Queen and Bothwell from the burden of the crime; they rather aggravated their criminality. It is probable, however, that this course cost the Government something in popular estimation, and left in the public mind those doubts and suspicions which rendered possible the constantly recurring charges of complicity in the crime.

The Regent was struggling, not unsuccessfully, with his many difficulties, when the escape of the Queen on the 2nd May threw all again into confusion. On the 3rd she reached Hamilton, after despatching messengers to England and France, as well as to Bothwell in Denmark. She was immediately joined by Argyle and Herries, and Huntly in the far north prepared to follow their example. Most of the Lords who had held aloof from the Regent's government

[1] See Archd. Douglas to Mary, April 1585, in Robertson, iii. 410.

quickly assembled, and in a few days she had an army of 6000 men around her. A new *Band* to support her was entered into, and signed by nine Earls, nine Bishops, eighteen Lords, and many gentlemen.[1] The Regent was holding Justice Ayres at Glasgow when the intelligence reached him. Without a day's delay he issued proclamations for troops, which were published at Edinburgh, Haddington, and Dunse. Grange came to him from the capital with the bulk of the Castle garrison; Morton brought both men and money; Hume joined him with a considerable force; Glasgow itself, a Lennox stronghold, furnished a large contingent.

The Queen knew the interested motives of the factions in whose hands she was, and meant to guard her freedom by placing herself in the safe refuge of Dumbarton Castle, there to await the increase and consolidation of her party. The Hamiltons, eager to overthrow the Regent and to keep the Queen in their power, were intent on battle. Moray, nothing loath, met them at Langside, and, with the help of Grange's military skill, quickly routed them. Forbidding needless slaughter in the pursuit, he took over three hundred prisoners, mostly Hamiltons, and sent them to Edinburgh Castle to await trial. He seized and spoiled the Castles of Hamilton and Draffan. Then he summoned an army to meet him at Biggar on the 10th June, to trample out the remains of the rising and to restore public order.[2]

Maitland was with the Regent at Glasgow, and witnessed, more or less nearly, the unwelcome scene at Langside. The Queen had refused his counsel, had declined to wait till the time was "ripe"; she had precipitated civil war, and dashed his hopes of reunion. She had no present claim upon him, though she is said to have sought his intervention. He was compelled to wait still further on events, and meanwhile he

[1] Keith, 475. [2] S.P.S. ii. 402–7; Keith, 473–81; Wright, i. 268–72.

adhered to the Regent. His letters to Cecil of the 21st May and the 22nd June show him actively co-operating with Moray.[1]

In panic fear, it is said, Mary fled from the field towards England. Scotland anywhere was dangerous for her, and the France of Catherine de Medici, besides being distant, had little attraction. England was near, and, in a sense, safe. She knew the large party she had had there, which she might rally again to her side. Passionate protestations of innocence, appeals against Scottish injustice and calumny, would fall on receptive ears, especially in the Catholic North, which was nearest. The move was probably, in part at least, strategic, guided by the memories of much previous meditation.[2]

Elizabeth at first seemed disposed to welcome her unexpected guest. Cecil was not, and he brought the Queen round to his views with suspicious ease. His reflections on the event, formulated almost at the moment, foreshadow the course that was actually followed.[3]

The English Queen had once more got hold of Scotland. With Mary in her hands, she could play off the Sovereign against the Regent. Threats of restoration, whether serious or not, would encourage Moray's enemies and shake his power. While, with a formidable host of seven or eight thousand men, led by Morton and Hume, he was punishing the insurgents, and reducing the unruly Borders to subjection, with characteristic vigour and success, he was met by an envoy of Elizabeth, who, in her name, required him to cease his campaign. Mary, she told him, had submitted the quarrel to her arbitration, and given guarantees that her party should lay down their arms, preparatory to Elizabeth's mediation.[4]

[1] S.P.S. ii. 412, 443. [2] S.P.S. ii. 409–12; Anderson, iv. i. 29.
[3] Anderson, iv. i. 34, 99.
[4] S.P.S. ii. 426, 441–3, 461; Anderson, iv. i. 68; Goodall, ii. 73–75.

She required him to do the same, and to impart to her all that was necessary for his defence against the Queen's charges. Moray by no means relished the dictation of the English Queen, but he could not afford to quarrel with her. On a hint, however, from Cecil of what was coming, he had hastened his operations, and had done nearly all that he desired to do, before he disbanded his army and returned to the capital. But he did not altogether cease to chastise the rebels in other ways. In a Parliament which met on the 18th August, in the teeth of Elizabeth's prohibition, a large number of them were forfeited, though the punishment of some prominent Lords who had fought at Langside was postponed, to pacify the English Queen.[1]

Elizabeth had no intention of restoring Mary to power. Some kind of nominal sovereignty, to be shared with her son, involving no change in the actual government by the Regent, was the plan she seems to have at first contemplated.[2] She knew well, notwithstanding all her bluster, past and present, that the Regent and his party were the only friends of England, and that France and Spain were the real hope of Mary and her party.[3] France was warned to hold aloof; Spain, sufficiently occupied in the Netherlands, was not greatly feared; Mary herself was cautioned against having two strings to her bow. Elizabeth wished to keep both parties dependent on herself, to use both for her own purposes, and to exclude all foreign intervention. With unscrupulous craft she allured both Mary and the Regent into the net she had laid. She assured Mary that 'she would be as careful of her life and honour as she herself or any of her relatives could be, and she promised, on the word of a prince, that no persuasion of her subjects

[1] S.P.S. ii. 489. [2] Sp. Cal. Hume, i. 655; Teulet, *Relations*, v. 40.
[3] They were already in correspondence with Alva, S.P.S. i. 469.

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or advice of others should ever induce her to move anything dangerous to her or her honour.' To Moray she declared that, if the Queen's participation in the murder of her husband were clearly proved, she would hold her unworthy of restoration.

Moray, confident in his cause and in his own integrity, was willing to satisfy any doubts or scruples of the English Queen as to the justice of their proceedings, and anxious to preserve the friendship of England. Conscious of the essential unity of English and Scottish interests, and sure of the fidelity of Elizabeth's ministers, if not of herself, to the greater cause which underlay the whole matter, he was prepared to go forward, not indeed without reluctance, in view of the invidious duty thrown on him, nor without guarding, as far as possible, against the pitfalls from which no Scottish dealings with Elizabeth were ever secure.

Maitland disapproved of the Regent's course. He objected to a second trial of Mary, at the hands of Elizabeth—the practical result to which it was sure to come, however disguised the process might be. Mary had already been judged by the only tribunal to which she was amenable—the Parliament of Scotland; and the Queen of England had no right to question or review its decision. Her demand was a practical assertion of the old claim to overlordship, not yet by any means obsolete in England, though scornfully repudiated in Scotland; and no verbal protests could hide the fact. Moreover, Maitland objected to a second and more notorious publication of the Casket Letters. Of course it was Mary herself who, by invoking the intervention of Elizabeth against her own (or her former) subjects, had given the opening for the claim, and by bringing heavy charges against the Regent and his party, had put them on their defence—a defence which could only be made good by

telling the whole truth. Had Maitland been at Mary's side in Carlisle, he would doubtless have dissuaded her from agreeing to the so-called Conference at all. But probably her consent was given before he knew anything of it. The next best thing he could do was to get her to withdraw her charges against the Regent, directly or indirectly, so as to oust Elizabeth from the case by making an end of it, and thus free the Regent from the necessity of making his fatal reply. And this was what he tried to do at York, by persuading her to renew her demission, and await her liberation as a private person. Her consent, temporary as it proved, gives the measure of her confidence in her case, as well as of Maitland's, should the Letters be produced.

But Scottish patriotism and compassion for Mary were not the only motives of Maitland's hostility to the Regent's course. They were powerfully reinforced by others, partly political and partly personal. If Moray should be forced to answer Mary's charges, to tell the whole truth, backed by the production of the Letters, and should thus expose her afresh before the whole world, there could thenceforward be no reconciliation between them. Reunion and the Queen's restoration by common consent would, from that moment, be impossible; the existing schism would be perpetuated at the risk of civil war; and Maitland's chances of recovering his lost power would be remote. The softening influence of time, which was wearing out the impression of Mary's misconduct, and reconciling to her claims many whom it had alienated, would be rudely interrupted, and the day of her restoration would be indefinitely postponed. So he opposed the Conference, held aloof from the arrangements for it, and at last accompanied the Regent to York with no other purpose than that of traversing the designs of Elizabeth in proposing it, and of Moray in consenting to it.

It was at this point that Maitland first definitely opposed the policy of Moray, and began the long duel which ended eighteen months later in the crowded street of Linlithgow.

Cecil and Throckmorton advised Maitland not to come to York. Mary had already, in her talks with Knollys and Middlemore, charged him and Morton with having been privy to the murder, as of course they had been, in a sense that did no credit to her, and did not tend to lighten her burden. She claimed to have letters of both that proved it—letters that were never produced, and perhaps had no existence, or at least could do her cause no good. They had no terrors for either, nor the slightest effect on the course they pursued. Morton remained resolute to push the inquiry to the bitter end; Maitland's opposite course was determined by quite different considerations.[1]

The so-called Conference met at York on the 4th October to hear the complaints of Mary and the defences of the Regent, and to adjudicate between them. The English Commissioners were the Duke of Norfolk, the premier Peer of England, and the only Duke it possessed; the Earl of Sussex, Lord President of the North; and Sir Ralph Sadler, who had long been familiar with Scottish affairs.

Mary was represented by Lords Herries, Boyd, and Livingstone, the Bishop of Ross, Gavin Hamilton of Kilwinning, and Cockburn of Skirling.

The Regent represented himself; and with him were associated the Earl of Morton, Lord Lindsay, the Bishop of Orkney, and Pitcairn, Commendator of Dunfermline; with Maitland, Macgill, Buchanan, Balnavis, and Wood, as assistant Commissioners.

Oaths were taken by each of the parties. That of the English Commissioners bound them to "proceed, in the treaty of the said causes, sincerely, uprightly,"

[1] Maitland Club Miscellany, iv. 120; Anderson, iv. i. 55, 90.

and impartially. That of the Queen's and the Regent's Commissioners obliged them "to hide or conceal nothing which is meet and requisite to be opened and declared, for the better knowledge of the truth of the said causes in controversy." The objection of Lord Herries, who was willing to bind himself "to tell nothing but the truth," but "not to tell all the truth he knew," revealed the weakness under which Mary's Commissioners laboured. They had no confidence in their own case, and dreaded the production of the Letters.[1]

The Instructions under which the English Commissioners acted, drawn up carefully by Cecil under the eye of Elizabeth, seem to prove that both desired the full charge to be made and the whole evidence to be produced. For, after laying down the preliminary procedure, the first thing they contain is a distinct declaration, to be communicated to Moray and his colleagues, that if the evidence is "plain and manifest" that Mary was the "deviser and procurer" of her husband's death, Elizabeth "would think her unworthy of a kingdom, and would not stain her conscience in maintenance of such a detestable wickedness." The Regent was, however, to choose his own course; and if, after this assurance, he should resolve, on grounds of expediency, to limit himself to the minor charges, he must then prepare for the restoration of the Queen, and the subversion of his own government; and the English Commissioners were to work towards a "tripartite treaty" of reconciliation, in which the interests of both the Scottish parties, and of England, were to be provided for. The main conditions are sketched. Mary was to be shorn of all real power; the government was to be in the hands of a Great Council, chosen equally from both parties, with Elizabeth's approval, who was to be the "umpire and arbiter" in all disputed matters. On the breach of the con-

[1] Goodall, ii. 111, 121–5; Anderson, iv. ii. 38, 39, 50.

ditions by the Queen, her reign was, *ipso facto*, to end, and the next heir to succeed. The Prince, for the protection of his life, was, if possible, to be "brought and nourished in England, in the charge and custody of persons of the birth of Scotland." Hostages were to be given by both parties for the ratification of the treaty by the Scottish Parliament.[1]

It is difficult to believe that such an arrangement was regarded as practicable. It seems to have been better fitted to convince the Regent and his colleagues that the alternative course, backed up by the assurance offered, was the preferable one.

Norfolk was unfaithful to his trust from the outset. Before his arrival at York he had been in secret communication with Mary through his sister Lady Scrope and her husband, who were Mary's guardians at Bolton. When the Bishop of Ross, summoned from Scotland to be her chief Commissioner, arrived at the Castle, he expressed his regret that she had consented to the Conference at all. Moray, he said, "would be sure to utter all he could." She assured him there was no danger. Norfolk, she said, was favourable to her; Sussex, his dear friend, would follow him; and Sadler would be powerless. A servant of Norfolk had brought word to her through Lord Scrope of the Duke's goodwill. There was even a bruit of their marriage. Many of her friends and his, such as Lord and Lady Northumberland, would be at York to co-operate and persuade. Norfolk was, in fact, scheming for his own ends in opposition to those of Elizabeth. He had already formed the design which ultimately brought him to the scaffold.[2]

It may be said that Maitland was equally unfaithful to the Regent. It must be admitted, however, that his relations to Moray were hardly the same as those of Norfolk to Elizabeth. Maitland's aversion to

[1] Goodall, ii. 97.

[2] Murdin, 52.

the whole proceedings was well known to the Regent, who had nevertheless brought him in his train. It is true that he had been enlisted only in the subordinate capacity of an assistant Commissioner. But it was difficult, as Moray knew, to make, or keep, Maitland subordinate in any matter in which he was interested. Moreover, they had some things in common, notwithstanding their divergence. Moray felt hardly less keenly than Maitland the indignity inflicted on Scotland by Elizabeth's interference. Nor had he any wish to stand forward as the public accuser of his sister, if it could be honourably avoided. He tried hard to get the proceedings of the Scottish Parliament accepted as conclusive. Any help that Maitland could give to minimise his difficulties would be welcome. They had not ceased to be on quasi-friendly terms, and the Regent knew the value of his diplomatic assistance. It does not appear that Maitland took much pains to conceal his action at York, and Moray laid no restraint upon him, perhaps knowing that it would be useless. Nor did he altogether cease to consult with him, nor to accept suggestions from him.[1] It was on Maitland's advice, "to expedite their proceedings," that he consented to a private interview with Norfolk—an interview which gave to the Duke the opportunity he desired of pressing his views on the Regent, with the natural result of increasing his perplexity, and his suspicion of Elizabeth's intentions.

[1] The Regent, who cared little for the shows of power, was far from being autocratic or peremptory in his ordinary methods of government and administration. He preferred in general the rôle of moderator among his chief supporters to that of master, though the heavy hand was always in reserve for any sufficient occasion. This is the truth at the bottom of Melville's statement that he took his colour from those with whom he was for the time associated, and of Skelton's similar misconception that he was successively the instrument of stronger men, first of Maitland and then of Morton. In point of fact, he quietly overruled both of these masterful men.

From Fast Castle, on his way to York, Maitland sent to Mary by Robert Melville copies of the Scots translation of the Casket Letters. He told her that Moray had the originals with him, and meant to "utter all"—that he himself went with him only to mitigate his proceedings and to serve her interests; and he asked her to let him know by Melville how he could best do it. It is not difficult to understand his action. Presuming that she would have no very definite recollection of letters thrown off in a state of high excitement, he wished her to realise the full force of the evidence they supplied, so as to prepare her for the hard sacrifice he desired her to make, in order to avert their publication. He wished also, for their common purposes, to be brought into more or less regular communication with her through some one in her confidence, as Melville was, who thenceforward became their go-between.[1]

[1] Murdin, 52; State Trials, i. 958 (Hargreave's). The "subtle practice" of attempting by fraud to substitute garbled letters for the original ones of the Casket, which Sergt. Barham at the Norfolk trial imputed to Mary and her agents in a somewhat cryptic passage of his speech, has puzzled historians. Though founded on the copies which Maitland at this time forwarded to Mary, the story probably refers to a later stage—perhaps that of the *Huntly and Argyle Protestation*, when devices for Mary's defence were being considered. The idea of the trick had probably been long familiar to the shifty and unscrupulous Lesley, who soon after achieved a similar feat with the letters brought by Bailly from Ridolfi. It was perhaps foreshadowed in the "substantious clauses" he affirmed to have been interpolated by the Lords in the Casket Letters (Goodall, ii. 361). But the bowdlerising of the Letters—not an easy task, in the case of Letter ii. for instance—could hardly have been carried out in the week or ten days at most between the arrival of the copies and the production of the genuine originals to Elizabeth's Commissioners on 11th October, and the transmission to the English Queen of the compromising extracts from them. And after that it was, for the present, useless to attempt the substitution. On the break up of the Conference, however, after the originals had been produced, examined, and returned to Moray, the Bishop may, in his desperation, have attempted to discredit them by offering to Elizabeth or Cecil or Norfolk expurgated copies as the true ones. And the trick may have been detected by comparing these with the French copies of the genuine Letters remaining in Cecil's possession. That we hear nowhere else of the incident may be due to the fact that Moray and

His proposal—it was not Moray's, to whom by itself it was nearly as threatening as to Elizabeth—was, as we have said, that she should repeat the abdication made at Lochleven, and thus practically withdraw her complaint against the Regent and the confederate Lords. She would thus remove the case from the cognisance of Elizabeth's Commissioners, and render the Regent's defence unnecessary. The English Queen would be compelled to abandon the inquiry, and to release the Queen of Scots, or else to appear as her jailer on her own account.[1] Mary could then quietly await events, while Maitland would labour in Scotland for a compromise that would restore her to her throne on conditions that provided for the safety of all parties. They would then, in due time, and in the name of the Scottish Parliament, demand her release, which could hardly be refused; and with the support of a large body of the English nobility, perhaps of Elizabeth herself, would marry her to Norfolk, with the clear prospect of the English succession and the union of the Isle, in themselves, or in their offspring. It was the plan of a statesman, whatever we may think of the policy of restoring the deposed Queen.

Mary answered by Melville, agreeing to the proposed abdication. It was too late to withdraw her

his colleagues had already gone home, and never afterwards heard of it. (See Laing, i. 145; Froude, viii. 519; and Lang, *Mystery of Mary Stuart*, 204.)

[1] See the confidential letter of Sussex to Cecil, 22nd October, in Lodge, i. 458, and in Hosack, i. 518. This letter is a luminous comment on the position and action of all the parties at York. Sussex held with Cecil that the safety of England required that Mary should remain a prisoner there, and the one plan he feared was that of Lethington, which would unwrap her out of the hands both of Elizabeth and of the Regent, against which he warned Cecil. There can be little doubt that Sussex believed Mary to be guilty. His difficulty was that, if many or most of the Lords pursuing her could be proved to have assented to the murder, they could hardly expect to get a verdict against the Queen, even if the evidence convicted her.

consent to the inquiry, but she desired him to "mitigate and stay these rigorous accusations." He was to consult with the Duke and the Bishop of Ross as to the best means of doing it.[1] Once more Mary preferred demission to a legal trial, involving the production of the Letters as evidence of her guilt. She would of course, as before, disavow the abdication after it had served its purpose, and on the same plea, that it had been extorted from her while a prisoner.

Melville at York brought the Bishop to Maitland's lodging, and the two talked over the business nearly a whole night. Maitland told Ross that he had already conferred with Norfolk, who had shown great goodwill to Mary, and had willed him to advise the Regent to compound. He had also indicated some intention of marriage with Mary, a course which, if followed out, "would best provide for her honour and weal." Maitland arranged for an interview of the Bishop with Norfolk, who spoke to him of his goodwill to Mary, and told him he had talked with the Regent and Maitland. He had seen the Letters (under the circumstances presently to be mentioned) "whereby would be proven what would dishonour her for ever." If they were publicly produced, Elizabeth would be urged to publish them, and to send copies of them by her ambassadors to all Christian Courts and Princes, so as to put a stop to their suits for her liberation. He advised him to confer with Lethington, and between them to find the means of "staying the rigours intended," and he would report accordingly. The Bishop mentioned Lethington's demission pro-

[1] The statements made by Robert Melville at his examination in 1573 can hardly be held to invalidate the evidence of Lesley at the Norfolk trial. Lesley had no motive to misrepresent the action of Maitland or Melville at this point. To Melville it was vital to dissociate himself as much as possible from Maitland's proceedings. Moreover, Mary's directions as stated by Lesley are precisely those that were followed by herself and her agents. Cf. Lang, *Mystery of Mary Stuart*, 206.

posal, which the Duke "thought tolerable." He said nothing expressly about marriage, "but referred all to Lethington." The Bishop had repeated conferences with Maitland, and reported them to Mary.

Meanwhile, the official Conference went on from day to day, and the crowds of opposing partisans were in loud controversy outside the Court. On the 8th, Mary's Commissioners tabled their complaint. On the following day the Regent and his colleagues, disturbed and perplexed by the confident boasting of Mary's party on the spot as to the certainty of her restoration in any event, founded, as they said, on Elizabeth's written promises, declined to proceed till they had satisfactory answers to the following questions. (1) Whether the Commissioners had authority to pronounce a verdict of guilty or not guilty. (2) Whether, if they had such authority, they intended to exercise it promptly. (3) Whether, if the Queen were found guilty, she would be restored to their custody, or otherwise prevented from giving them trouble. (4) Whether, if she were found guilty, their past proceedings would be approved, and the King and Regent be henceforward recognised and protected. On receiving satisfactory replies to these questions, they would be prepared to proceed at once.

These queries were intended to guard against two dangers: (1) that of indefinite delay in coming to any decision, and thus prolonging the torture of Scotland; and (2) that of having Mary let loose upon them, after they had, solely to satisfy Elizabeth, incurred her utmost wrath, by publicly and in the face of Europe avowing the whole truth, thus extorted from them in their own just defence. They dreaded being left once more "in the briers" by the selfish egotism of Elizabeth.

The English Commissioners, unable to answer the questions satisfactorily, referred them to their mistress. This firm and spirited procedure of the Regent gave

Elizabeth pause, compelled her to face his side of the question as well as her own, and to realise that he was not going to be a passive instrument in her hands. Somewhat nettled, she gave him a hint to be circumspect, by raising the question of his right to the Regency, as against the claim of old Chatelherault, who was once more turning up. But its principal effect was to lead to the transfer of the Conference to Westminster, where its proceedings would be more under her own control.

Meanwhile, on the 11th,[1] to keep the Court employed, pending Elizabeth's reply, he gave in a provisional answer to the Queen's complaint, omitting all reference to the murder charge, but reserving the right to add to his statement at a later stage. The same evening, to show to the Commissioners that it was from no lack of confidence in his proofs that he withheld the fatal charge, the Regent caused the principal Casket Letters and documents to be shown to them unofficially. They carefully perused them, and sent extracts from them to Elizabeth, along with their report, which was in such terms as we might expect in the circumstances, and betrayed no doubt of their fatal import.[2]

Maitland was one of the four assistant Commissioners to whom this duty was entrusted. As he could easily have evaded it, we must suppose that it fell in with his plans, or at least did not hinder them. Perhaps he thought it right that the Duke should know the worst as to the woman he proposed to marry. He could himself afterwards (as he did) supply the extenuating considerations which had influenced his own mind. Or he may have hoped that the private exhibition of the Letters might render their public production unnecessary.

[1] Goodall, ii. 139; S.P.S. ii. 525.

[2] Goodall, ii. 126–155; Anderson, iv. ii. 52–79.

On the 16th, Mary's Commissioners gave in a rejoinder to the Regent's provisional defence. That same afternoon Maitland rode out with the Duke to Cawood, the residence of Sussex—once the abode of Cardinal Wolsey and the scene of his final arrest—and had a long conference with him in the hunting-field. It was now six days since Norfolk had seen the Letters, which, it is plain, from the joint report of himself and his colleagues, and from his words on the spot to his servant Banister,[1] had made a deep impression on his mind, and probably disposed him to forego his purpose. It was necessary to regain him. He afterwards stated that "Lethington that day moved him to consider the Queen not guilty." How are we to understand these words? It is not difficult to conceive their import. Maitland set before the Duke his own views of the murder, of the provocation that led up to it, of Darnley's conduct to the Queen on the night of the Riccio tragedy, his utter ingratitude and his hopeless mischief-making, to the ruin of the Queen's health, with all the extenuating considerations that had influenced his own mind. He did his utmost, not dishonestly, to minimise the whole matter; and if he suggested, as he probably did, that Darnley got no more than his deserts, he would come near to making her out not guilty. There is not the smallest probability—one might almost say possibility—that he threw any doubt on the genuineness of the Letters he himself had taken part in exhibiting, and in assuring the Commissioners that they were "written with her own hand."[2] Had he even expressed a doubt of their authenticity, he would have confessed himself an accomplice in what was possibly a mean, daring, and

[1] Banister's Confession in Murdin, 134. "I did hear his Grace say (at York) that upon examination of the matter of the murder, it did appear that the Queen of Scots was guilty, . . . whereby I verily thought that his Grace would never join in marriage with her."

[2] Goodall, ii. 143.

unexampled fraud, directed against the Queen, to whom he owed so much; and Norfolk must have spurned him in disgust.

On the same day, Elizabeth in London signed the order which transferred the Conference to Westminster; and on the 17th or 18th, Moray and Norfolk had the interview already mentioned, of which Melville's false account has misled so many. That Moray pledged himself to Norfolk is obviously untrue, as well as the whole story that is founded on the assumption.[1]

On the 30th the Privy Council met to arrange its further proceedings. There can be no doubt as to the intentions of those present at this meeting, which included Cecil and his leading colleagues. Moray was to be asked "why he forbore to charge the Queen with guiltiness of the murder, considering his party had always given out to the world that she was guilty." Elizabeth's former assurance, that if Mary's guilt were fully proved she would not be restored, was to be renewed, and his queries satisfactorily answered. In case Mary, on hearing that the fatal charge was to be made, should attempt to escape, preparations were to be made for her removal to safer custody at Tutbury.[2]

On the 25th November the Conference reassembled at Westminster, strengthened by five additional English Commissioners—Cecil, Bacon, Leicester, Clinton, and Arundel. On the 26th, the Regent's questions having been fully and satisfactorily answered, the *Eik*, or reserved supplement to his defence at York, was produced. It declared "that as Bothwell was the chief executor, so was the Queen of the foreknowledge, counsel, and device, persuader and commander of the same murder to be done."[3] Ten days later, after

[1] Mr. Mathieson (i. 152) credits the whole story, and describes Moray's action on the 9th and 11th October as the result of the interview which took place on the 17th or 18th (Robertson, App. 33; S.P.S. ii. 534, Ross to Mary).

[2] Goodall, ii. 179–182.

[3] Goodall, ii. 207.

various attempts of Mary's Commissioners to arrest the proceedings and to dissolve the Conference, the Casket documents were produced. On the 14th and 15th December they were submitted to an enlarged assembly, which included the leading Catholic nobles of England, who examined them with some care.

After all, as the Regent had feared, no conclusive verdict was given. Elizabeth's ends had been attained by the public accusation, accompanied by the production of the letters, and the examination of them by her own nobles, and especially by the great Catholic chiefs, who were thus compelled to recognise the character of their candidate for the succession. Mary remained a prisoner, and was removed for greater security to Tutbury, while the Regent returned to Scotland "in the same estate in which he came," with a "loan" of £5000, to cover the expenses of his mission, and to give him a fair start at home. Fenelon heard that he "departed well content and satisfied," all his proceedings approved, and with a virtual treaty of mutual defence in his pocket, as well as a considerable sum of money, and the promise of more.[1]

There could be no doubt of the implied verdict, which it would probably have been wiser to pronounce outright. But Elizabeth was in a sea of troubles with France and Spain, which she was afraid to aggravate. She was on the verge of war with both, for her high-handed seizure of the Spanish treasure on its way to Alva in the Netherlands, her assistance to the Huguenots, and the unrestrained piracy of her mariners on the high seas, who were enriching themselves with the spoils of both nations.

While at Westminster, Maitland, Norfolk, and the Bishop pursued their project. The Duke was challenged by Elizabeth, and charged on his allegiance to give up

[1] Fenelon, i. 161.

all thought of the marriage. He answered that he had too much regard for "a safe pillow" to risk it, and went on with it all the same. In the confused welter of English politics, with Elizabeth swaying from side to side according to her varying humours, where almost anything was possible and nothing certain, even the Regent was compelled to temporise. He was constrained for his own safety, and as a *dernier ressort* in case of Elizabeth's consent to the scheme of the plotters, to give the proposed marriage some kind of conditional countenance. But his support was to be subject to the maintenance in Scotland of the Reformed religion, and the previous approval of Elizabeth, which he strongly suspected would never be given.[1] The concession is said to have saved his life from the murderous designs of Mary's Catholic adherents in the north, who had planned his assassination on his way home.

Maitland was deep in all the negotiations, along with Throckmorton and some English Protestant nobles, who were restive under the predominance of Cecil and anxious about the succession. But the most zealous promoters of the marriage were the Catholic Lords, who soon, with the consent of Norfolk, encircled the Protestant plot with a Catholic one, of which the Spanish Ambassador and the agents of Rome were the organisers. They looked to Alva for an invading force to co-operate with a native insurrection, to be fomented by Norfolk and his friends, which should put the prisoner of Tutbury on the throne of Great Britain. The Duke did not think it necessary to inform his Protestant allies of the programme of his Catholic friends, nor of his own adhesion to it.

On his return to Scotland the Regent had much leeway to make up. Huntly, Argyle, and the Hamiltons had run riot in his absence. He faced his

[1] Robertson, iii. 365.

task with new vigour, relieved from a galling incubus. A Convention held at Stirling (12th February) approved his doings in England. On the 17th he summoned an army to meet him at Glasgow on 10th March, to put down Argyle, who, with the Duke and Huntly, had just been appointed by the Queen her lieutenants in Scotland during her absence. He issued a Proclamation in which he declared, in opposition to the lying tales circulated by Mary and her partisans, the true results of the Conferences in England, and claimed to have faithfully and successfully maintained the interests of the King, the country, and his own government.[1] He appeared (12th March) in the West with a force which overawed the rebels and induced them to sue for peace. The Queen's cause seemed now so desperate that even her lieutenants thought it necessary to shift for themselves, to avoid ruin. On the 13th, Herries, Cassilis, and Kilwinning, on behalf of the Duke and his party, met the Regent in conference, and agreed to certain Articles, preliminary to a final settlement. The first was in these terms: "It is required by the Regent that the Duke and his party recognise the King's authority, and that they are his subjects, and consequently owe him service, obedience, and fidelity for the future, as to their sovereign Lord." The others provided for the cancelling of forfeitures, the restoration of the rebel Lords to their places in the realm, and the adoption by the Regent of a course "which should redound to the honour of the Queen, without prejudice to the King." A Convention was appointed to meet in Edinburgh on the 10th April to complete the agreement, the Duke, Herries, and Cassilis meanwhile giving hostages to the Regent for their submission.[2]

Mary was in despair when she heard of what

[1] The full text is in Fenelon, i. 342.

[2] Fenelon, i. 300; Teulet, *Papiers*, ii. 258–262.

Fenelon called "the capitulation of the Scots." She wrote reproachful letters to the Duke and Herries, which, according to the same authority, made the one weep a whole day, and sent the other to his bed. Huntly, who had not been present at Glasgow, disowned the agreement, and denounced the "traitors" who had made it. When the appointed time drew near, the Regent, who had meanwhile used his large force to make an expedition to the Border, and, with the help of a contingent from Berwick, and the co-operation of the English Wardens, had laid a heavy hand on the forces of disorder, and burnt up the irreformable Liddesdale, returned to the capital for the Convention. He was met by doubts and evasions and pretexts for delay. Without hesitation he sent the Duke and Herries to the Castle, where, in the custody of Grange, they remained, to the advantage of the public peace, as long as the Regent lived. He then proceeded to deal with Argyle and Huntly. He received the submission of both, and of their northern allies, Crawford and Ogilvie. On Huntly and his friends he levied heavy fines, in lieu of other punishment. Pushing on to Inverness with such a force as had seldom been seen in that remote quarter, "all the Highland clans and divers chiefs of the Isles, with the Earls of Caithness and Sutherland and Lord Lovat, appeared at his command. No man lay back, but all came in."

While Moray was thus dealing victoriously with the anarchic nobles, who were using Mary's name as a weapon wherewith to fight their own battles, he received an unexpected communication from Elizabeth. It was nothing less than a summons to come to some agreement with Mary, which would relieve the English Queen of her custody. Three alternatives or "degrees" were suggested: (1) to get her to repeat her abdication; or (2) to admit her to joint sovereignty with her son;

or (3) to admit her to full sovereignty, under safeguards for the interests of all concerned.

Pressed by the menaces of France and Spain, and by the divisions in her own Council—confounded to find that the cause of Mary, instead of being extinguished by the exposure to which she had subjected her, seemed to be gaining ground among her own nobility—Elizabeth had come to think of getting rid of her altogether. The truth is that the Marian question had now become more than ever the battleground of the two camps into which Europe was divided. The Catholic Powers, bent on the overthrow of Elizabeth as the great bulwark of the Reformed cause, and the patron of heresy and rebellion in their own dominions, could no longer afford to dispense with their chief asset, their most available weapon of revenge, whether she were a murderess or not. Time was wearing away the impression of her misconduct, aided, perhaps, by the spread among the English nobility of Maitland's views as to her comparative innocence. The schism among her Councillors added acutely to Elizabeth's troubles. Cecil, who was the soul of her government, was striking out boldly against the Catholic Powers, inflicting every kind of injury and humiliation upon them. The seizure of the Spanish treasure, the licensed piracy in the Channel and on the high seas, the despatch of a fleet to La Rochelle with supplies for the Huguenots, the countenance and help given to the Sea Beggars of the Netherlands—these were his defiant acts. Convinced that, after the suppression of the foreign Protestants, the turn of England would come next, he was making herculean efforts to ward off the evil day, by assisting them to the utmost of his power. He had not more than half a dozen loyal supporters in the Council, *novi homines* like himself, at whose predominance the old nobility grudged. The con-

servative nobles, and especially the old Catholic ones, were all against him. They wanted peace with Spain, their traditional ally, and the restoration of the treasure. They were indifferent to the fate of the foreign Protestants, with whom they had little sympathy. They formed a plot to overthrow Cecil, and Norfolk was the leading figure in it. Under the guidance of the Spanish Ambassador, it soon became enveloped, as we have said, in a purely Catholic conspiracy, one of the ends of which was the restoration of England to the Roman obedience.

Its progress can be followed in the despatches of Don Guerau, the Spanish firebrand who had succeeded de Silva, and in those of Fenelon, the French Ambassador, who had replaced la Forest, and was a warm partisan of Mary. We have no space to follow it in detail, but two short extracts will sufficiently indicate its bearings. On the 8th January 1569, just after the close of the Conference, Don Guerau wrote to Philip that he had offers of an English rising. Northumberland had come to him at 4 a.m., with offers to serve Philip. The Bishop of Ross had visited him at midnight, to offer the goodwill of the Queen (Mary), and of many English gentlemen. He had apprised the Duke (Alva). Mary had sent a message to Guerau by his own servant, to tell him that, "if his master would help her now, she should be Queen of England in three months, and Mass would be said all over the country." Philip replied on the 18th February that "he would willingly assist in dethroning Elizabeth," and asked him to send full and detailed information to Alva and himself. He left the matter to Alva's discretion, with full powers.[1]

On the 13th March, Fenelon wrote to Catherine a "most secret" letter, describing the conspiracy for Cecil's disgrace. 'Ridolfi,' he said, 'charged by the

[1] Sp. Cal., Hume, ii. 109.

Pope to treat with the English Catholic nobles for the restoration of Catholicism, had spoken with Arundel and Lumley, with whom he has influence through business. They are well disposed, but not bold enough to do anything unless Norfolk agrees, who has been difficult to gain. But at last persuaded, he is heartier than the other two, and Derby, Shrewsbury, Pembroke, Northumberland, and several others, are ready to follow. But not to displease Elizabeth, whom they reverence greatly, and to avoid bloodshed, they intend, before avowing their ultimate design, to overturn Cecil and his friends, who have managed all since the Queen's accession, and to proceed to the rest after these men are in their hands. They are all new men, and are powerless with the people. It is necessary to gain Leicester, in order to influence Elizabeth softly—then to show themselves cold and unwilling at the Council—then to remonstrate to Elizabeth the evils Cecil is bringing on her and them—to egg on the people to cry out, and to get foreign princes to assist them. They have begun hopefully with Leicester. . . . The Queen's (Mary's) interests are included in the plan, of which she has been apprised in confidence. Ridolfi is going to Rome, and hopes to bring back a papal Brief,[1] which the Lords, by that time in power, will carry out.'[2]

Such was Norfolk, the man on whom the English Protestant nobles—perfectly loyal to Elizabeth, but anxious to avoid the perils of a disputed succession—had set their hopes of gaining the ends they had so long desired. These ends, as stated by themselves, were: (1) the acknowledgment of Elizabeth's undisputed title during her lifetime; (2) the establishment of the Reformed Church in Scotland; (3) the firm

[1] Probably the Bull excommunicating Elizabeth, which shortly followed.

[2] Fenelon, i. 258-60.

peace of the two kingdoms; and (4) the custody of the young Prince, the heir of both kingdoms, as hostage for his mother's fulfilment of these conditions and as the price of her restoration. It was fortunate for them and for Elizabeth that the Regent, more perspicacious than they, interposed delay, and exacted conditions, which gave time for the plot to ripen and explode.

It was Moray's own secretary, John Wood (he had been in London on official business since March), who brought to him Elizabeth's message. Wood was able to explain its history, and its relation to the Norfolk marriage scheme. Though perfectly loyal to his master, he seems to have been almost gained to the project, or at least to have regarded its success as inevitable, considering the support it had in Elizabeth's Council. He must have been able to tell, however, that the consent of Elizabeth had not yet been asked or obtained, a fact which Moray, doubtless, noted with interest. He acknowledged receipt (5th June) of Elizabeth's proposal, and stated that time would be required to consider it, along with his Council. At the same time, he wrote to Norfolk, to know how the matter stood. Norfolk replied (1st July) in a gushing letter. He promised to be a faithful friend and natural brother to the Regent. He had proceeded so far in the match that he could not draw back, nor did he intend to, while he lived. All that was now wanted was the Regent's action in recalling the Queen to her Scottish throne. The rest would follow to his contentment and comfort. "Wherefore, my very earnest request to you, my good lord, is that you will proceed herein with such expedition as the enemies to this good purpose (which will be no small number, against the uniting of this land into one kingdom in time coming, and the maintenance of *God's true religion*) may not have opportunity through delay to hinder our pretenced determination, against the which, I am of

opinion, there will be no practice by foreign princes omitted." Lord Boyd was coming to him, with ample instructions from the Queen (Mary) and himself, to resolve all his doubts. "Credit him as myself."[1]

A more deceitful letter has rarely been written. It was followed by letters from Throckmorton, whose quarrel with Cecil had brought him into the plot. They strongly represented the consequences of refusal. All had been arranged, and nothing remained to be done but to send Maitland, with the Regent's authority, to require from Elizabeth, Mary's liberation, in order to her restoration and her marriage to Norfolk.[2] Thus the Regent was to be the cat's paw of the cabal to obtain Elizabeth's consent, which they were themselves afraid to ask, though Moray had stipulated, as the condition of his acquiescence, that it should previously be obtained. Maitland, of course, was more than willing to go, notwithstanding a grievous infirmity in the legs —the beginning of the disease which, within four years, terminated his life. Lord Boyd arrived with Mary's letters, written in full confidence of the issue. She assured the Regent of her willingness to treat with him, notwithstanding all that had passed, and required him to submit to the Courts her demand for a legal divorce from Bothwell.[3]

Thus the Regent and Elizabeth were to be equally concussed, and each by means of the other. Moray was now fairly roused. With little faith in Norfolk, of whom he had seen too much, and less in Mary, whom he entirely distrusted, he called a Convention to deal with Elizabeth's proposals. It met at Perth (28th July), and was attended by Huntly and some of his allies. But the Regent's party was much more numerous, and dictated its decisions. There

[1] Haynes, 520.
[2] See the letter of Throckmorton to Maitland in Robertson, App. 32.
[3] S.P.S. 658-64; Anderson, iii. 70; Robertson, App. 32.

were angry scenes. The second and third "degrees" were rejected absolutely, as "prejudicial to the King's estate and to the surety of his subjects, and dangerous for the disquieting of the whole Isle." They were willing to co-operate with Elizabeth in obtaining the first—the repetition of Mary's abdication. Her request for a divorce, to make way for the marriage with Norfolk, was angrily refused. "Lethington opposed mightily, and raged, but prevailed not."[1] He was in a small minority, and charges of treason were threatened against any who should in future dispute the King's title. He returned with Athole to Dunkeld, where he is said to have held a council of those who favoured the rejected degrees. Punishment swiftly overtook him. A month later, he attended a meeting of the Privy Council at Stirling, at which Captain Crawford of Jordanhill, the friend of Darnley and afterwards the captor of Dumbarton, charged him, on the strength of the recently obtained depositions of Paris, with being of the "counsel, device, and execution of the late King's murder." His offer to find sureties to abide a trial was refused. He was arrested, and sent prisoner to Stirling Castle, and afterwards to Edinburgh.

It was a bold step, for which Maitland affected to give the credit to Morton, and some lesser men. He probably knew better. Maitland was sent to keep company with the Duke and Herries by the same hand, and for the same reason, as they had been—that his liberty was incompatible with the public peace. It was obvious that he was determined at all hazards to bring about the Queen's restoration, and the overthrow of the existing government. The Protestant party was equally resolute to exclude the Queen and to maintain the King and the Regent. It was necessary to end the schism, which threatened civil war, to put down those who fostered it, to assert and

[1] Calderwood, ii. 490.

to maintain the legitimacy and the universal obligation of the existing parliamentary settlement. Moray was not the man to hesitate in such a case. Maitland, says Hunsdon, was regarded as "no friend either to the King or to the Regent," apart from the question of his complicity in the Darnley murder, for which he was to be tried. Maitland had seriously miscalculated.

There was "care and pensiveness" at Tutbury when the news of his arrest reached the Castle. Mary knew Lethington's value, and the critical importance of his function in the plot. She appealed to Cecil to protect his life.

Even in captivity he was still formidable. His pen was nearly as powerful as his tongue, and could not be so easily restrained. He wrote to Cecil, treating his imprisonment with quiet scorn. He wrote to Mary a letter which, *inter alia*, seems strangely to overrate what she might look for from the friendship of Elizabeth. Doubtless he overestimated the compelling power of the English nobility—his old error. He wrote to half the nobility of Scotland, asking their attendance, with their friends and servants, on his day of law—the very offence for which a few years before he had done his best to get Knox convicted of treason. They came, armed and in formidable numbers, with unknown designs, only to be dismissed by the Regent, who postponed the trial, and continued his imprisonment (21st November). Moray's speech in dismissing the diet, which threatened a pitched battle between the friends of Maitland and the Regent's army that lay close at hand under Morton's command, is characteristic in its quiet dignity and decision. "When ye enterprised the revenge of the King's slaughter, I was in France. Ye desired me to come home, and take upon me the regiment. Ye caused me take an oath that I should to the uttermost revenge the murder of the King, and ye, on the other part, swore

to fortify me. Now there is a gentleman accused of this murder, but ye have convened to hinder justice. Therefore ye shall understand, I will continue this day of law to another time. If he be clean he shall suffer no harm; but if he be found guilty, it shall not lie in your hands to save him."[1]

Thus foiled, Maitland tried other schemes for circumventing the Regent, and effecting his own release. Moray set them all aside, and instead of relaxing his confinement, added to its stringency. It was an inexpiable offence to the proud man, who had been accustomed to pull all the strings in Scotland and a good many in England, and powerfully influenced his subsequent course.

Meanwhile, the equivocal conduct of Norfolk in shrinking from the disclosure of his purpose to Elizabeth — she was otherwise aware of it from Leicester, who favoured the marriage—had roused her suspicions as to its significance. Perhaps encouraged by the Regent's firmness, she summoned Norfolk to Court. He first feigned illness, and then fled to Norfolk to raise his people. Peremptorily commanded, on his allegiance, to appear at Windsor, he refused, then hesitated, then obeyed, was arrested on the road, and in a day or two lodged in the Tower (10th October).

The more headlong of his Catholic allies refused to be restrained to suit his convenience. The Earls of Northumberland and Westmoreland raised the Catholic North, and a dash was made for Tutbury, to carry off the Queen. They were too late. Mary had already, by Elizabeth's orders, been removed to Coventry, where she was in safe keeping. They retreated, and were followed by an army under Sussex, which soon drove them over the border, and scattered their followers. Moray, with 5000 men, co-operated from the

[1] Calderwood, ii. 507; Laing, ii., App. 28.

Scottish side, well knowing that the danger to both realms was the same. He contrived to catch Northumberland, and carried him off a prisoner to Lochleven. Elizabeth, with her usual overbearing egotism, increased by panic, demanded the immediate surrender of the captive, in opposition to traditional and universal Scottish sentiment, and thereby added to the difficulties and dangers of the Regent's task.[1]

The rebellion was quickly suppressed, not without much needless cruelty, for which Elizabeth was personally responsible. Norfolk was promptly abandoned by his Protestant allies, whom he had betrayed, though the whole truth as to the Catholic plot was not known till the following year. Mary was, of course, deeply compromised. Elizabeth in her anger offered to hand her over to Moray incontinent, and the proposal was still pending at the time of his death. He had proved the saviour of both realms.

It was more than his enemies could bear, and the vilest of them took a dastardly revenge. The Hamiltons, of whom the Archbishop was the leader during the Duke's captivity, found among their clan a scoundrel who, although he owed his life to the Regent's clemency after the battle of Langside, was willing to undertake his assassination. For some days this man dogged the Regent's steps in the west. He followed him to Linlithgow, and there, in a stronghold of the family, he found his opportunity. From a house belonging to the Archbishop, which was carefully draped so as to conceal the figure within, he fired the fatal shot, which passed through the bowels of his victim and killed a horse beyond. Moray died the same night (23rd January), refusing to regret the clemency which had spared the ruffian to do the deed. The house from which the shot had proceeded was soon a burnt ruin; but the assassin had escaped by a

[1] S.P.S. iii. 7–39.

back way; and on a fleet horse, kept ready for his use by his accomplices, rode straight to Hamilton, where he was received with open arms.

Thus by an act of brutal lawlessness the Regent fell at the early age of thirty-nine—the most just and magnanimous ruler that Scotland had had since the days of Bruce.

Maitland is said to have refused to join in avenging his death on the ground that he had "sought his own life, fame, and inheritance."[1] It is difficult to believe that his life was in any danger from Moray. There seem, indeed, to have been some surmises of such an issue. Drury told Cecil (19th December) that "he verily believed, the troubles ended, Lethington shall suffer death,[2] which had been done ere this, had they not been." The long duel was bound to come to an end; and, had the Regent lived, he must have taken some decisive method of getting rid of Maitland's mischievous activity, tending to civil war. But there were other ways than that of bringing him to the block, and Moray would have exhausted them all, before consenting to such an alternative.

Three weeks before his death, Moray had sent Elphinstone to Elizabeth, to lay the whole situation before her. A pathetic interest attaches to the Instructions he gave him, which may be regarded as his political testament. The paper, which is long, begins by excusing his inaction in the matter of her proposal to restore Mary to his custody, the rebellion having absorbed all his time and thought. After stating what he had done to co-operate with her forces, and the results he had obtained in the capture of Northumberland and some others of her rebels, he reviewed the events that had led up to the rebellion

[1] Bannatyne, 15.

[2] S.P.S. iii. 27. The words "suffer death" are mangled in the print, but there can be little doubt of the true reading.

—the Darnley murder; Mary's marriage with the murderer; her sequestration and the coronation of the King; his own appointment as Regent; Mary's escape from Lochleven; the battle of Langside; her flight into England; her practices there, to sow sedition in both realms, and to compass Elizabeth's overthrow; her practices for restoration in Scotland; the Norfolk marriage plot; the despair into which he had been brought by the favour accorded to her in England, not only by Papists, but by influential Protestants. At last, he had been encouraged by Elizabeth's offer to replace her in the Scottish prison from which she had escaped. He had communicated it to certain noblemen, who approved of it. In this sea of troubles he had laboured, especially during the last two years, without the help of Elizabeth, and without even her recognition.

On that footing it was impossible to go on. The Queen's faction would always be on the watch for his halting; the Hamiltons, Huntly, and Argyle, allied by blood and marriage, would always be opposed to the King; those suspected of complicity in the late King's murder would always be hostile to the Regent. He now stood almost alone, for the loyal nobles were worn down with labours, and with charges beyond their ability to bear. They had been almost constantly in the field since Langside. Since his coming to the Borders at this time he had found that Ferniehirst and Buccleuch, the most powerful of the Border chiefs, had entered into league with Elizabeth's northern rebels to set up the Queen, and that Buccleuch was on the point of entering England with 1200 horsemen at the moment when his arrival prevented him. Two French ships had just made their appearance in the Clyde, ready to revictual Dumbarton, which would then be hard to regain.

Considering all these things, it was absolutely

necessary, if the amity was to be of any value to England, that Elizabeth should openly acknowledge the King of Scotland, support his Government, and protect the religion of the nation—that she should grant a yearly subsidy of one thousand pounds, with another thousand to pay the debts they had incurred. They needed also an immediate supply of powder, shot, and pikes. If she would agree to these proposals, they were ready to enter into an alliance, offensive and defensive. If she would not, he must forbear to venture his life further, and danger must ensue to both the realms, from the factions that favour papistry and the Queen of Scots. In conclusion, he reminded her that the heads of all these factions were in her own hands; that the late rebellion was not yet ended, and had more dangerous branches; and that, if remedies were not applied now, the fault would be her own.[1]

Before Elizabeth replied to this paper, the hand that wrote it was still in death. She was momentarily overwhelmed with grief, perhaps with remorse. Yet so incurable were her defects of character that she profited little by the lesson.

[1] S.P.S. iii. 53.

XI

THE REVOLT OF THE NOBLES: MAITLAND AND MORTON. 1570–3

THE fall of the Regent was a resounding blow to the cause of order in Scotland and England, and to the cause of Protestantism all over Europe. There was rejoicing at the French Court, where the influence of the Cardinal of Lorraine was at the time predominant—at the Courts of Spain and Rome—all over Catholic Europe, where the counter-Reformation was in full progress. There was joy, sad to say, at Tutbury. Mary wrote to her Ambassador in Paris expressing her indebtedness to the assassin, all the greater, she said, that he had done the deed without instructions from her, and promising him a pension from her dowry to support him in his compulsory exile.[1]

Very differently were the tidings received in the high places of Protestantism. There was sorrow and dismay at the Court of England, where Elizabeth, on hearing of the deed, "burst into great exclamations, that it would be the beginning of her ruin."[2] Norris from Paris had been sending reports of similar plots against her own life. Elizabeth was no coward, but she may well have seen in Moray's end the probable image of her own. She realised too late the Regent's value to herself and to her kingdom. She had abused

[1] S.P.F. ix. 173–193; Labanoff, iii. 346. The assassin was taken into the service of Philip II. For him he attempted the life of William of Orange, happily without success. See Teulet, *Relations*, v. 112.

[2] Sp. Cal., Hume, ii. 232; Fenelon, iii. 54.

his friendship, taxed his patient magnanimity, and laid upon him burdens which she grudged him the means of supporting. Cecil was deeply moved, as were his like-minded colleagues—Bedford, Bacon, Mildmay, Throckmorton, and Sadler. The dead statesman had been Cecil's trusted friend since the day they first met in St. Giles' to negotiate the Treaty of Edinburgh. Even the Darnley candidature, with its ruinous sequel, had never shaken their mutual faith. It was on Cecil and his friends that Moray had relied in all emergencies, and not on the wilful and inconstant Elizabeth, whom both had to manage as best they could.

There was sorrow in the camp of the Huguenots, where Coligny, with undaunted resolution, was maintaining an unequal strife with the royal forces.

There was sorrow, most of all, in Scotland, where the best of the nobles, the great body of the Protestant barons, the intelligent burgesses of the towns, and the bulk of the common people, who had felt the blessings of his just and wise administration, stood aghast at the crime, and were filled with indignation at its perpetrators. In their wrath they were ready to ostracise the whole clan of the criminal. The wild deed was "odious to all," wrote Hunsdon to Cecil from Berwick. The Hamiltons had miscalculated. The ruffianly Archbishop and his nephews, who were the instigators of it, had thought to seize at once on the vacant place for the Duke.[1] They assembled in force at Hamilton, and some of them came to Edinburgh, expecting his immediate liberation. They found themselves the objects of all but universal reprobation, and the Duke remained a prisoner in the Castle. Knox, now an old man, as age then went—he was about fifty-five,[2] "with one foot in the grave,"

[1] S.P.S. iii. 71.

[2] There can be little doubt of the conclusiveness of Dr. Hay Fleming's data as to the time of Knox's birth.

as he described himself—was sorely smitten. Worn out with the labours of four-and-twenty strenuous years, he was pining for rest, dreaming at times of finding it in his old retreat at Geneva. He was thirsting for "the end of his long battle," looking for nothing better than the settlement now achieved, if only it were allowed to stand. He had long been keenly alive to the Regent's danger from his unscrupulous enemies. His hope had been in the Divine Providence which had so often shielded him in the day of battle.[1] That hope had now failed him, and the prospect was sadly overcast. He poured out "the sorrows of his troubled heart" to the great assemblage of all ranks at the funeral in St. Giles' (14th February), and left hardly a dry eye among his three thousand auditors. "Blessed are the dead that die in the Lord," was his consolatory text. The prayer with which he concluded the service on the day following the Regent's death remains to suggest the tenor of his discourse. "O Lord, in what misery and confusion found he this realm. And to what rest and quietness now by his labours suddenly" (*i.e.* quickly) "he brought the same, all estates, but especially the poor commons, can witness.[2] Thy image, Lord, did so clearly shine in that personage that the devil himself, and the wicked to whom he is prince, could not abide it; and so, to punish our sins and ingratitude, who did not rightly esteem so precious a gift, Thou hast permitted him to fall into the hands of cruel and traitorous murderers. He is at rest, O Lord, and we are left in extreme misery. Be merciful to us, and suffer not Satan utterly to prevail . . . neither yet, O

[1] S.P.S. i. 307.

[2] The "rest and quietness," to which Knox and Elizabeth testify, should be borne in mind as a corrective to the exaggerated impressions we are apt to form of the disturbance caused by the rebellious nobles. The towns and great part of the country were little affected by them in Moray's time.

Lord, let bloodthirsty men come to the end of their wicked enterprises."[1]

The popular poems of the period, some of them of real merit, gave eloquent testimony to the depth and intensity of the popular feeling.[2]

Maitland, to whom the Regent's death was a deliverance from serious peril—for there was no one left who would venture to lay a hand on him, or even to prolong his imprisonment—was less moved than he would have been in other days. He lost no time in preparing for action, even before his formal liberation. The way was now clear for a determined effort to make his policy prevail. No politician remained who could cope with him in influence. Morton was the natural heir to the policy of Moray, and to the headship of the party. But Morton's position at home and abroad was far inferior to that of the late Regent. Though a man of great ability, and the real head of the historic house of Douglas, his character and career had not won for him anything like the same respect and confidence, even within his own party. He was everywhere more regarded than loved. But as the foremost of the confederate Lords, and a resolute opponent of the Queen's restoration in any form, which he believed would wreck them all, he was Maitland's most formidable opponent. His solid sense and practical sagacity, aided possibly by the remembrance of his own large share in bringing about the Queen's deposition, made him proof against all illusions as to the consequences of her return to power. He condemned Maitland's project as vain and presumptuous—vain even in his own interest, after the part he had taken in the Queen's humiliation, which he believed her unlikely either to forget or to forgive. He took

[1] Knox, vi. 569.

[2] See the excellent collection of the Scottish Text Society, *Satirical Poems of the Reformation.*

his stand on the King's unassailable title, as established by Parliament, and held it treason to dispute it.

But the strength of the King's party, as it now began to be called, lay far less in the nobles than in the great body of the Barons and lairds and burgesses; in the devotion of the large towns; in the strenuous and powerful support of the Reformed Church; and in the influential public opinion which Knox and the Church had built up. The Protestant party, now stronger than ever, was still ready to make "a new day of it," rather than go back to the hated past. Even moderates like Sir James Melville recognised its great superiority, in all the elements of permanent strength, to that of the anarchic nobles, to which only the genius of Maitland could give the semblance of unity. Sussex believed that 'as they had been nothing before he made himself their instrument, so they would be nothing again on the day he left them.'[1]

Maitland was misled by his own aristocratic bias. With most of the higher nobles on one side—a point on which he never ceased to insist in his letters and manifestoes, especially to the English Court, almost as if by itself it ought to decide the controversy—he fatally undervalued the strength of their opponents. He was sanguine that by a mixture of caution and boldness, of conciliation and coercion, he could manipulate them all, and bring them all into his net.

Of his motives there can be no doubt. He was impelled by the love of power; by the hopelessness of regaining it in any other way; by wounded pride; by an arrogant and overweening confidence in his own great abilities; and by a very cordial dislike to the policy of the Protestant party, which he regarded as narrow and divisive, and subversive of the ancient social and political order. Doubtless, also, he was

[1] S.P.S. iii. 168.

influenced by his old national aims; by his lifelong zeal for the union of the realms, and for the English succession as the way to it. He was convinced after years of effort, that Elizabeth would never willingly recognise the Scottish claim; that only through Mary, and with the help of her allies at home and abroad, and not through the infant King, would it be possible to coerce her into its acknowledgment. And in the almost desperate circumstances in which he was now placed, with the best part of the nation, supported by the whole weight of the English government, in opposition to him, he was ready to accept the aid of any party, Scottish or English, Catholic or Protestant, loyal or disloyal, to compass his end, and even, in case of necessity, the armed intervention of France or Spain.

This was the very obvious and striking paradox of Maitland's career—that which loaded his name with obloquy while he lived, and made it a byword after his death, the butt of both parties in a great historical controversy—this, namely, that his last years were spent in seeking to bring into Scotland the enemy whom his earlier years had been devoted to expelling, and in opposing the power whose alliance he had then successfully courted, and through whose aid alone he had prevailed. And yet, as we see, the transition was neither sudden nor unnatural. He did not himself recognise any contradiction in his conduct. His answer to the charge was in substance this: that the inconsistency was only apparent—that his ends were still the same—that whereas he had formerly sought the union of the realms by friendship with Elizabeth, he was now compelled to seek it by coercing her, which was impossible without foreign aid—that he was willing to resume the old relations the moment the Scottish rights to the English succession were frankly recognised. To him the interests of the Reformation had always been subordinate to those of the Union, and the extent

to which the policy of Knox had been adopted had not lessened his indifference to the Protestant cause. The real charge, from which his memory cannot be freed, is that in a world-historical crisis, like that of the sixteenth century, with its inexorable historical conditions, he did not perceive that religion was the dominant force of the age—that it had submerged almost every other, nationality, patriotism, and the like—that as a common religion alone had laid the foundations of Union, so a common religion alone could complete the edifice, and maintain it, in spite of the prejudices engendered by centuries of hostility, prejudices which only a common interest of the most vital kind could overcome—and that the attempt to make use of the Catholic Powers to promote it, and especially of France and Spain, neither of which from mutual jealousy would have allowed it to be realised to the advantage of the other, could only lead to confusion and disaster.[1]

It is, of course, to be remembered that it was in the power of Elizabeth, at any time, to disarm Maitland, and to end the schism in Scotland. She had only to recognise as her successor the young King, who could have caused her no trouble for many a year. Maitland neither could nor would have resisted this solution. But this she refused to do, in the interest of her own power, and in that of her foreign relations, which it would have seriously aggravated. France and Spain would have regarded such a step as the condonation of rebellion, the approval and reward of usurpation, apart even from its religious bearings.

This final period of Maitland's career, and the strenuous and soon desperate attempt to restore the Queen in which it was spent, has several successive and clearly marked phases. The first is that of the three

[1] See Alva on this point in Teulet, *Relations*, v. 82, 83. See also below, p. 471.

months immediately following the death of the Regent Moray, in which he carried all before him.

The tactics he employed were thus described by Sussex a few months later with substantial truth. 'He persuaded great numbers in Scotland that Elizabeth and her council were resolved to deliver their Queen to them—that it was therefore necessary that all who looked for favour at her hands should seek her by all the means they could devise—that Elizabeth approved of all who took the Queen's part, and called the rest traitors—that the English nobles did not like the Queen's detention—that they countenanced the English rebels in Scotland as a part of their faction—that many more in England concurred with them, and would show it when time served. He laboured to procure promises of French aid, in order to rage his own side and to fear the rest, saying that Elizabeth was inconstant, irresolute, and fearful, and that some pressure must be put on her to bring things to an end.'[1]

Considering their experience of Elizabeth, there was sufficient plausibility in these representations, coming from one who had an unrivalled knowledge of the English Court and English parties, to stagger the minds of many, supported, as they seemed to be, by the English Queen's inaction. It was by such tales that "he enchanted all the wits of Scotland," as Randolph put it. As long as Elizabeth refrained from decisive measures, all who wished to be on the safe side, and they were always a large number, inclined to his party.

His other resource was to "drive time," to hinder anything from being done, to prolong the interregnum, to stave off the election of a new Regent; and thus, by leaving the country without a legal government, to keep the way open for the Queen's return.

On the day after Moray's death, Morton and the

[1] S.P.S. iii. 172.

Council assured Elizabeth's representative, Sir Henry Gates, who was in Edinburgh trying to get delivery of the English rebels, of their fidelity to the late Regent's policy, and their earnest desire to continue it, of course on the implied condition of her continued support. Some of them, they said, favoured the appointment of Lennox as Moray's successor, but they would make no selection without her previous approval.[1]

Elizabeth, in the first burst of sorrow and alarm at the "devilish attempt" at Linlithgow, and before its fatal issue was known, sent down Randolph in all haste, with a letter to be delivered to the Regent, should he be found alive. He was to assure him of "her very inward grief at hearing of his dangerous wound, that there was nothing earthly in her power, wherewith she might help to recover him, that should be over dear for her to yield for his comfort." If he found him dead or beyond recovery, he was to deliver letters she had prepared for the King's nobles, in which she urged them to stand together, to keep common peace among themselves, to preserve religion from alteration, and the Prince from danger of being transported into France or elsewhere, to maintain the amity between the two realms, and to procure the delivery, or at least the safe keeping, of the English rebels. And he was to intimate that Sadler would speedily follow with more definite proposals, in reply to Moray's last letter.

Meanwhile, as a measure of precaution, she committed the Bishop of Ross to confinement in the Bishop of London's house. There was no saying what might be his, or his mistress's connection with the crime, nor what further designs they might have in hand.[2]

Randolph, on his arrival, finding the Regent dead, did his best to satisfy the King's Lords. But they were discontented with his generalities, and he urged

[1] S.P.S. iii. 59. [2] Sp. Cal., Hume, ii. 233.

on Cecil that Sadler's coming should be hastened. He was constantly being asked, he said, what support the Queen of England was to give them, and he could make no definite replies.[1] Elizabeth was irresolute as usual, and averse to spending money. Sadler's coming was first delayed, and then abandoned. She was waiting on events. On the 26th February, she instructed Randolph to assure them that she was resolute to maintain the true religion and the amity between the realms, to preserve the King, and to uphold their own particular estates and conditions. He was to caution them against giving heed to reports of, or devices for, the restoration of the Queen of Scots, and to assure them that she would listen to nothing of that sort, till she first understood their intentions. Meanwhile, she required them to stay the raids into England, now swollen by the scattered followers of Leonard Dacres, who had been defeated and driven across the Border (20th February), in the wake of the earlier rebels. If they were unable, she must do it herself. But an English and Scottish force on each side of the Border would be the proper plan.[2]

Such language could only increase their suspicions.

Maitland's first move, taken apparently within three days of the Regent's death, was to write to Cecil. It might seem a somewhat bold step on the part of one who was a prisoner on a serious charge, from which he had not yet been freed, especially considering his altered relations to Cecil. But it is evident that Maitland scornfully ignored the proceedings taken against him, and the imprisonment that followed them. The letter was really a bid for recognition by the English government as the leader in Scottish affairs,

[1] Sir J. Melville's tales of Randolph's double dealing, and of his cynical desire to "blow the coals" of discord, are completely disproved by the State Papers. He was the warm friend of the King's cause from first to last.

[2] S.P.S. iii. 69, 87.

or rather a tacit assumption of the part. Of course, he was still legally Secretary of State. But Cecil knew that he had long been only nominally a member of the Regent's government; that for more than a year previous to his arrest he had been at war with his chief, and with the party that had led the nation since 1559. As the letter is not long, and is characteristic, it may be given nearly in full :—

"SIR,—This strange accident (whereof I think before this time you are more than sufficiently advertised) hath given me occasion presently to write unto you, the rather finding the opportunity of such a bearer, and to reduce to your remembrance some discourses past betwixt us the time of our being the last year in England. In the which, so far as I could conceive, you and I both agreed in judgment that, however for a time our state here in Scotland might have a course, it could be of no long continuance, unless the dangerous division standing betwixt the Queen and nobility of this realm were brought to some accord, by means of the Queen's Majesty your sovereign. We could easily espy the necessity of a reconciliation, but the conditions were not so facile to be framed, which might be honourable for the one, and sure for both the parties. As I can remember, we did touch in communication some accidents that might fall out and be stumbling-blocks, as the death of the King, of the Regent, and such-like, whereof the peril might grow to us, and whereupon we did collect the necessity of an accord. Now, to my great grief, one of the points which I ever feared is come to pass, and so we do remain in the briers. At which end to find an issue I see not, unless your mistress takes some convenient course both for herself and us. You know the estate of Christendom, how it doth stand for the present, better than I; you know the state of

your Mistress's affairs. Upon which two, you may well collect, which way will best serve her turn, as well presently as hereafter. I dare not presume to prescribe to you any certain rule, nor yet am I myself tied to any resolute conclusion. But I trust, when you shall remember how the world goeth, you shall not think it impertinent yet to consider if there remain any means of an accord. You know of old what reverence I bear to your person, and how highly I do esteem your judgment, which maketh me to submit mine unto yours; so that I am rather to be directed by you (if you find any aptness in me) than to trouble you with anything I can invent. Always in me you shall find no change of affection, if either the Queen's Majesty or you will employ me in anything that may tend to the conservation of the mutual intelligence betwixt the countries, and common weal of both. Howsoever some have gone about to persuade you the contrary, keep one ear for me, and whenever you will examine my doings, you shall find by my answers to you, that I shall disavow nothing that is true, nor disguise my dealings, but simply avow wheresoever I have been a meddler in anything; as also that I have never been privy to any practice whereby, directly or indirectly, prejudice hath been meant to the Queen's Majesty, her person or estate."[1]

It is hardly surprising that, to Maitland's mortification, this letter remained unanswered. The failure of the Norfolk plot had left Cecil supreme. Norfolk's Protestant allies, who had all along been loyal to Elizabeth, and bent only on providing for the succession, had, as we have said, at once submitted to her decision, and abandoned their scheme. The Catholic plotters, on whose darker designs the northern rebellion was a suggestive commentary, though they

[1] Haynes, i. 575.

succeeded, by dint of wholesale lying, in concealing for a time their treason, were discredited almost beyond recovery. Cecil had now nearly all his own way. It was doubtless on his advice that Elizabeth had offered, in the crisis of the rebellion, to hand over Mary to the Regent, under guarantees simply for her life. The negotiations had been delayed by the pressure of military operations, and the death of Moray had put an end to them for the present. But the proposal represented Cecil's permanent mind, if only the state of Scotland could have promised the sure retention of the prisoner. His fixed idea was to support the Regents, to make them strong enough to put down the partisans of Mary, who were now mere allies of the Catholic Powers. All his subsequent negotiations connected with schemes of restoration were mere feints to avert foreign intervention, as were also, in all probability, those of Elizabeth herself. Both knew well that the triumph of the Protestant party in Scotland was essential to the safety of England.

Cecil could not countenance the pretensions of Maitland, who had already proved himself hostile to his policy. When asked by the late Regent, at Elizabeth's request, to assist in clearing up the Norfolk plot, he had declined to say a word. Cecil had perfectly understood his dilemma. He could not have told anything without implicating himself, nor without gross treachery to the Duke, whose eager ally he had been throughout. Moray, of course, had readily complied, having nothing to hide, and owing nothing to the man who had tried to overreach him, and to make a cat's paw of him, to the ruin of the cause to which, as Norfolk well knew, his life had been devoted. Moreover, there were grounds for suspecting that Maitland was not altogether foreign to the councils of the English rebels. The great gathering of armed men on his day of law was believed to have some

relation to their plans. Those of them who were soon after driven across the Border were entertained and protected by his political friends. And it was evident from the letter itself that, under the specious show of mediation between the "two factions," he was still bent on the Queen's restoration.

When the Scottish Council had recovered from the shock of Moray's assassination, they called a Convention to consider the situation, and to elect a successor. It met on the 8th February, and remained in session for a week. On the afternoon of the day on which the funeral of the Regent took place in solemn state, Maitland received the formal trial he had demanded. As it was not a time for adding to existing difficulties, and as some kind of *rapprochement* had already taken place between him and Morton, which gave some hope of reunion, he was unanimously acquitted, no one offering to accuse him. He "made a very perfect oration," and denied on oath that he had taken any part in the Darnley murder.[1] On the Regency question, it was urged that a meeting of the whole of the nobility, and not of one party only, should be called; and as no one among the King's Lords was prepared to accept the appointment till the support of England was better assured, the proposal was agreed to. They adjourned till the 4th March. A demand for the immediate pursuit of the Regent's murderers, made by the Protestant Barons, who were angry at the prevailing indecision, was also held over. All that was done was to issue a proclamation prohibiting assistance to the murderers on pain of death, and to appoint Morton and five other Lords a provisional Council to carry on the administration.[2]

[1] S.P.S. iii. 70. By a curious slip, Mr. Lang represents Maitland as acquitted, not of the murder of Darnley, but of that of Moray, of which he was not accused. (*History*, ii. 227.)

[2] S.P.S. iii. 77.

The hope of reunion was shortlived. On the 20th, the Hamiltons, with Argyle and Boyd, met by themselves at Glasgow, and wrote to Morton and Maitland, refusing to come to the adjourned Convention, and calling the Queen their sovereign.[1] Ferniehirst and Buccleuch, the Border chiefs, who had leagued themselves with the English rebels, and were carrying fire and sword into England, met with them.

At length the enlarged Convention assembled, and sat from the 4th to the 15th March.[2] The Hamiltons, Argyle, and Boyd kept their word, but Huntly and some of his northern allies appeared. They opposed any appointment to the Regency. Some of them asserted that the Queen's Deed of Demission had been exhausted by the Regency of Moray, and that for any fresh appointment they must recur to her. They "kept council apart," gathering at the residence of Maitland,[3] who from his bodily infirmity had little power of locomotion. Under the guise of mediation, he was in reality acting as their adviser. The King's Lords, who were in a majority, would have liked to proceed to an election without them. But they were in a dilemma. They were not yet sure of Elizabeth's effective support, and without it they could not safely move. Randolph, with all the goodwill in the world, could not go beyond his instructions. He and they were alike awaiting the advent of Sadler, with more definite proposals.

Their difficulty was mainly a financial one. Their own resources, including the revenues of the Crown, which were small, had been severely taxed since the battle of Langside. They were wholly unable to support a prolonged struggle, and as the interest of

[1] S.P.S. iii. 83–5.

[2] S.P.F. ix. 206.

[3] Near the meal market in High Street; hence their nickname of the "Lords of the Meal Market."

England in the issue was nearly as great as that of Scotland, Elizabeth might fairly be expected to share the heavy burden, as the late Regent had demanded. The Queen's Lords could count on the help of France and of the Queen's French dowry,[1] and unless their opponents could rely on equal help from England, their position would be critical. Neither party of itself had money to pay for the waged forces which now decided battles. Had both been left to their own resources the contest would have been less unequal. The escheats of the vanquished would, according to custom, have paid the costs of the victors, and hastened the end. But with continual drafts from abroad to replenish their exchequer, the Queen's party might prolong the struggle indefinitely, unless the help of England were forthcoming to redress the balance. There was thus nothing either unreasonable or servile in the attitude of the King's Lords.

Randolph, who arrived in Edinburgh on the 22nd February—the day after Maitland had left the Castle for Seton—appears to have met him about the 1st March. He found his old friend sadly broken down—"his legs clean gone, his body so weak that it sustained not itself, his inward parts so feeble that to endure to sneeze he could not, for annoying the whole body, only his heart whole and stomach good."[2] A little later he called on him at Lethington, and found that he kept in bed for the most part; when he went about he was carried in a litter. But he found no decay of his political activity; "he was earnest to restore the Queen." Randolph and he were now in opposition. A strong letter of friendly remonstrance addressed by him to Maitland is interesting from its references to former times, and to his old friends at Elizabeth's Court, now wholly estranged from him by

[1] Amounting to £120,000 per annum, according to Philippson, i. 234.
[2] S.P.S. iii. 92.

the course he had taken, and by his unfaithfulness to Moray.[1]

Maitland took full advantage of Elizabeth's indecision, and went boldly forward. With his concurrence a Convention of the Queen's Lords was called, to meet at Linlithgow on the 10th April, and he laboured hard to bring Morton and the King's Lords into it. He assured them that his object was a national and not a party one, that he desired to reconcile the interests of all with those of the Queen and the commonwealth, to secure an oblivion for the past and guarantees for the future. The King's Lords refused to be moved. They knew what the Queen's restoration under any conditions would mean. Though sorely tried, they still believed that Elizabeth, on her own account, would be compelled to come to their relief. The state of the English Border was lamentable. Ferniehirst and Buccleuch, reinforced by the English rebels, were raiding it nightly, in Mary's interest, with 4000 men. The Scottish Council was powerless to restrain them. It issued summonses and proclamations, but it was unable to enforce them. Discouragement had spread through their ranks, and paralysed their energies. Moreover, they were not altogether unwilling that Elizabeth's hand should be forced.

The English Queen was compelled to take action to defend her own territory. On the 18th March she instructed Randolph to tell the friendly Lords that Sussex with an army was coming to the Borders to punish her rebels, and their Scottish abettors, who were as much their enemies as hers. He was to ask them to join their goodwill and forces with his. "To the wisest" he was to explain that the expedition was indirectly on their behalf, and that to assist them under that colour was the most convenient way for

[1] S.P.S. iii. 98.

her affairs. It was out of "very great and good consideration"—(that is, out of fear of France and Spain)—that she "forbore to enter plainly by words into any manifest and express profession of maintaining the young King's cause." But "the effect of her action would be the same," and they ought not to neglect this opportunity of depressing their enemies. The hopes of the King's Lords revived.[1]

The coming expedition soon became generally known. Mary heard of it, and made a strong protest through Ross.[2] Maitland and the Queen's Lords were furious. Their cause was prospering, and they were sanguine of success. Elizabeth had hitherto put no obstacle in their way. But if the threatened invasion were carried out, the state of affairs would be changed.

Maitland wrote at once to Leicester (29th March), as the surest way to Elizabeth's ear. It was hopeless to think of moving Cecil, but his mistress might be gained or scared. He submitted to Leicester what he called a "plat of the country," a ground-plan of the situation. 'There had long been two factions, he said, one pretending the maintenance of the King's reign, the other alleging the Queen to have been cruelly dealt with and unjustly deprived. The first was composed of a good number of nobles, gentlemen, and principal burghs of the realm. The other had in it some most principal of the nobility, a good number of the inferior sort throughout the realm, who also assured themselves that all kings do allow their quarrel, and will aid them accordingly. The Regent's death had caused a further division, founded on the regimen of the realm. Some number of noblemen aspired to govern, founding on the provisions of Mary's Deed of Demission. Many who had adhered to the Regent repudiated that claim. They thought it neither fit nor tolerable that three or four of the

[1] S.P.S. iii. 97. [2] S.P.S. iii. 110.

meanest sort among the Earls should presume to rule the whole realm, while those next in blood to the Royal house, the first in rank, the greatest for the ancientry of their houses, their degree and forces, were neglected. They think it preposterous that the meaner sort shall command in public function, and the greater continue as private men to obey. Thus the King's faction had been diminished, and the Queen's increased.'

'It was said that the English Queen was preparing forces to enter Scotland, to countenance those who aspire to rule, and to suppress their opponents. The latter, who believed themselves equal, if not superior, to the other party, might not care to confront the joint forces of England and the King's party, but would, he feared, take advice of necessity, and call in foreign aid. It had already been offered them by an envoy of France. All Scotland would thus be set together by the ears, and Elizabeth would find the inconvenience of it. His own opinion was that, if she desired the friendship of the whole, and not merely of a part which could be of little use to her, she should not, for the pleasure of one party, go about to suppress the other. She ought rather to proceed by way of treaty, so as to pacify the whole state, and bring both parties to an accord. Then all would think well of her doings. If, on the contrary, she should favour the one faction at the expense of the other, the consequence would be that foreign aid would be sought, and strangers be brought in to increase the confusion. For himself, he did not desire that result, nay, he abhorred it. But he gave plain warning of its approach, if the wrong way were taken. Should Elizabeth take his frank dealing in evil part, he would forbear to trouble her further.' [1]

[1] The letter is printed at length in Robertson, iii. 367; but defective punctuation somewhat obscures its merit.

As this letter also remained unnoticed, it was left to the Convention to consider what should be done to arrest the threatened invasion. The meeting took place at Linlithgow on the appointed day, and Maitland, brought thither in a litter, was its ruling spirit. The Queen's Lords were accompanied by Verac, an envoy from France, who had arrived at Dumbarton near the end of March, bringing promises of men and money from the French King, on condition of their fidelity to the French alliance. They had also the presence of Westmoreland and Leonard Dacres, Elizabeth's rebels. They appear to have made a formal pact with Verac, subscribed by the leading Lords, which was immediately sent to France by two messengers, authorised to arrange for the promised supplies. In a day or two they adjourned to Edinburgh, the magistrates of which allowed them to enter only on condition of their leaving the English rebels behind them, and of attempting no innovation in the State.[1]

They proceeded to issue a proclamation to the people of Scotland, in which they practically claimed to be the supreme power, and invited their opponents to come to terms with them. This lengthy manifesto bears in every line the marks of Maitland's hand. 'The Earls, Lords, noblemen, and Barons there assembled are the born Councillors of the realm, bound as God's ministers to put to their hand to sustain the State, and to rescue it from its present disturbed condition, so hurtful to all the subjects.' The origin of the division is ascribed to the departure of the King's Lords from their original objects in dealing with the Queen in 1567—namely, her liberation and that of the realm from the tyranny of Bothwell—by proceeding further to her deposition. The Regency of Moray is passed over in silence, to spare needless irritation.

[1] Bannatyne, 26, 32.

The common assertion that religion was threatened by their action is pronounced a calumny. They had themselves been "chief labourers in raising the building, preferring it to their lands and lives," and was it likely they would now cast it down? And if they had that intention, as they had not, "alas! in whose power besides, should it consist to withstand it?"[1] They are willing to delay action, provided there is hope of "reason, measure, or conformity" in their opponents. 'The objects they aim at are the forthsetting of God's glory—the restoration of the Queen's Majesty's estate ("that she remain not ane barren stock, but that fruit may be procreate of her body, so that the succession of the Crown may be more stark") —the safety of the person and estate of the Prince—peace with all nations—concord and amity among themselves, and the security of every man's life, lands, and station. They are willing to share all the hazards to which the King's Lords can think themselves exposed by the Queen's return. And they protest that if their overtures are contemned, and strangers are brought in to provide for their surety and that of the realm, the responsibility will not rest with them.'[2]

In the same confident spirit they proceeded to deal with the threat of invasion. They appointed Heriot of Trabron and John Gordon, son of the Bishop of Galloway and cousin of Huntly, to proceed to Berwick, with instructions to inquire from the Earl of Sussex, Elizabeth's Lieutenant-General, in their name, why a force had been brought so near to them, and to say that, if it entered Scotland, they must oppose it in arms. They were earnestly to desire him to forbear, at least until an answer had been received to the letter which Gordon was commissioned to present to Elizabeth—a letter of similar tenor to that of Maitland to Leicester. They were to tell him, on behalf of

[1] The note of arrogance is characteristic. [2] Bannatyne, 27-31.

the Queen's Lords, that they themselves would be answerable for the peace of the Border, as well as for any wrong that had been done to England, or that might be done in the future. The letter to Elizabeth was to be shown neither to Sussex nor to any one there, but to be placed as speedily as possible in her hands; and Sussex was asked to provide Gordon with posthorses for his journey.[1]

Sussex indignantly refused. He declined to suspend the task entrusted to him by his sovereign on the faith of an undisclosed letter—refused "to be feared by a bit of paper," as he afterwards described it to Maitland. He detained both the messenger and the message, till he should take the instructions of Elizabeth. He apprised the Queen's Lords of this decision, and, with reference to their threatened opposition, warned them of the consequences of making common cause with the English rebels and their Scottish abettors. He enclosed a copy of a proclamation which had been prepared for distribution in Scotland, in which the spirit and purpose of the expedition were defined. In this document the Scottish people were informed that its intentions were entirely friendly to all but the English rebels and their predatory allies, who disturbed the peace of both countries. His army would only do the duty of the Scottish government, as Moray would have done it—a duty which it was at present unable to perform.[2]

On the 17th of April, Sussex entered Scotland, leaving the Queen's Lords' envoys to await his return. His army moved in three divisions, appointed to operate in each of the three Marches, East, Middle, and West. They took a dire revenge on the invaders of England. The Castles of Ferniehirst and Buccleuch, deserted by their owners—for no organised defence was attempted, either by them or by the Queen's

[1] S.P.S. iii. 121–5. [2] Bannatyne, 34–7.

Lords—were levelled with the ground, and not a house, village, or town, in the guilty districts, was left unburnt. The Borderers were accustomed to drastic measures; Moray had burned Liddesdale after Langside; but the work of Sussex and his Wardens was of unusual extent and thoroughness. The spoil was small, and ill repaid them for the English losses. The clans, warned in time, had threshed their corn, removed their cattle, and unthatched their houses. Leaving a smoking desert behind him, Sussex recrossed the border within a few days. A week later, Hume Castle, a fortified nest of the rebels, was taken and garrisoned with 200 Englishmen. Fast Castle also was taken, a smaller stronghold of the same offender, Lord Hume, who had deserted both, and who now, along with Maitland himself, sought the safe refuge of Edinburgh Castle. Its captain, Kirkaldy of Grange, who had long appeared to vacillate between the two sides, had now gone over to the Queen's party, and was fast becoming, from his custody of the chief fortress of the kingdom, the mainstay of their cause. His defection was a grievous stumbling-block to his old friends of the reforming party.[1]

It is not quite easy to trace the origin and progress of Grange's revolt from the Regent. According to Sir James Melville, who, however, is not a very safe guide, he was not far from a rupture with the confederate Lords on the question of Mary's sequestration. He had himself guaranteed her estate in accepting her surrender at Carberry, and was hardly satisfied with their reasons for going back on his word of honour. He is said to have been in favour of milder measures, and of giving Mary time to wean herself from Bothwell. His zeal in the naval expedition to capture Bothwell at sea, and finally to dispose of him, is consistent with this temper; and it would be quite in

[1] S.P.S. iii. 146, 196–8.

keeping with his somewhat quixotic character to suppose that he retained some grudge against those who had thus, as he might think, dishonoured him, especially their leader Morton. But he fell in with, and warmly promoted, the appointment of Moray to the Regency, perhaps as a safeguard against the more extreme of the confederate Lords. He accepted from the Regent the custody of the Castle. He was resolutely loyal to him at the trying time of the Queen's escape from Lochleven, and the victory at Langside was largely due to his military capacity. He remained attached to him during his absence at York and Westminster.[1] The first appearance of a breach was his forcible, some say fraudulent, removal of Maitland, after his arrest, from the Regent's custody to his own. What was his motive for this bold and illegal act? Maitland had been arrested on the charge of complicity in the murder of Darnley, founded on the recent deposition of Paris, and so had Sir James Balfour. But the Band of the confederate Lords, which was the condition of Balfour's adhesion to their cause, and his placing the Castle at their service—an acquisition without which they could not have succeeded—had guaranteed him against prosecution on that charge; and Grange, as the military adviser of the Lords, had recommended the transaction. Moreover, the stipulation that Grange should be Balfour's successor, as Captain of the Castle, had been intended to lay upon him an obligation to see the agreement kept which he had himself negotiated. And as Maitland had powerfully co-operated in confirming the agreement, Grange might very well hold that his honour was equally involved in protecting him. Moreover, he seems to have been convinced of Maitland's innocence.[2] This bold act, which is said to have saved Lethington from being sent to Tantallon,

[1] See his letters in S.P.S. ii. 594, 607.

[2] S.P.S. ii. 691.

KIRKALDY OF GRANGE.
(From a Picture ascribed to Clouet.)

knit a close friendship between them, for which a natural foundation already existed in their old comradeship, their common aversion to the confederate leaders, and their sympathy for the Queen—a friendship which probably explains all the rest of his career.

On the 29th April, the English Privy Council, by a majority, agreed that the financial and military aid asked for by the King's Lords should be given. Nevertheless, on the 30th, Elizabeth wrote a long and confidential letter to Sussex, in which she opened out her whole mind on the Scottish question, and showed all her old vacillation. She was still unresolved what to do with Mary—wanted more time to make up her mind—was afraid of French and Spanish intervention if she openly supported the King. But if the King's party could secure their estate and suppress their opponents by means of such secret aid as she should give, she would gladly assent thereto.[1]

On the 1st of May, the King's Lords, now earnestly bestirring themselves, held a Convention in Edinburgh. They sent, as their envoy to Elizabeth, Robert Pitcairn, Commendator of Dunfermline, who henceforward acted as Secretary of State, in room of Maitland. He was instructed to enforce the late Regent's demands, as stated in his last letter, and to call upon her to undertake the open maintenance of the King and of the common religion, not only against the disobedient in Scotland, but against all foreign invaders. The delay of such a declared resolution, they said with perfect truth, had been the greatest cause of all the troubles. He was to relate the efforts they had made to supply the Regent's place, which had been fruitless only because no one was willing to take the office without the assurance of her full support. He was to ask her advice as to the successor

[1] S.P.S. iii. 136-39.

they should appoint, and to crave sufficient money to pay the forces they had already in the field, as well as the additional ones that were required to enable them to cope with their opponents. If it were promptly given, they would undertake to establish peace, to maintain the amity, and to put their whole strength at Elizabeth's service, should occasion call for it. Her rebels in Scotland would also be apprehended and imprisoned, if not delivered up to her.[1]

Meanwhile, Sussex was highly pleased with the results of his first expedition. It had put heart into the King's party, driven the time-servers to their side, and seriously discouraged their opponents. Before proceeding further, he awaited the reply of Morton and his colleagues to his proposals for joint action.[2] The arrangements were at length completed. On the 11th May, Drury, the lieutenant of Sussex, marched towards Edinburgh at the head of a picked force of 1000 men, to meet a larger force which the King's Lords were collecting. The second expedition was to complete the work of the first, by bringing to book those who had egged on the Borderers, and were the real authors of all the mischief—the Hamiltons and their allies.

Maitland, seeing that threats had proved vain to prevent the first invasion, endeavoured by guile to avert a second and more threatening one. He offered "fair words" to Sussex, intended to keep him amused and inactive. He professed his desire to submit the controversy between the two parties to the mediation of Elizabeth alone. As this was really all that Elizabeth wanted, Sussex resolved to test his sincerity, but without slackening his action. The sequel justified his caution. While Maitland was making specious offers, his party was collecting forces, and was on the eve of offering battle to its opponents,

[1] S.P.S. iii. 143.

[2] S.P.S. iii. 145-50.

in the hope of overwhelming them before the English force should arrive. The King's Lords wrote urgently for support. Sussex, who showed himself throughout an able and resolute man, in diplomacy as well as in the field, at once warned their opponents against attacking the friends of England. If they did, they would bring him into the field, with all the forces at his command. In virtue of Maitland's offers, he proposed that they should disarm. If they consented he would get the other side to do the same, and thus time would be given for Elizabeth's mediation.[1]

Instead of falling in with this proposal, they proceeded, with or without Maitland's consent, to proclaim Queen Mary at Linlithgow (8th May), and sent word to Sussex that they would disarm when the other side set the example. Stung by this bold defiance, the King's Lords answered with a vehement proclamation in the name of the King, which put an end to all hope of reconciliation.[2] Sussex hesitated no longer. A lost battle might almost ruin the party on which alone England could depend. The English Wardens were let loose on the southern counties to keep the Border chiefs employed at home, and Drury entered Edinburgh on the 13th May. But not to drive matters to extremities, of which Elizabeth, perhaps crediting Maitland's advances, might not approve, he authorised his lieutenant to offer conditions which, if accepted, would stay his hand. These were (1) that they should disarm; (2) that they should dismiss the English rebels; (3) that they should send representatives to Elizabeth with their demands; (4) that the peace should be kept till her answer had been received; (5) that they should promise to resist till then the entrance of any foreign force into Scotland; and (6) that they should give hostages for the performance of these conditions.

[1] S.P.S. iii. 155.

[2] S.P.S. iii. 165–78.

These terms were slightly modified in a message sent after the Marshal by the hands of Wrothe, the secretary of Sussex. Instead of hostages for each of the leading Lords of the party, he offered to accept Maitland as hostage for them all. It was a brilliant idea, but one very unlikely to commend itself to the person chiefly concerned.[1]

Drury on his arrival saw Maitland and Grange in the Castle. Their replies were not satisfactory. Those given to Wrothe a day or two later were angry and defiant. Drury proceeded to carry out his alternative instructions. He arranged with Morton and his colleagues to follow the Duke, who (recently liberated from the Castle by Grange, along with Herries his fellow-prisoner, at the instigation of Maitland) had left Linlithgow with a large following to attack the Castle of Glasgow, the property of his old rival Lennox, who had come north with the English force, to look after the interests of the King his grandson. Drury was joined at Stirling by the King's Lords, with an army much greater than his own. The Duke and his friends dispersed on hearing of their approach. The allied army proceeded to serve him as the Borderers had been served. They took and destroyed his Castle, burned his palace and the town of Hamilton, as well as many of the houses of his clan. Lennox and the King's Lords were urgent that Drury should send for the Berwick artillery and assist them to reduce the fortress of Dumbarton, their great stumbling-block in the west. Drury went to it by appointment to parley, and narrowly escaped being treacherously shot by the garrison. But Elizabeth vetoed the proposal, and her army returned to Edinburgh, completing on the way the punishment of the Duke by the destruction of his houses of Kinneil and Linlithgow. Before Drury got back, Maitland, foiled and discredited, had

[1] S.P.S. 173-6.

left the Castle for his old retreat at Blair-Athole. The expedition, having done its work, was at an end. Elizabeth thought that she had "reasonably chastised" the party that favoured her rebels. Drury and his force reached Berwick on the 2nd June.[1]

The effect of Elizabeth's intervention was decisive. The King's authority was re-established, the Queen's party scattered and depressed. Maitland in a confidential letter to Beaton in the following year thus spoke of the permanent influence of the blow. "You know in what terms we then stood (April 1570), and what number of noblemen made some countenance and demonstration that they would then set forth the Queen's cause, which company was dispersed to sundry places by the incoming of the Englishmen; since which time, for no labours that could be made, that number could never to this hour be assembled again in one place."[2]

All that now seemed needed to end the schism was the assistance of English guns to reduce the Castles of Edinburgh and Dumbarton. The King's Lords were urgent that it should at once be given, and they had the full sympathy and, as far as possible, the support of Sussex, who had lost all faith in Maitland's "mediation." He believed him to be "rooted in rancour," and that he "would be a perilous instrument against England to his power." He "detested" him as "a traitor to all he dealt with." He told Cecil, on the authority of some Scottish noblemen, that he had threatened to make Elizabeth "sit on her tail, and whine like a whipped hound" ("a vile speech for such a varlet"); "that he boasted of knowing the bottom of her secrets"; and that "within the last ten days he had received from her more gentle and loving letters than ever before." Sussex told Cecil

[1] S.P.S. iii. 192.

[2] *Miscellaneous Papers*, Maitland Club, p. 60; Hosack, ii. 510.

that his sovereign "must be in hard case if such as he were so privy with her doings." Nevertheless it is quite possible there was more truth in Maitland's boasts than Sussex knew. For Elizabeth in her vacillations had little regard for consistency, and she was now on the eve of a strategic retreat in her Scottish policy.[1]

The English intervention in Scotland had moved the wrath of Mary to a high pitch. Her outcries about the invasion of her realm, and the capture of her castles, set France in motion. La Mothe Fenelon, the French Ambassador in London, appeared before Elizabeth while Drury was still in Scotland, and demanded the withdrawal of his force, as otherwise the French King would be compelled to send a similar force to the assistance of the Queen's party. And he urged once more the Queen's restoration. As Catherine and her son were still in league with the Cardinal, and were reported to be preparing an expedition for Scotland, the danger of war seemed real. Elizabeth resolved to temporise. She released the Bishop of Ross, Mary's minister, who had now been in confinement for three months, and agreed to resume negotiations for Mary's liberation, provided sufficient securities for England were offered by her. To give time for the conclusion of a treaty, it was agreed that a representative of the Scottish Queen should proceed to Scotland, to join with Sussex and Randolph in bringing about a suspension of hostilities between the rival parties there. The agreement was subject to the condition that no French force should be sent to Scotland, and that, if any had been already despatched, it should be recalled.[2]

There can be little doubt that her retreat was a mere feint to avert the present danger, and that Elizabeth trusted to her own diplomacy, and to

[1] S.P.S. iii. 179–80. [2] S.P.S. ii. 182–3.

changing circumstances, to regain her ground. The only danger of her move was its effect on her party in Scotland. But she had already, as she thought, given the King's Lords sufficient indications of her real mind to prevent them from taking the move so seriously as to break away from her control, which she could not afford to lose; and there is reason to believe that the wisest of them had a shrewd notion of the truth.[1] Morton, at least, never lost the conviction that, whatever might be her vacillations, Elizabeth could not, under any circumstances, out of regard for her own safety, consent to Mary's restoration. But the change seriously affected their position, put fresh heart into their opponents, and drove the waverers once more from their side. Maitland at once resumed his old confident bearing. He loudly predicted the early return of the Queen, and he was much assisted by Lord Livingston, Mary's envoy under the agreement, who, though disowned by the King's Lords, and compelled to take circuitous routes to save himself from capture at their hands, took care, on his way to Maitland at Blair-Athole, to scatter the most roseate reports of Mary's prospects, to the dismay of many.

Sussex and Randolph were almost as discontented as the King's Lords. It was a hard task for self-respecting men to serve Elizabeth. They were expected to unsay themselves on short notice, to have as little regard for consistency as herself. Neither Sussex nor Randolph was an austere politician, but both were honest and honourable men, addicted to sincere courses. Sussex, as Lieutenant-General of the Queen, might justly have expected to be considered, if not consulted, before any change of policy had been adopted. He had deeply committed himself to the King's party, with Elizabeth's approval. And Randolph's sym-

[1] S.P.S. iii. 201; Wright, i. 366.

pathies were well known before he was sent down; he had, in fact, been selected on account of them. But Elizabeth took little heed of these things. Both asked to be recalled: Sussex on grounds of health; Randolph, more bluntly, because that, with his antecedents, he could be of no further use.[1] Neither was granted, and a letter from the Queen, intimating reconsideration of her policy, on the discovery of a fresh intrigue of the Bishop of Ross with the Catholic Lords, gave them some momentary satisfaction. Seizing the opportunity, Sussex, in reporting to Cecil that the King's Lords insisted they could have no security if the Queen returned on any conditions, offered, with his force of 4000 men, to take Edinburgh and Dumbarton Castles within twenty days, and within other twenty to bring all Scotland to the King's obedience, or leave the disobedient without a castle to dwell in, and thus end the whole trouble.[2] Of course, his offer was not accepted.

The ostensible arrangement between France and England was that both parties in Scotland should be required to disarm and remain at peace while the negotiations were in progress, and that both should send representatives to take part in them. But the King's Lords were unwilling to give any countenance to the treating, and their opponents could not venture to send any of their number without a safe-conduct to protect them from capture by the way, which the King's party were unwilling to grant.[3]

Sussex had, of course, to urge the proposal on both. Knowing that Maitland was in every sense the head of his party, he had to resume his correspondence with him. The latter remained in his safe retreat at

[1] S.P.S. iii. 190, 206, 222. [2] S.P.S. iii. 217.

[3] There was some question of sending Maitland for the Queen's Lords, but Elizabeth would not hear of it. See the interesting letter of Ross in Robertson, App. 36.

Blair-Athole, above the pass of Killiecrankie, and from thence all his letters to Sussex at this time are dated. They show his usual dexterity in diplomacy, though he gained no great advantage over Elizabeth's representative. Their chief interest is limited to three or four of the series, and it is mainly personal to Maitland. On the 14th June, *inter alia*, he deprecated rigour on the part of Elizabeth to Mary, for the pleasure of a few Lords, who could be of little use to her, still harping on his old line of argument. Sussex, with the memories of York and Westminster in his mind, seized on the word "rigour," and asked what he would consider rigorous treatment on the part of Elizabeth. He reminded him of his own part in imprisoning and deposing Mary, and afterwards in co-operating with those who accused her of crimes which must discrown her for ever. What was the rigour of Elizabeth, who maintained Mary in state, and with a large amount of personal liberty, compared with his own, and what had happened to change his estimate of her deserts?

Maitland was hampered in his reply by his inability to tell the whole truth about his relations to these transactions, and rode off on an interesting vindication of the right of a statesman to change his mind, and vary his course, according to the varying conditions of times and circumstances. He denied altogether having ever urged rigour towards Mary, either at York or elsewhere. "It may be that your Lordship has seen me with those that have earnestly persuaded worse to be done to the Queen of Scots. But sure I am you have not known me to be a persuader of such matters against her. I never went about from the beginning to persuade her destruction, nor meant at any time ill to her person. There be noblemen and others of good credit yet living who can bear me record that, within a month after the late

Regent accepted office, I dealt earnestly with him to accord with his Queen. The same advice I did renew many times after, before his going to England; how earnestly I did press him in England to follow that course, numbers of men, English and Scotch, do know. . . . I have insisted the more upon this head because it doth touch me near."

As to what might be regarded as rigour, "to keep a man a month in prison, or to restrain his liberty for a few days for sufficient considerations, may well stand with equity, whereas it might be accounted great rigour if the same person were detained seven years captive. To sequestrate the Queen's person for a season might perhaps be excused, but to keep her all her days in close prison were rigour intolerable."

Circumstances had greatly changed the problem. The death of the Regent Moray, for instance, had made an end of the government to which they consented. And "if, two or three years ago, I had thought a matter convenient to be done which now I think altogether unfit, shall it be reckoned as inconstancy? I think not. More years have brought with them more experience, and no marvel if experience have taught me things whereof before I was ignorant. The chief thing we ought both to respect is our country, the common parent of us all, and the quiet thereof. To this end we must direct all our actions."

He finally waived the discussion as irrelevant. "Although I should make no answer, it can nothing prejudge the matters we have in hand, seeing that the whole argument consisteth of the accusation of me for (as you think) the late alteration of my mind, which is rather *ad hominem* than properly appertaining to the cause. For, as I wrote in other letters, what I think to be done or not to be done is not material. But what in reason and in honour ought to be done is to be considered. The cause in itself is neither the

better nor the worse for my doings, whether they be good or ill. Although I can directly answer the principal heads of your Lordship's letter, and sufficiently refute the most part of the objections laid out against me, yet for good respects I will forbear, seeing my silence can no ways be prejudicial but to myself. If I should directly enter to purge myself, I must enter in a discourse which must needs touch more than myself,[1] and rather than do so I will suffer that in the mean season men judge of me and of my actions as shall please them. . . . What my behaviour was towards the Queen, either the time I was in England or before, I must be answerable to herself, and when my doings shall be examined, and I called to account therefor, I trust by God's grace they shall be as able to abide the trial of any indifferent judge as any man that was of the faction there."

These letters, along with a few to Cecil already noticed, supply the explanation and the apologia of his public life. Elizabeth felicitated her Lieutenant-General on the success of his tourney with "the flower of the wits of Scotland." Knowing, as we now do, more of the inner history of Maitland's course, we can see more consistency in it than was possible to Sussex —consistency of aim, if not of measures, the only consistency that Maitland valued.[2]

The King's Lords, disappointed and angry at the treating, held on their course. They met in Convention at Stirling (19th to 23rd June), to consider for the third time the question of the Regency. They appointed Lennox Lieutenant-General of the kingdom, submitted his nomination as Regent to the approval of Elizabeth, and adjourned till the 10th July to await her reply. The popular forces behind them are illustrated by a proceeding which took place in the interval. The

[1] Norfolk, Ross, Mary herself, and others.
[2] S.P.S. iii. 221, 293; Skelton, ii. 362–73; Tytler, vii. 332.

General Assembly, which held its usual half-yearly meeting in June, ordered all ministers of the Church to pray publicly for the preservation of the King's person and authority, and resolved to excommunicate all who should interfere with their freedom in so doing.[1]

Elizabeth assented to the appointment of Lennox, in terms that encouraged the party and mortified their opponents.[2] On the 17th July he was elected and proclaimed at Edinburgh, taking the same (Protestant) oath that had been taken by Moray.[3] There is no reason to believe that he was the nominee of Elizabeth, who would have preferred Morton.[4] The outcry of the Queen's Lords against him as an Englishman was mere party spirit. Grange, by refusing to acknowledge him, and to fire the usual salute from the Castle guns on his appointment, made a final breach with his old friends. Lennox sent Elphinstone, Moray's old servant, as his ambassador to Elizabeth, with Moray's old demands.

The new Regent proceeded to act with vigour. The Queen's Lords, elated by the new turn of affairs, were preparing to hold a Parliament of their own, which was to meet at Linlithgow on the 7th August. Huntly in the north and Argyle in the west were levying forces to assure its safety, and perhaps to do something more. They had delayed the signing of the proposed armistice on purpose to keep their hands free. Sussex had again to warn them against attacking their opponents, by threatening with his whole force to take plain part with the latter. And he renewed his offer to Elizabeth to take Edinburgh and Dumbarton in twenty days with the 4000 men whom Elizabeth was now requiring him to disband.[5] The Queen's Lords had already tried to hold a convention

[1] S.P.S. iii. 226, 251.
[2] Robertson, App. 35.
[3] S.P.S. iii. 264–70.
[4] Sp. Cal., Hume, ii. 233.
[5] S.P.S. iii. 286–8, 297.

at Aberdeen, but the town had refused them admission. Nothing, it may be noted in passing, is more remarkable in the history of those years than the fidelity of the burghs, even those in remote districts and surrounded by enemies, to the cause of the King and his Regents. Aberdeen and Jedburgh were as loyal to them as Perth or Stirling.[1]

To prevent the assemblage, Linlithgow was promptly occupied by the Regent's troops. When the appointed day had passed without their appearance, Morton and the Regent proceeded northward with their force. They took Brechin, where a small garrison had been left in the steeple. It surrendered unconditionally, and two officers and thirty-two men, about a fourth of the whole number, were hanged forthwith. The strain of civil war was beginning to produce its natural effect on the temper of the combatants.[2]

Sussex co-operated in the south by an invasion of the West March (22nd to 28th August), which was said to be still harbouring Dacres and his followers. He brought the "cautelous" Herries to his knees, detaching his large contingent from the forces of the King's enemies. The Queen's Lords, foiled at Linlithgow, met in convention at Dunkeld, close to Maitland's retreat, to choose the representatives who were to take part for them in negotiating the treaty. The Bishop of Galloway, Huntly's uncle, was induced to undertake a mission which no one coveted. He was to act along with Lord Livingston and the Bishop of Ross, who were already on the spot. Their Instructions, drawn up by Lethington, show no abatement of the pretensions of the party. The authority of Mary, and her equality with Elizabeth as a reigning sovereign, are

[1] See an amusing illustration of this fact in Bannatyne, p. 176, in the case of Jedburgh, where an unhappy pursuivant of the Queen's Lords was compelled first to eat his proclamation, and then to submit to the application of the Provost's rod to his "bare buttocks."

[2] S.P.S. iii. 301.

punctiliously guarded, and the King and his Regent are ignored.[1]

But the genius of Maitland could not prevent the seeds of dissolution from appearing in their ranks. A "pink" had arrived at Aberdeen, bringing emissaries from Alva, the heralds of a Spanish expedition, which had been negotiated by Seton after his repulse at the French Court. Their errand was discussed at the Convention, and was apparently the chief cause of dissension. Argyle and some other Lords were not prepared for a Spanish league, and were probably becoming tired of the conflict. From that day, they entered into negotiations with the Regent, which by and by issued in their secession from the party.[2]

About the same time occurred an ominous change in France. The alliance between the Queen Mother and the Cardinal was dissolved. The Guisian policy having failed to put down the Huguenots and to pacify France, Catherine determined to revert to her old policy of conciliation and compromise. She made peace with Coligny by the Treaty of St. Germain (8th August), and called the *Politiques* to her councils. On the 11th, Norris wrote from Paris to Elizabeth that "there was peace in France"; that the Protestants were in power; and on the 31st, that Montmorency, the leader of the *Politiques*, was the new minister. A month later he reported that the Cardinal was "out of credit, court, and council." The pressure of France on England gradually relaxed, and Elizabeth ere long recovered her liberty in relation to Scotland and Mary.[3]

But the change took time to develop. Catherine could not all at once forsake the traditional and popular policy of France as to Scotland. The outlook seemed still dubious. Verac had returned to Dumbarton

[1] S.P.S. iii. 326, 342, 422.
[2] S.P.S. iii. 340–8.
[3] S.P.F. ix. 343.

with supplies, and was believed to be a dangerous link between Scotland and France. On the 19th September, Elizabeth agreed to send Cecil and Mildmay to Chatsworth, where Mary was residing, to bring the question of the Treaty to a point. She called upon the King's party to sign the Abstinence, as their opponents had now done, and either to send deputies, or to state in writing the terms on which they would accept the Queen's restoration. They were more perplexed than ever. But they did not yield. They met her demands with a persistent passive resistance, which, had she been more in earnest, would have roused her temper. The Regent stated that only a Parliament could appoint and instruct representatives for such a purpose. They reluctantly agreed to an armistice for two months, on conditions that upheld the King's authority, and they insisted on holding a Parliament for the confirmation of the Regent's appointment.

It met on the 13th of October, and, after ratifying Lennox's title, proceeded to choose representatives to go to Elizabeth, men who might be trusted to defend the King's cause. Morton was the chief, and Lord Glamis and Pitcairn were joined with him. The last had just been definitively appointed Secretary of State, in room of Maitland, now finally deprived.[1] Randolph was freely told that they could not accept restoration in any form, and that they relied on the written promise of Elizabeth to Moray, which they held in their hands and showed to her envoy, to guarantee them against it. Randolph and Sussex were themselves once more in a state of discontent, resenting their instructions, and again asking their recall. Randolph "wished himself in Muscovy," and the more restrained Sussex told Cecil that, as Elizabeth seemed bent on restoring Mary, he "would cast no bones" by his own action, but simply follow the directions he

[1] S.P.S. iii. 352, 357.

received, so long as he remained there. This time their desire was granted (26th October). They left Scotland in November, carrying with them the unfeigned gratitude of the King's Lords, who were not without hope from their influence in London.[1]

The King's representatives were in no hurry to repair to the scene of the Treaty. Pitcairn proceeded alone about the 15th November, bearing a long impeachment of the good faith of their adversaries in the matter of the Abstinence. Elizabeth spoke soothingly to him, but desired to see his more influential colleagues. It was the end of January before Morton, accompanied by Macgill, the Clerk Register and a kindred spirit, left Edinburgh to join him. On their arrival they handed to Elizabeth's Commissioners a long *Memorial*, intended to prove, by reference to Scottish law and Scottish history, backed up by some foreign authorities, the unimpeachable validity of the King's title.[2] They declined to entertain any of the plans suggested for the Queen's restoration. Morton, we learn, was accused by Mary of having affirmed, before he left Scotland, that the negotiations were a feint. Probably he had done so. Lethington was of the same opinion. In a letter to Mary of the 8th August, and in another to Ross of the 15th, both of which were intercepted, Maitland expressed his belief that Elizabeth "meant no accord"; that the negotiations were only a shift to satisfy foreign princes; and that impossible conditions were put forward in order that they might be refused. He advised Ross to accept any conditions, to "give words for words, till Elizabeth's untruth should appear of itself," because if the Queen's liberty were once gained, the conditions would take care of themselves. In the same letter, he told Ross that nothing could have made him more glad than the news of Norfolk's liberation, unless it

[1] S.P.S. iii. 375, 383, 397, 401.

[2] S.P.S. iii. 488.

had been Mary's restitution, or that Elizabeth "had gone *ad patres.*"[1]

The end confirmed their views. Before the 15th of March, Morton had satisfied Burghley[2] that he and his party were immovable. On the 23rd, Elizabeth declared to Mary's Commissioners that she had done all she could—that Morton had no powers to treat for restoration—that he was going back to get them, from a Parliament to be held in May—that an English envoy would accompany him to see that course followed—and that till then the conference would be suspended. The Abstinence, which had already been more than once extended, would be prolonged till the 1st June. The negotiations were never resumed; the feint had answered its purpose. Events assisted in dispensing with its prolongation.[3]

It was during these trying months that Buchanan wrote the *Chameleon.* As a specimen of the Scots vernacular, it has much value; as a criticism of Maitland it has very little. It is simply a party pamphlet, written with all the vehemence of a distracted time, against the man whom he regarded as a traitor to his friends and to his party, and the chief enemy to the public peace. It was strangled in the press, and was not published till 1710, though it probably circulated more or less in manuscript.[4]

Before Morton got back to Edinburgh, a decisive blow had been inflicted on the Queen's cause. On the 2nd April, Dumbarton Castle was captured—the open gateway through which foreign forces and foreign supplies had hitherto been free to enter Scotland. The daring feat was undertaken and accomplished by Captain Crawford of Jordanhill, the friend of Darnley

[1] Norfolk had been released on a fresh submission and renunciation of the marriage, which he did not cease to pursue. S.P.S. iii. 311.

[2] Cecil had become Lord Burghley on the 25th February 1571.

[3] S.P.S. iii. 511.

[4] See Dr. Hume Brown's *George Buchanan.*

and the accuser of Maitland. Approaching the rock by stealth about midnight of the 1st, with a hundred picked men, having harquebuses bound to their backs, and carrying ladders, which they fastened to one another and to the rock by ropes and clamps, as they ascended in a continuous line the precipitous crag—guided by a retired soldier of the garrison, and led by Crawford himself—they reached the wall in the early dawn at a point so high as to be considered inaccessible from without, and which on that account had been left unguarded. They clambered over, almost in single file, aided by a fog which concealed their numbers, and seized the guns and ammunition of the fort, which they promptly turned against the awakening garrison below, before any effective resistance could be offered. They were at once masters of the place without losing a man, and the garrison was at their mercy. No person of any consequence escaped, except Lord Fleming, its keeper, who contrived to drop into a boat, and get off by sea.

Thus the great natural fortress which commanded the navigation of the Firth of Clyde, and controlled the western highway between Scotland and France, was now in the hands of the Regent. The passage was thenceforth barred to the King's enemies—the passage by which Mary herself had reached France in 1548, when the eastern route was closed by the English fleet.

The most important prisoners were Verac, the French envoy, who had returned from France, and the Archbishop of St. Andrews, who had taken refuge there when Drury came to Glasgow. Verac was allowed to depart to France. Within a few days the Archbishop was informally tried at Stirling and summarily executed, admitting his complicity in the Regent's murder. Elizabeth, to whose troubles with France the fall of the Castle was a signal relief, wrote to Lennox (22nd April), congratulating him on his

acquisition, and hoping he would be careful of its custody. She expressed no commiseration for the fate of Hamilton, whose recent history was too well known.

Almost coincident with this heavy blow in Scotland was a still more fatal one in England. Before the middle of April occurred the seizure at Dover of a confidential servant of the Bishop of Ross, laden with incriminating matter, and the long process began which brought to light the renewed conspiracy of Norfolk, and cleared up that of the year before.

The fall of Dumbarton was the beginning of the end in Scotland. Cut off from communication with France, except by the east coast, which, outside the walls of Edinburgh, was wholly in the power of the King's party, the position of the great stronghold became precarious. Grange at once set about strengthening its defences. He was joined (11th April) by Maitland, who now finally took up his abode within its walls, as the only place of security left to him—the Thermopylæ of the Queen's cause. Additional forces, furnished chiefly by the Hamiltons, were called in, a step which brought on Grange much reproach from his old friends. He answered with angry challenges to single combat, which in the long-run he was compelled to refuse. With the help of his recruits, he took military possession of the city. On the 30th, he issued a proclamation requiring all citizens hostile to the Queen's cause to depart within six hours.[1] A considerable number removed to Leith, leaving their houses more or less unprotected. Knox, among others, had to leave the city, moved by the importunity of his friends, who feared for his life from the motley force now in Grange's service.

Excluded from the capital, the King's Lords held a Parliament in the Canongate, outside the walls, but within the liberties of the city (14th to 19th May), where

[1] Bannatyne, 114.

they forfeited, among others, Maitland and his two brothers, John of Coldingham, the future Chancellor, and Thomas, who had gone with Seton to Alva to solicit aid. Nothing was said about a new commission to Morton to treat with Elizabeth, who was now on the track of the Ridolfi conspiracy, and unlikely to resume the negotiations.

The Queen's Lords, in defiance, held a rival Parliament in the Tolbooth. Here Argyle and Boyd appeared, and after a vain attempt to bring about an arrangement on the basis of terms offered by the Regent, finally seceded from their ranks. A few weeks later, along with Montrose, Eglinton, and Cassilis, they signed articles of agreement with Morton, Mar, and Glencairn. Herries, too, was trimming; and, surest omen of all, there were rumours that Balfour was once more preparing to shift for himself. These defections, actual and threatened, especially that of Argyle, who had been one of the three Lieutenants of the Queen, further weakened the party. Maitland could no longer boast of a majority of the nobles. The thanes were flying from him. The party's prospects were regarded as so hopeless that their financial credit at home ceased, at the very time when their foreign supplies were drying up under the influence of the new French policy, and when aid from any quarter had increased difficulty in reaching them. They were in sore straits for money to pay their men and to provision the Castle. Yet the thought of surrender seems to have been as far as ever from the mind of Maitland at least. A year before, he had told an English nobleman to rest assured that, whatever happened, "he would not be Lot's wife," and he seemed resolved to keep his word.

An incident of this time offers us a welcome glimpse of Maitland and his colleagues within their lofty and isolated stronghold, where even the beautiful and far-

stretching prospect all around them can hardly have prevented the long days of hope deferred and friendships growing cold from passing somewhat wearily. It is told by Bannatyne and Calderwood, probably from some official document. While the Parliament was sitting in the Canongate, a committee which had been appointed by the General Assembly in the preceding March, to confer with the Regent on the subject of the ecclesiastical jurisdiction, met at Leith.[1] Apparently at the request of Craig, Knox's colleague in St. Giles', it appointed a deputation of its members to accompany him to the Castle, "to travel for agreement between the two parties." It was quite natural that Craig, who with his flock were the chief sufferers from the recent measures of Grange, should take such a step. Craig was somewhat of a moderate. He had already, as we learn from the narrative itself, been in communication with the Castle, with a view to mediation. On the need of it he had preached on the previous Sunday, to the offence of many, who did not relish the freedom with which he blamed both parties.

In the interview that followed, there were three clerical spokesmen, Craig, Winram, and another—the author of the narrative—who figures simply as "Mr. John." Some difficulty has been found in identifying the latter. Burton believed him to be Knox. But Knox had left Edinburgh at least nine days before, and was now in Fife. Moreover, it is very doubtful if Knox would have fallen in with the project at all. Besides Winram, there were four Johns on the committee from which they were drawn—Erskine of Dun, Spottiswood, Row, and Duncanson. Erskine and Spottiswood were men of influence, familiar with the politicians, who were much more likely than the others to be employed on such an errand. Of these two, the speeches of "Mr. John" and the style of his

[1] Calderwood, iii. 38.

narrative agree much better with the known style and character of Spottiswood than with those of the gentle knight of Dun. On the whole, it seems to be most probable that Spottiswood was the man thus designated. As superintendent of Lothian and a man of standing, he would naturally take the leading place among them, as "Mr. John" appears to have done.

"At our entry into the Castle"—thus the narrative begins—"we passed to the great hall on the south side, where soon after, Sir James Balfour came to us, and incontinent thereafter the Lord Duke, and last the Captain of the Castle. He desired my Lord Duke, and us also, to enter within the chamber in the said hall, where the Lord Secretary was sitting before his bed in a chair. My Lord Duke sat down; so the Captain desired us all instantly to sit down, which we did." Winram briefly stated their errand, followed by Mr. John, who suggested that, as they of the Castle had declared to Craig their willingness to receive them, it only remained to know, "what heads or articles they would offer" as a "ground on which they might travel." "To this answered the Lord Secretary: Mr. John, ye are overwise. We will make no offer to them that are in the Canongate" (at the Parliament), "for the principals of the nobility of Scotland are here, to whom they that are in the Canongate are far inferior in that rank. Therefore, to them we mind not to make offers, for it becomes them rather to make offers to them that are here. And if they would come to this point, to consider how far they have gone astray, and desire the noblemen that are here to travel for them, that such things as they have done heretofore might be remitted to them, and security to be made of their lives, lands, goods, and heritages, for them, their friends, and posterities, I understand these noblemen will to that effect concur with them,

so that concord may be had among them all. And otherwise, bid them not look for any offers from us."

Mr. John replied: "So, my Lords, it appears to me we have the less ado, seeing no ground is offered unto us whereupon we may travel." Craig, unwilling to let the matter thus drop, broke in with a charge against them of resisting lawfully established authority, which it was the duty of the deputies, as commissioners and members of the Church, to admonish them to obey. "Then said the Secretary, I will show you the discourse of the proceedings hereof from the beginning. When we enterprised the taking of the Queen on Carbery Hill, there was then two chief occasions that moved us; the one was to punish the King's murder, chiefly in my Lord Bothwell; the other was that the unhappy marriage contracted betwixt the Queen and him might be dissolved. And to the end, to sequestrate her body from him, she was put into Lochleven. And that these were the chief causes, the proclamations made at that time, and the writings sent to other countries, plainly declare. So that then we meant nothing of the King's authority, nor to put the Queen out of her own roum, as I myself, said he, that same night the Queen was brought to Edinburgh, made the offer to her, if she would abandon my Lord Bothwell, she should have as thankful obedience as ever she had since she came to Scotland. But noways would she consent to leave my Lord Bothwell, and so she was put into Lochleven. At the which time, we hoped that all men should have assisted to the revenge of the King's murder. But never one more came to us than we were at Carbery Hill, but, by the contrary, the Lord Huntly and many others rose up against us, so that they were greater party than we. So that then we, finding no other ways to preserve us from inconvenients, devised to make the cloak of some new authority, even as if we were passing over at Kinghorn

and the boat took fire, ye would loup in the sea to flee the fire, and finding yourself able to drown, ye would press again to the boat. Even so, the setting up the King's authority was but a fetch or shift to save us from great inconvenients; not that ever we meant the same should stand or continue, as ever thereafter I showed to my Lord Regent, willing him to compone and agree the matter. And for my own part, plainly I confess, I did very evil and ungodly in the setting up of the King's authority, for he can never justly be King so long as his mother lives. And that which I speak, the whole noblemen within this town, and others here present, I am assured, will affirm the same." The Duke, Balfour, and Grange nodded assent.

"My Lord," replied Mr. John, "I cannot tell what fetches or shifts your Lordship has used in these proceedings. . . . But one thing well I wot; honest men of simple consciences and upright dealing meant nothing of these your shifts and fetches, but proceeded upon an honest and constant ground, having the glory of God before their eyes and the punishment of horrible crimes. Neither, my Lord, have godly men of upright dealing used such shifts or fetches as these of yours are in such notable and weighty matters. But one thing, my Lord, I perceive, that methink God has beguiled you, that howbeit He has used you and your shifts as an instrument to set up the King's authority, yet it appears not that he will set it down again at your pleasure." "How know ye that?" rejoined Maitland; "are ye of God's counsel? Ye shall see the contrary within few days, and then we shall see what obedience ye will give." "Then," retorted Mr. John, "unto that time, my Lord, our argument is good, and ye and others ought to give the King obedience."

Winram submitted that an authority once established by the Three Estates should be obeyed until the same tribunal abolished it, and set up another. Mait-

land suggested that they had not been so scrupulous when they were trying to get rid of the Pope and the Queen Regent. Mr. John appealed to the difference between religion and mere civil polity, and quoted St. Paul in his support. Balfour disputed the authority of the Parliament that had set up the King—that of 1567—and Maitland came to his support. It could not be judged a lawful Parliament for many causes, he said. Mr. John did not doubt that, if any Parliament for the last seven hundred years had been lawful, that one was. And he added that men might know whereto this assertion tended, seeing the Parliament of 1567 was that which established their religion.

Maitland then took to denouncing the Canongate Lords, who were perhaps at the moment decreeing his own forfeiture. "See ye not what these men in the Canongate pretend?[1] Nothing else, I warrant you, but to rug and reive other men's livings, and to enrich themselves with other men's gear." Craig retorted that, "ill as Maitland spoke of them, much worse did they speak of those in the Castle." "And what is that?" asked the Secretary. "My Lord, it is plainly spoken that those that are here travel only in their proceedings to cloak cruel murderers, and that the consciences of some of you are so pricked with the same that ye will never suffer the nobility to agree." "Yet, Mr. Craig," said the Secretary, "as long as I was with them, they never accused me of the King's murder, and the last year they gave me all their handwrits, purging me thereof; yea, to be short with you, as long as I was a pillar to maintain their unjust authority, they would never put at me as they do." He pointed out that the punishment of the murderers was a chief article in the pending Treaty between Mary and Elizabeth. "My Lord," said Craig, "how can these two (things) stand, that the Queen, being

[1] *i.e.* aim at—an old meaning of the word.

set up in authority, who is guilty of the murder of the King, shall punish the murder in any others." Without disputing the Queen's guilt (which, so far as appears, he never at any time did, though he consistently minimised it), he merely pointed out that, by the Treaty, her right to the Crown of England depended on the fulfilment of this condition, and that she was not likely to throw away that right out of favour to any man in Scotland who should be found guilty of the murder.

Craig returned to his first charge, and asked how Maitland, Balfour, and Grange could deny the King's authority, seeing they had been the chief instruments in erecting it, and had sworn allegiance to it. Maitland harked back on the argument that the Queen's demission, on which the King's authority depended, was obtained by compulsion. He knew as much about that matter, and travelled as much in it, as any in the Canongate, as they themselves would admit; "and further, without me they had neither the knowledge, wisdom, nor means to perform the same"—a somewhat arrogant reference to the private advices, probably arranged by him, of Throckmorton, Athole, Tullibardine, and himself, by which the Queen's signature was obtained. A final fling by Maitland at Lennox as "an Englishman sworn" terminated the ineffectual interview, and sent the ministers back to their flocks.[1]

In the end of May, Elizabeth, still vacillating, sent Drury to Edinburgh to ascertain and report the relative strength of the two parties. With the Regent's consent, he was to see Grange and Maitland, and to remonstrate with them on their recent proceedings in seizing and fortifying Edinburgh, which had put an end to the Abstinence, and renewed the civil war. He was at the same time to take note of the defences of the Castle, whether it could be taken by

[1] Bannatyne, 125–132; Calderwood, iii. 79–87.

the Regent's own forces, and, if not, what aid would be required. Drury reported that the Regent had enough to do to maintain the defensive. He was sent back (12th June) to desire that both parties should cease hostilities, that the town of Edinburgh should be vacated by the soldiers of Grange, and that both parties should send deputies to confer with Elizabeth's representatives on the Border.[1]

On his arrival, he found the Queen's Lords, who were aware of his coming and of his errand, proceeding to open the Parliament already mentioned, in which, on the motion of Maitland, they declared the King's coronation "null and void," and issued summonses of forfeiture against the chiefs of the King's party. Neither did Drury's presence interrupt the forays in which they now found the best means of keeping their surplus soldiers employed, and of preventing the concentration of their enemies on the siege. As he was entering the Castle by appointment (16th June), he met a large body of horse and foot issuing towards Leith, where Morton lay with a force ready to meet them. He vainly tried to induce both to retire. A considerable skirmish ensued, in which the Castilians[2] suffered severely. Gavin Hamilton of Kilwinning and thirty men were slain, and Lord Hume, the notorious Captain Cullen, and a hundred and sixty men, were taken prisoners. Morton's loss was trifling. Lord Hume was sent to Tantallon, Morton's stronghold, and afterwards exchanged for Douglas of Drumlanrig. Cullen, for his many cruelties, was executed, to the great satisfaction, says Drury, of the people, and especially of the women of Leith, who had suffered at his hands. Huntly, to whom he was related, swore to avenge his death, and kept his word.[3]

It was on the day following this encounter that

[1] S.P.S. iii. 599.
[2] The name given to the Castle party.
[3] S.P.S. iii. 608.

the Bishop of Galloway, not yet departed on his mission to Elizabeth, preached the remarkable sermon, in which he bluntly drew a parallel between Queen Mary and King David of Israel, and pleaded for her charitable treatment, including her continued recognition, on the ground of common human frailty. He enforced his argument by a frank confession, not only of his own sins, but of those of prominent men on both sides. His outspoken harangue doubtless sounded less strangely in the ears of those of either party who heard it than it does in ours to-day, after three centuries of a dispute which hardly then existed. The report of it excited the curiosity of Cecil, who sent for a copy of it.[1]

The loss of Dumbarton was making itself felt in many mishaps. About the end of June, one Chisholm, the Master of the Castle ordnance, who had gone to France for munitions, was returning with a considerable supply, when he and his vessel were captured in the Forth. A few days later, Verac, the French envoy who had been taken in Dumbarton and released, was caught a second time. The pinnace in which he sailed was seized, with all it contained. The most interesting part of the spoil was the letters and papers connected with his previous missions to Scotland, which were found to throw fresh light on many things in the history of the Queen's party.[2]

Drury's efforts to bring about an armistice failed, and the war went on with increasing bitterness. The outlook of the Castilians was becoming more and more hopeless. France had practically forsaken them. Under the influence of the *Politiques* and the Protestants, Catherine and the King were seeking an alliance with Elizabeth, in opposition to Spain and the Guises. Lord Seton, whom the Castle had recently sent to France for aid, met with a very cold reception, and went off in high dudgeon to try his fortune, by Mary's

[1] S.P.S. iii. 609. [2] S.P.S. iii. 620, 623–6.

instructions, with Alva at Brussels—a mission which produced disastrous results, as we shall see.[1]

They continued to maintain a bold front to their opponents. But their private correspondence tells a different tale. The real state of matters is seen in an intercepted letter of Maitland to Archbishop Beaton, written at this time. "God knows," he wrote, "what straits we have been in for payment of our men of war, in whom our strength consists, besides the charges of the Castle, which must be great, for it is the only uphold of the Queen's cause. All the money we have yet received from France is only two thousand crowns, and a thousand pistolettes, which Mr. James Kirkaldy brought, from which sum was deducted the expenses of his voyage and transporting of the money; and a small portion of that money John Chisholm brought, which was put aside and saved when he and the rest were taken. So that the whole sum received as yet is little more nor would entertain the Castle these four months bygone, let be to pay our men of war. We have borrowed from merchants, and employed the credit of all who would do for any of us, and money is not easy to be had in Scotland presently by any means; and if ever money had inlacked (failed) to pay the wages, the soldiers would incontinent mutiny and leave us, which would be our utter destruction, and loss of the cause without recovery. Therefore, I pray you, remonstrate with the King of France, in such manner as you think most convenient, and will best move him to make substantial support, both with money, and further, as the cause requires; and assure him, his Majesty once dipping earnestly in the cause, it will be easy to reduce this realm to the Queen's perfect obedience. . . . Above all things, press that no delay be used in sending money and men, if it be possible. For we will be put to over great extremity, if time be driven. . . .

[1] S.P.S. iii. 592.

Though the support of the Queen be costly to the King of France, yet I think he should not plein (complain) of the expenses, if he consider that in case he leaves us destitute, Scotland will be in the Queen of England's hands, and become at her devotion perpetually. For the relief of the debt we have contracted to pay our men of war, you will be so good as to answer the merchants of the sum disbursed by them, at the sight of our writ."[1]

In another letter to Mary a few days later (5th September 1571), he repeated the same tale of the straits they were in for money, the great debt they had contracted, and the failure of their credit, due to the secession of Argyle, Eglinton, Cassilis, and Boyd, which had made the merchants despair of their cause, seeing the few who stick to it. They were about to be besieged, and were making such preparations as they could. But their forces were small, in comparison with those of their opponents. Besides their waged men and the inhabitants of Edinburgh, they had not a hundred men available. But the enemy "would not obtain his intent without great blood." Verac wrote to the King of France in their behalf (7th September), imploring him to send at least two hundred men, telling him that Grange despaired of being able to defend the Castle without them; that he had not thirteen Scottish soldiers on whom he could rely, in point of experience and fidelity, if Elizabeth should assault them, as he expected she would. And a letter, evidently from Grange himself to Mary (5th September), says he has been compelled to make "divers very hazardous enterprises" for lack of money, and because the falsehood of Argyle and his friends had made the country draw more to that side.[2]

[1] *Miscellaneous Papers of Mary and James IV.*, Maitland Club, pp. 59–65; Hosack, ii. 510.

[2] S.P.S. iii. 682, 683, 688.

The most ambitious of these enterprises narrowly missed success, and proved fatal to the Regent. The King's Lords held a Parliament at Stirling (28th August to 7th September), where all the leaders of the party were assembled, reinforced by their new allies. They had sat for a week, and had forfeited the Duke, Huntly, Grange, Balfour, and others. But they had neglected military precautions for their safety, and their default was known to the Castle. A force was organised by Grange which was to enter Stirling by night, and to seize in their beds the Regent, Morton, Glencairn, Ruthven, and Macgill, and bring them prisoners to Edinburgh. One of the captains employed, a native of Stirling, with an intimate knowledge of the town, was to be their guide. Under the leadership of Huntly, Lord Claude Hamilton, Ferniehirst, and Buccleuch, they took the road to Jedburgh, their professed destination, and, when a few miles on their way, wheeled round to the north, and reached Stirling undiscovered at 5 a.m. of the 5th September. They took possession of the town, and made an easy prey of the Lords, whom they summoned to come forth from their lodgings. Morton alone resisted, with all the poor resources he could extemporise. He surrendered only after fire had been applied to the house, and had nearly suffocated him. But the hour's delay he had extorted procured the defeat of the whole enterprise. The town and Castle awoke; men gathered to the aid of the Lords; and the captors became the captured. The process was facilitated by the temporary absence of the Borderers of Ferniehirst and Buccleuch, who had not been able to resist the temptation, as soon as their work was apparently done, to scatter in search of plunder, leaving their prisoners insufficiently guarded. They themselves got off with a great booty of horses and goods, but they left many of

their comrades in the hands of the enemy. In the mêlée, the Regent was treacherously shot from behind, and Morton owed his life to the protection of Buccleuch. The murderers of the Regent confessed, before their execution, that they had orders from Huntly and Lord Claude, ere they left Edinburgh, to slay the Regent and Morton, in revenge, doubtless, for the Archbishop and Cullen. But humanity and even chivalry, it is pleasing to note, were not yet wholly dead among them. Besides the generous conduct of Buccleuch, we learn that Spens of Wormiston, one of the Castle's boldest captains, lost his life in trying to save that of Lennox.[1]

The poor Regent, who for some time had been nearly a cipher in the hands of the abler men around him, lingered till the evening, when, after commending the young King to the unflinching support of the nobles, and sending a touching message to "his wife Meg," he "departed to God very perfectly."

The Parliament was hardly interrupted by this tragic incident. It met the same day or the next, and out of a list of three, Mar, Argyle, and Morton, elected Mar to the vacant office. They did not await the approval of Elizabeth, which, however, was promptly given. Before separating, they addressed an admonition to the party in the Castle, on the folly and wickedness of continuing a hopeless war, which was desolating their native land; and charged upon them the whole responsibility for the blood that was being shed. An honourable capitulation would still have saved the lives and property of the Castilians. But it would have ended Maitland's political career, which was probably more to him than either or both.[2]

The unhappy issue of this exploit further depressed the Queen's Lords. Huntly took to negotiating with Morton, as Herries was already doing, and talked of

[1] S.P.S. iii. 685, 695.

[2] Bannatyne, 188–190.

going north. Hume was conferring with Ruthven, and Buccleuch with Morton. There seems to have been some question of abandoning the town and retreating to the Castle—a step that was not, however, taken till nine months later.[1]

The General Assembly met alongside the Parliament, and brought grievous and well-founded complaints as to the spoliation of the Church's patrimony, and the hardships inflicted on the parish ministers. But they got little redress. Much money was needed to carry on the war, and the nobles were not scrupulous as to the means of raising it. A few months later a convention held at Leith opened the way, by the provisional recognition of a modified episcopacy, for further inroads on the ecclesiastical revenues, by the revival of ancient abuses—a proceeding which soon brought about the powerful reaction of which Andrew Melville was the leader.[2]

[1] S.P.S. iii. 705. [2] Wodrow Collections, App. 5.

XII

THE FALL OF THE CASTLE. 1573

WHILE these things were taking place in Scotland, the second Norfolk Plot, associated with the name of Ridolfi, was being tracked and defeated in England. As soon as it became evident (March 1571) that nothing was to come out of the Treaty begun at Chatsworth and continued in London, a fresh departure was resolved on by Mary and her minister, assisted by the Spanish Ambassador and the Catholic nobles, with Norfolk at their head. Ridolfi, a Florentine banker in London, who, unknown to Elizabeth and her ministers, was the secret agent of the Pope, was despatched to Alva, the Pope, and the King of Spain, armed with letters and instructions from Mary and Norfolk.

He was to represent to them the miserable state of Scotland and the Scottish Queen, her personal danger, and the exorbitant demands of Elizabeth, who was only deceiving her; how her English friends were in great trouble, and English Catholics were suffering great persecution; that the remedy for all this was the marriage of the Queen and Norfolk, who was a good Catholic, though dissembling for a time; that he had formerly hesitated only to await a better opportunity; that the marriage was secretly determined on, and that they and their friends hoped to seize Elizabeth and the Tower, and to liberate Mary. But the help of the Pope and of a powerful foreign prince was necessary, and they had set their hearts on Philip. His Catholic

zeal was well known, and he had grievances of his own against the English Queen. All that they wanted from him was a general and 6000 men, to land in England within Norfolk's territory, to join with him and his friends, who would rise in rebellion, liberate Mary, and restore Catholicism. All was to be kept secret from France, and even from Mary's nearest relations, lest they should interfere and spoil the plan. He was furnished with lists of the English nobles, showing the attitude of each to the enterprise. According to these, forty were favourable, six hostile, and eighteen neutral.[1]

From Brussels, after his interview with Alva, who listened and approved, but thought the death of Elizabeth "*from natural causes or otherwise*," a condition precedent to a Spanish invasion, Ridolfi despatched letters of advice to Ross, to Norfolk, and to Lord Lumley, Norfolk's Catholic son-in-law, and a zealous plotter. Charles Bailly, a Scoto-Belgian servant of Ross, was his messenger, who also brought with him copies of his master's *Defence of the Queen's Honour*, which had formerly been seized in the English press and its publication prohibited in England. It had now been printed abroad. Bailly was arrested at Dover, and the books taken from him, but by the dexterity of Ross and the connivance of Elizabeth's Warden, the letters escaped. He was thrown into the Marshalsea prison, and by the cunning of Burghley's detectives, and the threat or use of torture, a good deal of information was extracted from him. That a Catholic plot was in progress was certain, but whether any subjects of Elizabeth were implicated in it, or who they were, could not be ascertained. Ross was repeatedly examined, and committed to the custody of the Bishop of Ely. But nothing satisfactory could be got from him. He was too expert a diplomatic liar.

[1] Sp. Cal., Hume, ii. 297–300; Teulet, *Relations*, v. 74–87.

Meanwhile, he was informed that his status as Ambassador could no longer be recognised.[1]

So matters went on, till, in the end of August, Norfolk was detected in the act of sending a bag of gold to Lord Herries for the service of the Castilians. Obvious lies were told about it by his messenger and by his secretaries, which led to their further examination, and ultimately to the full elucidation of the plot, and the conviction of all who were concerned in it. Norfolk was sent back to the Tower; so was Ross and some of the other conspirators. Don Guerau, the Spanish Ambassador, was threatened with dismissal. Mary was made a close prisoner, and her establishment greatly reduced. Elizabeth had been supplied from a foreign source, said to be the Duke of Florence, Ridolfi's sovereign, with a copy of the Pope's letter to Alva, urging the conquest of England; with Alva's reply and the draft of an agreement; and with Ridolfi's lists of the English nobles who were to rise in rebellion, and capture the city and the Queen. London was in a blaze of excitement. The advent of Alva and his Spaniards, the sack of the city, and the murder of Elizabeth, were looked for from day to day. Extraordinary measures were taken to meet the emergency.[2]

Elizabeth had now had enough of the Queen of Scots. On the 2nd October she wrote to the new Regent, who had assembled an army at Leith, and was preparing to besiege the town and Castle. After congratulating him on his appointment, "for which no one more meet could have been chosen," she informed him that she had lately discovered such pernicious practices of the Scottish Queen that she was fully resolved not to deal any further in her favour, to the prejudice of her son's estate, assuring herself that Almighty God, by whose goodness her designs had been discovered, would stay her further proceedings,

[1] S.P.S. iii. 522, 569, 575. [2] Sp. Cal., Hume, ii. 334-8.

which tended to the subversion of the Christian religion professed in these realms, and to setting them on fire with wars, by bringing in strangers. She assured him of her intention to help them to a universal quietness by a general obedience to the King. She was about to send down Lord Hunsdon to Berwick to carry out her wishes.[1]

Drury, as instructed, communicated Elizabeth's resolution to Maitland and Grange, and prayed them to desist from any further resistance, to yield themselves to the King's obedience while there was yet time, and thus save their lives and their substance. The circumstances that might induce them to believe their cause to be desperate were many and manifest. They ought not to let vain hopes seduce them to their ruin, which otherwise, he assured them, was imminent, to their utter extermination.[2]

Mar thanked Elizabeth for her "gracious and comfortable letter," and in a few days sent an envoy to Berwick, to obtain the help, in men, money, and munitions, for the siege, which he took her letter to foreshadow. But Hunsdon had not yet arrived. His Instructions, delayed by the absorbing troubles of the time in London, are dated the 22nd October, and he did not arrive in Berwick till the 3rd November. Elizabeth was not even yet ready to strike. He was directed to do his utmost to procure that Lethington and Grange should, on reasonable conditions, return to the King's obedience, and "thereby end the civil dissensions." There were two possible ways of proceeding, by force or by treating. A treaty would be preferable, and persuasion, backed by threats, was to be first tried. He was to deal with the Regent to grant them terms not too hard, for their lives, and their restoration to lands and livings. Elizabeth would guarantee the fulfilment of whatever conditions

[1] S.P.S. iv. 1. [2] S.P.S. iv. 3; Robertson, App. 37.

were agreed on. He was to urge the Regent to grant a free pardon for all the past, except for the murders of the King and the two Regents, as to which a fair and impartial trial, with the right of appeal to herself, should be guaranteed. To prevent dallying, he was at once to begin open preparation for the *ultima ratio.* Men, ordnance, and munitions were to be collected, and Drury was appointed to command the expedition, should it be found necessary. He was to treat with the Regent for hostages, as security for the safety of the English forces while in Scotland.[1]

On his arrival at Berwick, Hunsdon wrote at once to Lethington and Grange, in terms similar to those employed by Drury. Submission or ruin were the alternatives offered them. If they chose the former, terms would be obtained for them, guaranteed by Elizabeth. If they refused to submit, they would be put down by force. At his desire, Commissioners from both parties were sent to him. Morton and Pitcairn came from the Regent; Andrew Melville, a brother of Sir James and Sir Robert, from the Castilians.

To his astonishment, the Castle's representative, in accordance with his Instructions, demanded that the King and Queen should be acknowledged jointly; that the government should be in the hands of a Council of the nobility to the number of twelve or sixteen, chosen in equal proportions from both parties; that the Queen's Lords should be furnished with authentic copies of all decrees of forfeiture passed upon them by the pretended Parliaments of their opponents; that Grange should be provided with revenues and a garrison sufficient for the safe keeping of the Castle till the Queen's return, or till the King should reach the age of fifteen; and that other questions, such as the reimbursement of their expenses

[1] S.P.S. iv. 5, 18.

and reparation for their losses, should be reserved for further consideration.[1]

Thus unabashed was Maitland, at least—for of course the Instructions were his—by all the minatory language addressed to them. Hunsdon told Melville that he marvelled at their vain and unreasonable demands, which would have justified him in refusing all further dealing with them. He would, however, in dismissing him, send a messenger of his own along with him, by whom he would gladly hear of their better resolutions. If he did not, they would surely feel the smart of it. It was the last time of asking.

Hunsdon did not believe their demands were serious. He concluded that they were driving time till some expected foreign succours should arrive, and he advised Elizabeth to disappoint them by employing force at once.[2]

Morton, for the Regent, made the same demand. He asked for a force of two or three thousand men, and desired that the day should be named on which they would enter Scotland, so that preparations might be made for their convoy, and for their victualling. He asked also for money to pay the troops then in the field, and to levy more. Hunsdon had to confess that his preparations were not nearly complete enough to enable him to name a day, and, moreover, that his orders were first to treat with the Castilians for their reasonable conformity by fair means.[3] Eighteen months of hopeless negotiation and weary warfare were still to pass before the day could be named.

Reporting to Elizabeth and Burghley, and to the Privy Council, Hunsdon, as impatient as Sussex, undertook that if 4000 men were given him for a month or six weeks, under his own command, he would not only reduce the Castle, but bring all Scotland to the Queen's pleasure. He was hopeless,

[1] S.P.S. iv. 29, 45. [2] S.P.S. iv. 45, 47–9. [3] S.P.S. iv. 52–3.

he told her, of any result from negotiation, his messenger having returned from the Castle with no better terms. In point of fact, Maitland knew and reckoned on Elizabeth's aversion to decisive resolutions, especially when they involved expense. About the end of November, Hunsdon heard from Burghley that she was not likely to adopt his proposal. He replied that it was neither honourable to her nor creditable to him to delay, and he asked that some "wiser man" should be sent down in his place.[1]

Burghley himself, though disapproving of Elizabeth's slackness, still retained a kindness for Maitland, and was willing to save him from the last extremity. He held some indirect correspondence with him, to which Maitland replied directly. In one of these letters there is an interesting passage as to his old relations with Moray. Burghley appears to have reproached him, as Randolph had done, with "starting" from Moray's side, as a thing he could not understand. And this is Maitland's reply: 'There was indeed familiarity between us, he said, and I thought also there had been true friendship (for so it was on my part), till experience taught me the contrary. Truly, all Christendom might not have made me start from him, if he had kept a true part to me. Now, when he is dead, I will not speak of him as I might with good reason, and would, if he were alive. Yet this much I must say, I never left him till he left all honesty, and that deep dissembling had entered into the place where most men thought sincerity had been lodged; the opinion whereof deceived me, as it abused some others who were not so well acquainted with him. Surely his misbehaviour towards me was inexcusable, so as no man who was privy to the things passed between us, or who shall hear the true report, will impute any fault to me. Your Lordship must bear

[1] S.P.S. iv. 54–5.

with me for answering thus passionately, for truly I never remember of him whom sometime I had entirely loved, and who became my enemy without any occasion, but I immediately begin to lose all patience. If I thought your Lordship was no better acquainted with the proceedings in that cause, I would make you a more ample discourse, but for the present I will trouble you no more, but pray you to think of me as well as ever you did.'[1]

It does not appear that this explanation was appreciated. In truth it is difficult to understand it, except on the assumption of Maitland's political infallibility, and the consequent duty of Moray to follow him blindly. The reference is doubtless to the York and Westminster conferences, followed by the Perth Convention, and the Stirling Council at which Maitland was arrested. But he knew well that their alienation had been increasing long before they went to York, owing to the divergence of their aims; and that he himself had all along been busily counterworking the Regent's well-known policy. He had been, in fact, trying to make Moray the ally and tool of the Norfolk plotters, and the strength of his language is probably the measure of his disappointment at his failure. If Moray's dishonesty consisted in finally giving up all thought of Mary's restoration soon after her imprisonment, no one who had been so long familiar with him could have had any difficulty in accounting for it on honourable grounds.

Hunsdon's advent did not fulfil the expectations raised by Elizabeth's letter. Neither he nor Drury, by whom he was probably influenced, had any high opinion of the King's Lords, and especially of Morton, their leader. Drury believed that Morton was altogether opposed to treating, that he was bent on a forcible solution, which would leave the spoils of the for-

[1] S.P.S. iv. 76.

feited nobles in their hands—an opinion that was not justified by the sequel. Hunsdon spoke slightingly of the "packings and practices" of both sides, of their private feuds and partialities, and their greed of Elizabeth's money. Morton was pressing for a pension from her, to meet his exceptional burdens, which were real enough, owing to the neighbourhood of his estates to Edinburgh, and the force he personally maintained.

Hunsdon, a rough, impatient soldier, with no turn for diplomacy, was ill-fitted for his post. He was soon quarrelling with the Regent and his party. Thinking himself entitled to send for any Scot he wished to see, he asked for a second passport for Andrew Melville, and another for Lady Hume, who was petitioning him about her husband's castles. Mar flatly refused both, as he was fairly entitled to do, to prevent negotiations in which he would not be represented. At Maitland's instigation, Hunsdon asked for a stay in uplifting the rents of the forfeited lands of the Castilians—a transparent device for getting them into their own hands. If not levied by their new superiors, the tenants would readily hand them over to their old masters. The Regent adjourned the consideration of the matter till he should hear the answer of Elizabeth to his envoy. Asked to state the terms he would grant to the Castle, he answered by quoting the words of the English Queen herself—that 'on their opponents submitting to the King, she would herself deal with the Regent to receive them into favour on reasonable conditions, which, if refused, would be enforced by the joint arms of both.' Referring to the suggestion of another armistice, Mar hoped that none would be thought of till the capital were first set free.[1]

On the 22nd January, Maitland submitted the revised terms asked for by Hunsdon. They were little

[1] S.P.S. iv. 68, 79, 82, 86.

different from his former ones, except that they seemed designed to humour Elizabeth and him, at least in words. The preamble stated that "the conditions following were offered out of respect for the English Queen, and not to their adversaries"—and that they had for their object to secure her sway in the affairs of Scotland. He proposed that the government should be put into the hands of a certain number of the principal nobles, chosen indifferently (*i.e.* impartially) from both parties by her advice, who should have authority during the Queen's absence and her son's minority; that these should give full security for the continuance of the amity with England, and for the exclusion of foreign forces to the prejudice of England; that they should not suffer the religion to be changed; that Parliament should compound all differences between the two factions;[1] with the right of appeal to Elizabeth, as the guarantor of the whole arrangement; that forfeitures on both sides should be cancelled, and those who had been dispossessed restored to their lands, benefices, honours, offices, and possessions, without alteration; that reparation should be made for losses, with provision for the payment of the debts the Queen's Lords had incurred in their defence, and that the Castle should remain in Grange's hands, with a sufficient yearly provision for its upkeep.[2]

To continue negotiating in face of such pretensions on the part of Maitland was evidently hopeless. Elizabeth, having heard both sides, now promulgated her own plan, in a series of "Articles for reducing Scotland to peace." They were ten in number: (1) that all ranks should acknowledge the King, and take an oath of allegiance, to be confirmed by a Parliament, which should ratify all the Acts of recent Parliaments as to religion; (2) that the Regency of Mar should be

[1] Maitland always affected a certain aloofness from both parties.
[2] S.P.S. iv. 97.

approved and confirmed, and that he should govern in accordance with the advice of the Privy Council; (3) that there should be an Act of Oblivion for all past offences, except the murder of the two Regents, and that all forfeitures should be revoked; (4) that a reasonable number of the Queen's Lords should be admitted to the Privy Council; (5 and 6) that restitution or recompense should be made to those who had been deprived of offices, lands, and inheritances; (7) that a Commission should be appointed to apply these provisions in disputed cases, with the right of appeal to Elizabeth from its decisions; (8) that Edinburgh Castle should either be delivered to the Regent, with recompense to Grange for his deprivation, or, if he were allowed to retain it, that he should give sureties for his obedience; (9) that the Queen of England should be security for both parties; and (10) that the amity with England should be assured.[1]

Randolph, as a *persona grata* to the one party, along with Drury, who had the favour of the other, were appointed to commend this compromise to both. Hunsdon was not well pleased with the arrangement, and doubted if Randolph's credit with either party was sufficient to enable him to do any good. To save his *amour propre* both envoys were made subject to his directions. They were instructed to move both parties to accept, in principle, the arbitration of Elizabeth, and to signify the same in writing to her or to Hunsdon—to get the Regent to state in writing the best means of ending the troubles—to hear any noblemen of either side who might offer to mediate—to have special regard to Art. 9 of Elizabeth's proposals—and, lastly, to demand an Abstinence on both sides.[2]

When the envoys arrived in Scotland, they found the country "in great calamity and misery"—"thefts, murders, spoils unmerciful" going on—the people

[1] S.P.S. iv. 93-6, 100-4. [2] S.P.S. iv. 105, 112, 115.

"execrating the authors of the troubles, and anxious for Elizabeth's help against the obstinate and wilful refusers of the King's obedience." They conferred with both parties. They readily got the Castle's assent to the Abstinence on the basis of the *status quo*. They found the Regent in dire financial straits, his troops crying out for the arrears of pay due to them, and on the verge of a mutiny which would endanger the envoys and their mission. They asked Hunsdon for money, to be retained in their own hands against such an emergency. Hunsdon told them he had not the money available, and that, even if he had, it was against his instructions to grant it till peace had been secured. The envoys insisted on their demand, and did not doubt Elizabeth's approval of it. The Castle, they said, had just received a plentiful supply by the arrival of Seton (19th February), and were about to pay their men; and if the Regent's forces were left much longer unpaid, they might desert to the other side, with disastrous consequences to Elizabeth's policy. Hunsdon thought that giving the King's Lords money was only feeding their humours, doubted if it was all applied to public uses, and believed the want of it would make them more tractable. In chronic ill-humour, he wrangled with them also about their personal allowances. Elizabeth needed little incitement to withhold money at any time; but in the end they got £1000—about a fourth part of what was due to the men.[1]

Maitland was beforehand with the new envoys in submitting a "Project of Accord." It was simply the old story over again. He once more proposed that the government should be entrusted to a Council composed of the principal nobles, chosen in equal proportions from both parties, and that the question of the Crown should be left in abeyance. Some caustic comments,

[1] S.P.S. iv. 131–3.

made by Burghley on the document when it reached him, still remain to show his estimate of the project. Randolph scoffed at it under various names, as Utopia, Oligarchia, Anarchia, and the like.[1]

In reply, the envoys sent to Maitland and Grange the Articles of Elizabeth, pointing to the two first as the essential ones, and the necessary preliminaries to all further negotiation—acknowledgment of the King, and submission to the Regent. The Castilians professed their astonishment at such "unfriendly dealing"; said they "would look before they leaped"; sent a long commentary on each of them; and submitted that their own Articles should be accepted in their stead.[2]

Randolph thought he saw that the greatest obstacle to a compromise was the rooted disbelief of each party in the good faith of the other. To get rid of that hindrance, he asked Elizabeth's permission to pledge the power of England to compel both sides to the faithful observance of any agreement arrived at under their auspices. Maitland insisted that the first consideration was "the safety of the lives, lands, and honours" of the Castilians, and that to take the Articles in the order proposed by the envoys was preposterous —"first to seek obedience, and then to commune of surety." Three several times, the envoys reported, they had dealt with him and Grange to yield to the two Articles, with as many proposals for their surety as they could devise, but "they always received the same answer." The Regent, on the other hand, was prepared, on the acceptance of the two Articles by their opponents, to grant them "their lives, their lands, and as much of their goods as could be recovered," and to acquiesce gladly in Elizabeth's guarantee of these conditions.[3]

Meanwhile, in straits for money to pay their men, whose arrears were increasing, the Regent wrote to

[1] S.P.S. iv. 136–7. [2] S.P.S. iv. 142–4. [3] S.P.S. iv. 146–7.

Elizabeth, and Morton to Leicester. They had no other resource, as we have said, to enable them to cope with the foreign supplies of the Castle. Without English help, they could not maintain a force equal to that of their opponents, or prevent themselves from being driven out of the field. The Castle's raids were incessant and formidable. Predatory bands of horsemen issued from it almost daily. They burnt Dalkeith in Morton's absence at St. Andrews, whither he had gone to see to the inauguration of the first tulchan Bishop—the new device for providing the sinews of war. They were with difficulty defeated in an attempt to burn Jedburgh. In the north, Lord Adam Gordon, Huntly's young brother—the boy who had been spared after Corrichie—was carrying on a savage warfare, of which the burning of Towie over the heads of its defenceless inmates—a theme well known to Scottish ballad readers—was an incident. Randolph told Burghley that "if they (the Castilians) were able to let all the devils in hell loose to make mischief, they would not leave one of them tied." Under such conditions, there is little wonder that prisoners, when caught, began to be severely dealt with.[1]

It has been usual to throw the chief blame for these cruelties on the party of the King. The name of the Douglas wars, given to them by party spirit, is understood to point to Morton as chiefly responsible. That was not the judgment of Randolph and Drury. On the 7th March, they reported to Burghley that 'they had dealt earnestly with both parties to put an end to these unnatural dealings among themselves—that they found in all things yet come to their knowledge that the Regent's party, as it was the stronger, so it was the more reasonable—that the Castilians utterly refused the King's obedience, and most of all misliked the Regent, and mortally hated Morton—that

[1] S.P.S. iv. 152–4.

in their conscience they believed there were no two men more willing than these to have quietness, and to meet their opponents' demands, as far as they could, with honour and duty—that the Castle gave only good words, which their deeds and writings contradicted.' In transmitting this report, Randolph remarked that 'in so weak a body as Lethington's, he had never found a man less mindful of God, or more unnatural to his country.' The contrast between his physical infirmity and his strength of intellect and will seems to have struck the envoy as a kind of portent.[1]

On the 17th March, Elizabeth wrote to Randolph and Drury approving of their proceedings, and directing them to threaten the Castilians with her displeasure, and the breaking off of the negotiations, if they did not accept the two Articles. She consented, as before, to the guarantee asked for. She at the same time apprised them of the discovery of Seton's negotiations with Alva for a Spanish invasion of Scotland, which was to place Mary on the English throne, and of the stay of du Croc, who had been sent on a mission to Scotland from the King of France. By a curious coincidence, Randolph and Drury, on the same day, sent to Leicester and Burghley an important addition to the papers which had been seized in the ship in which Seton arrived at Harwich, on his way to Edinburgh.[2] It was a copy, secretly obtained,[3] of the agreement come to between him and Alva for a Spanish invasion of Scotland—a later edition of the plot of Ridolfi, and with the same object. It showed that Seton had undertaken to procure a letter, signed and sealed by the principal Queen's nobles, ratifying the

[1] S.P.S. iv. 155.

[2] He travelled through England in the disguise of a sailor.

[3] Probably through Archibald Douglas, Morton's treacherous cousin, who was at this time actively serving both sides, and betraying each to the other. He was found out and imprisoned in April; but Drury, to whom he had been useful, obtained his release.

Articles on which he and Alva had agreed. The Spanish force was to land in the quarter (near Aberdeen) formerly surveyed and sounded, to entrench and fortify there, making the place a shelter for the Spanish ships and a magazine for their ordnance; and the Queen's nobles were to accumulate there provisions for the Spanish forces, to be ready for them on their arrival. All the co-operating nobles named by the Queen of Scots were to be rewarded with Spanish pensions.[1]

These converging revelations led to unexpected consequences. Elizabeth at once communicated them to the French King and his mother, who, seeing that Mary had now placed herself wholly in the hands of Spain, turned their backs on her, and joined Elizabeth to defeat the Spanish plans.[2] Du Croc's Instructions were altered. He was directed to co-operate with Elizabeth's envoys, to call upon the Castilians to acknowledge the King on *de facto* grounds, and to make peace with the King's party. Du Croc, a thorough Guisian, did not relish the change, and was not zealous in fulfilling his new orders.[3]

In compliance with Elizabeth's directions, Randolph and Drury had an interview with Maitland and Grange (28th March). It proved a stormy one—"great altercation between us and vehement speech." They reasoned long, but prevailed nothing, as to the two Articles; nor, as to the others, did they make any real headway. The Regent offered, as before, on condition of the Castilians' acceptance of the two Articles, and the surrender of the Castle, the King's pardon for all offences and crimes committed since his coronation, with the exception of the murder of the two Regents; and the reduction of their forfeitures,

[1] S.P.S. iv. 110, 165, 166, 170.

[2] Another illustration of the futility of plans for the union of the Isle founded on the support of France and Spain, and ignoring their bitter rivalry.

[3] S.P.S. iv. 181–3, 200–1.

on application to the Courts of Law—all under the guarantee of Elizabeth.[1]

Hunsdon, still in ill-humour with the envoys, wrote to Lethington directly, who, probably to widen the obvious breach between him and them, seems to have held out hope of the acceptance of the two Articles, provided they got an equal number of the Queen's Lords placed on the governing body. Hunsdon reported accordingly to Burghley (1st April), and spoke slightingly of the chances of getting fair conditions for the Castilians from the King's party. He was wroth also with the Regent for his delay in surrendering the captive Northumberland, and his winking at the liberation by Lord Lindsay of the other English rebels in his custody—contrary to promise, as he said.[2]

On the 2nd April, the envoys formally presented Elizabeth's Articles to the Regent. Mar referred their consideration to a committee, consisting of Morton, Lindsay, Pitcairn, and Macgill, who put in a long commentary on them, suggesting some difficulties and amendments, but adhering to all that had already been promised.[3]

Maitland had boasted that he would "outshoot the envoys" by negotiating over their heads. He now cast off Randolph altogether, asserting that he was partial to their adversaries. On the 11th April, he put a secret "plat" into the hands of Drury alone, and accompanied it with an appeal to Burghley for his private and personal friendship, to hold hand to them in all things pertaining to their weal, safety, and advancement. If he would give them a promise to that effect, they would make an end, and depend thereafter on Elizabeth's goodwill. They would submit to his direction in everything concerning the amity of the two realms, the satisfaction of Elizabeth, and

[1] S.P.S. iv. 187–93. [2] S.P.S. iv. 199. [3] S.P.S. iv. 202–7.

his own pleasure and service. The "plat" was to be seen only by Drury, Hunsdon, Burghley, and Elizabeth, and if rejected, it was to be returned to them with equal secrecy. It was not to be made known to their adversaries. After a long preamble on the impossibility of securing impartial government in Scotland from factions in power during a royal minority—much of it true enough—it proposed that, by Elizabeth's means, a government should be set up consisting of six noblemen, persons of authority and credit, and capable of the charge, under the name of Regents or Governors, three to be nominated by each party, who should be sworn to do justice equally to all persons—that the Queen's party should not be required to disown their devotion to Mary, or the goodwill they bore to her, according to their duty, and for the benefits they had received from her; but be allowed in quietness to await the time, for which they still hoped, when the two Queens should be reconciled—that in the meantime they should yield full obedience to the government set up, without mention of different authorities—and that the Regents should conserve the amity with England, and keep foreign forces out of the realm.[1]

Maitland was obviously determined at all costs to break up the existing government, to leave the way open for the return of the Queen, and to provide, not only for his own safety, but for his old supremacy.

As might have been expected, there was no response to the "plat." A month later (8th May), it was again offered to Sussex, Leicester, and Burghley, with the same result.

Having now received the answers of both parties, the two envoys withdrew to Berwick (22nd April), for the greater safety of their lives and to await further instructions. The Regent, holding that the

[1] S.P.S. iv. 224–6.

method of treating had failed through the obstinacy of the Castle, called upon Elizabeth to fulfil her promise, by proceeding at once to the employment of force for its reduction.

The chief effect of the negotiations had been to embitter the temper of both parties, to intensify their mutual hatred. While these were going on, the King's party had planted garrisons at different points round the city—at Craigmillar, Merchiston, Reidhall, and Corstorphine—to hem it in, so that neither men nor provisions should enter. Under the fire of the Castle, they had destroyed the mills on which it depended for food. Town and garrison were alike threatened with famine. Fuel, too, was scarce. To provide it, Grange demolished the vacant houses of the King's friends whom he had expelled, and sold the timber for firewood. Much wrath was thus laid up in store for him against a day not far off. Prisoners, after capture, were being hanged on both sides.

It was time that Elizabeth's delays and vacillations should end. Burghley, in a paper of this time, did not hesitate to record his belief 'that the cause of Scotland is, by her coldness, drawn to such length that truly the calamities thereof, which are in many ways bloody, cannot be avoided, in the sight of God, to be imputed to Her Majesty.' [1]

The English Queen having now concluded a league with France, which provided for a common policy in Scotland, on the basis of the King's recognition as *de facto* sovereign, and the enforcement of peace, Drury and du Croc were appointed to see it carried out. Randolph was recalled. It was expected that, when the Queen's party found their old ally united with England against them, they would succumb. It was a mistaken expectation. When warned by Hunsdon of the coming of du Croc and of his errand, "they

[1] S.P.S. iv. 273.

seemed not to care for it." They told him that neither du Croc nor any other would ever bring them to accept the two Articles. They would abide the uttermost that could be done to them. In a final letter to Hunsdon, who had again threatened them with the alternative of force, they answered that, while they would obey the King *de facto* as long as the Queen remained in England, they would neither accept the two Articles, nor surrender the Castle.[1]

Elizabeth's indecision was creating irritation among her own subjects. On the 26th May, the Upper House of Convocation petitioned her to bring the Scottish Queen to justice, in language quite as violent as any ever used by Knox, and in precisely the same style.[2]

At the end of May, the Regent stretched a point to meet the English Queen and her minister. A long-standing dispute between them and all the three Regents in succession was brought to an end. Against the mind of Morton[3] and of most of the Lords, Mar caused Northumberland to be given up to England. He was beheaded at York in August following, nearly three months after Norfolk had been sent to the same doom.[4]

So rooted was the Scottish aversion to the surrender of political fugitives, that an Irish Bishop of Cashel, who had been one of Alva's agents to stir up trouble against Elizabeth in Ireland, and had been caught in Dundee returning to Flanders, was allowed to escape with suspicious ease, to the chagrin of Burghley and his mistress. The Regent, it is true, had in vain proposed to exchange him for the Bishop of Ross, as his Scottish equivalent.

[1] S.P.S. iv. 291–3. [2] S.P.S. iv. 310.

[3] S.P.S. iv. 313. The contrary has been often affirmed, with unfounded reproaches. See Tytler, vii. 395.

[4] S.P.S. iv. 312–13.

Drury and du Croc arrived in Leith about the 18th May. The Regent, finding that du Croc did not acknowledge the King's title nor his own, refused to receive him otherwise than unofficially. On his requesting permission to visit the Castle, he was told that if he went, he must remain there. The indignant Frenchman sent a messenger to his master to report his treatment, and to ask for instructions. He remained under surveillance, and took little part in the negotiations. His choler made him sick. But it did not extinguish his sarcastic humour. As an old man, whose memory went far back, he jested with Drury about the changed times in Scotland, which saw a French Ambassador under restraint, and an English agent free and well entertained.[1]

On the 28th May, Maitland offered to accept an Abstinence on any terms which they thought reasonable—probably a device to set them by the ears as to the conditions. At the same time he gave Drury a *Memoire* for Elizabeth's perusal, putting forward his old proposal for a government by the principal nobles, and prudently disclaiming all complicity in Seton's negotiations with Alva.[2]

In June, the Regent sent Elphinstone to Elizabeth, to press for money to pay the army's increasing arrears—to demand Hume and Fast Castles, still in the hands of Hunsdon, but urgently demanded by the Castilians for Lord Hume—the extradition of the Bishop of Ross, and the loan of some powder. Hunsdon gave the last, but opposed all the other demands.

Meanwhile, it became known that the town of Edinburgh was on the verge of famine. Humanity—it could hardly be strategy—induced the Regent to offer, by public proclamation, relief to its half-starved inhabitants. For three days (21st to 23rd June) soldiers were to be allowed to come out, and go to their homes,

[1] S.P.S. iv. 308–14. [2] S.P.S. iv. 334–6.

or to the wars in Flanders, and their wives and children to pass to their friends in the country. Few men availed themselves of the offer, but the released women and children were numerous.[1]

Drury reported (27th June) that his mission was a failure—that the Castilians were as resolute as ever not to acknowledge the Regent, and that Grange, if not allowed to retain the Castle, would surrender it to France, or to some other foreign power. He had lost all hope of effecting an agreement, and suggested his recall. He feared that both parties had two strings to their bow; that France, through Verac, who was still in the Castle, as well as through du Croc, was intriguing with both sides; and that the King's Lords were trying to settle with the Castle directly, without reference either to England or France. He asked that a more experienced diplomatist should be sent in his place.[2]

On the 25th, he made a final appeal to Maitland and Grange to have mercy on their country, to accept the conditions offered them, backed by the guarantee of England, to cease their vain trust in foreign help, or in the liberation of their Queen, who was now in imminent danger of a worse fate than deposition. He received a defiant answer. They would never yield the Castle but to the French King, whom they were informing of their evil treatment by England; they renounced their trust in Elizabeth; and they hoped to cast a bone between France and England which would break their recent league. They boasted that they were offered better terms by their opponents than Elizabeth had ever proposed.[3]

In a cooler or more calculating moment—perhaps pressed by their weakening comrades—perhaps influenced by hearing of Elizabeth's suggestion to Elphinstone, that the Regent should grant them easier

[1] S.P.S. iv. 334–6. [2] S.P.S. iv. 338–9. [3] S.P.S. iv. 340–2.

terms, including the retention of the Castle by Grange, on sufficient security for his loyalty—Maitland and Grange offered (13th July) to accept an Abstinence for two months, during which representatives of both sides should meet to arrange terms. If they failed to agree, the whole cause was to be remitted to the arbitrament of France and England. Perhaps the "bone" was expected to emerge in this last process.[1]

The Regent was willing to accede to the Abstinence on condition that the capital should be evacuated by Grange, and restored to the state in which it had been left by the Regent Lennox at his departure from it on the 27th January 1570–1; and that the Castle should have no greater garrison than at that date. The Castilians gave way, and the Abstinence was signed and sworn to on the 30th July, by the Regent, Morton, Ruthven, Boyd, and Macgill for the one party; and by the Duke, Huntly, Hume, Fleming, and Grange for the other.[2]

Maitland, whose chief object for the moment was to secure the retention of the Castle by Grange, did his utmost to bind Elizabeth and Burghley to this condition. He represented it as the ground on which they had consented to the Abstinence. It had been, in fact, a mere suggestion of the English Queen, to save her the trouble and expense of reducing the Castle by force, and was not in the least likely to be accepted by the Regent. But he doubtless thought that if she could be induced to insist on it, in opposition to the Regent, the disagreement might give her a welcome excuse for leaving him to his own resources in besieging the Castle, which Grange and he firmly believed would never suffice to take it.

But in fact the Abstinence, accompanied with the evacuation of Edinburgh, was a necessity for the Castilians. An intercepted letter of Maitland to Mary,

[1] S.P.S. iv. 354–6. [2] S.P.S. iv. 363–4.

written within ten days of its conclusion, gives the true motive for the concession. He thus wrote :—

"God knows in what strait we, your servants, have been this twelvemonth past, and yet are. We sent Mr. James Kirkcaldy to France long before Yule, for aid either of men or money, but he is still there, and can get no despatch. We have found no friendship of France, and it appeareth, by M. du Croc's doings in this country, and his familiar dealing with the Regent and his faction, that France favours their faction a great deal better than ours. Always we can get no aid. The force of Scotland has lain about this town continually all this year, and has kept us so strait since mid-Lent that they suffered not a peck of victuals to come to this town sinsyne; and when poor women hazarded in the night to bring in some on their backs, for themselves and their poor bairns, aye as they fell into the hands of their watches, they were hanged without mercy." Even women with child had been hung. "Yet it has furthered their cause, and put the people in such fear that none durst issue or enter into this town, and brought us to such strait of victual that the whole people, as well inhabitants of the town as soldiers, were brought to extreme hunger. By mediation of the Ambassador of France and the Queen of England's minister, there is an Abstinence taken for two months, with disadvantageous conditions to us, for we behoved to make the town patent. And yet it was force to us to yield thereto, for, near a month before, there was no victual in the town but that that was given forth by the Castle, whereby we put the Castle in great danger, and for safety of the one behoved to quit the other. We have referred all differences between our enemies and us to the Ambassador of France and the Queen of England, for to your and our enemies we will yield nothing. We

must on force take sic appointment as they will prescribe, because we have no means to bear out the cause as we would. . . . And therefore Your Majesty must with diligence provide a relief for it, and cause money to be sent to victual it for a year at least, as also to maintain the garrison; for so long as the Castle is preserved the cause will not perish."[1]

Within a fortnight of the date of this letter an event took place in France, unlooked for by all parties, which changed the situation in Scotland, as well as in England, and more or less over all Europe. The St. Bartholomew Massacre, sudden and awful, in which more than 20,000 Huguenots perished, was everywhere believed by Protestants to be the issue of a long meditated plot for their suppression, not in France only, but in Europe. England and Scotland were deeply moved. Elizabeth and her Court received the French Ambassador in mourning garb, when he came to offer explanations and apologies for the atrocity. The league between France and England was *ipso facto* dissolved, and French influence in Scotland was doomed. A fierce flame of resentment spread through both countries, which long survived, and accentuated the Protestant tradition. The Guises were believed to be at the heart of the plot, and Mary, fresh from her recently discovered conspiracy with Alva, did not escape the odium of it.

More decisive action was at last taken. Drury's commission in Scotland was withdrawn; and Killigrew, the brother-in-law of Burghley, and a zealous Protestant, who had seen much of France, was sent in his place.

Killigrew was instructed to inquire into the complaints which both parties were loudly making as to breaches of the Abstinence. But his chief errand was to inform both of "the strange accident in France"—

[1] S.P.S. iv. 376; Wright, i. 430.

'how the Admiral and a great number of the nobles of the Reformed religion had been unawares murdered, some in the night time and many in the daytime—how the King had avouched the deed in Parliament, so that there was reason to fear it had long been premeditated, and that, in accordance with the League, said to have been made between the Pope, the King of Spain, and the Princes of Italy, it was concluded among them to eradicate and utterly destroy all such as make profession of the true religion—how, to all appearance, the French Court had, with gentle countenance and with great promises of friendship, allured the Admiral, the King of Navarre, the young Prince of Condé, the young Count Rochefoucault, and other noblemen of the religion, with their adherents, to come together under colour of the marriage and royal entertainment, where they might, all at once, be entrapped and murdered—that possibly some similar practice might be tried in Scotland, by craft or force, against the Reformed nobles through their divisions—that as the amity between the two countries had begun and increased chiefly by conformity in good religion, Elizabeth desired to warn them of their danger, and to advise them to accord friendly and amiably with each other, remitting all old offences, agreeing to all indifferent just motions, accepting reasonable conditions when offered, and looking warily to the preservation of the young King in safety, and their realm in quiet, rather than through their divisions to lay themselves open to the crafty devices of the common enemy.' He was to assure them that she would be no less careful of their safety than of that of her own people, and to warn them against foreign plots, of which she had been advertised, to steal by means of bribes and otherwise, the young King from his keepers.[1]

[1] S.P.S. iv. 384-6.

Killigrew had also a secret and less creditable mission. His despatches frequently refer to it as "the matter you wot of," and "the great matter." Elizabeth was being called on by her faithful subjects—of all ranks, high and low, clergy and laity—and by her ministers, to bring Mary to trial and to execution, as the partner of Norfolk's crimes. She was unwilling to take upon herself the odium of the deed,—to face the wrath of France and Spain—but she was not unwilling to see it done for her by others, provided her hand were not seen. Burghley and Leicester were apparently the promoters of the plan by which it was hoped to get it done by the Regent and the King's Lords. Mary was to be handed over to them, at their own formal request, and they were secretly to guarantee her execution without delay, apparently on the old charges of 1567. It is satisfactory to know that they were disappointed, that after much secret dealing the Regent and Morton insisted, among other conditions, on a Parliamentary process, and a public execution, in the presence, and with the participation, of an English force, so as to manifest the joint responsibility of the two governments for the deed—a decision which did not suit the views of Elizabeth and her ministers, and ensured the abandonment of the proposal. It is possible to hold that Mary had earned her trial and condemnation in both countries without approving of the cowardly device of suborning Scotland to be her executioner, on charges already adjudicated upon.[1]

Killigrew reached Berwick on the 11th September. Thence he went on to Tantallon to visit Morton, who was lying there sick. "The news of France made him and others startle," and effectually put an end to the coquetting of the King's party with the French envoy, which had been resorted to chiefly to put pressure on England. He passed on to the Regent at Stirling, to

[1] S.P.S. iv. 399, 402, 406, 427, 431; Hosack, ii., App. C.

whom his appointment in room of Drury was very welcome. He visited the Castle to see Lethington, "whom he knew to be the only man who was cause of this division." To the assembled heads of the Castle party he dropped an impromptu wish that Maitland were in England, "at the Bath," for his health. Seeing from the countenances of Grange and Robert Melville that the idea was well taken—perhaps for mixed reasons, in which pity, affection, and evil forebodings may have struggled with each other—he asked Elizabeth's pleasure about it. He thought that if Maitland were out of the way the King's party might allow Grange to retain the Castle, on Elizabeth's guarantee for his loyalty. Her answer is not known, but Killigrew soon found that it was the last thing Maitland would think of. He was as resolute as ever. When du Croc and Killigrew went together to the Castle, and the former had apologised for the Massacre, they joined in impressing on the Queen's Lords the heavy charges to which England and France were being put by their delay in making peace. Maitland replied that if the other party were only reasonable, peace would soon be made. 'They had only to agree to three things: (1) the establishing of the Queen's authority; (2) a just government in her absence; and (3) the restitution of offices, lands, and goods to those who had been dispossessed.' Killigrew, with some humour, thought the last might be treated of first. Du Croc, whose position was now very uncomfortable, suggested an Abstinence for three months, really to enable him to go home for a time. He was in fear of his life. All Scotland was ringing with the Massacre, and crying out for a close league with England against France. He left on the 6th October, and Verac, from the Castle, went with him. It was a welcome riddance to the King's party, and to many of the other.[1]

[1] S.P.S. iv. 400-2.

On the 3rd October, a proclamation was issued for a Convention of Church and State to be held in Edinburgh on the 20th, to consider measures of defence. The Abstinence was renewed, first for six days, and then for two months, ending 6th December. Meanwhile the proposed meeting of representatives of the two parties had been evaded by the Castilians. Killigrew believed they were simply driving time and shirking definite proposals, in anticipation of help from France, supposed to be near at hand. The Massacre had troubled Grange and Robert Melville; it had made little impression on Maitland. Those who had done the deed, he said, were alone answerable for it.[1]

Killigrew believed that peace would never be made with Maitland, that no reasonable conditions would satisfy him, and that he alone stood in the way of an arrangement. This seems to have been true. The Queen's Lords were losing heart, and ready to give way. Maitland alone, with the doubtful exception of Grange, was irreconcilable. Killigrew urged financial help to the Regent to strengthen his position, and as Hunsdon was no longer at Berwick to oppose it, he appears, after much dunning, to have obtained it. He advised both parties to leave the decision as to the conditions of peace to Elizabeth, who would protect the interests of both.

The Convention met on the day named. It proclaimed a national fast, and it approved of a series of Articles to be presented to the King and Council, demanding a stricter enforcement of the Statutes on religion, and a league between the King and Elizabeth for "resisting the Papists."[2]

A sudden misfortune now overtook the King's party. On the 28th or 29th October the Regent died at Stirling, after a day or two's illness. The

[1] S.P.S. iv. 410–14.

[2] S.P.S. iv. 422–3.

event was not unlikely to throw all into confusion. Morton, who was at Dalkeith when he heard of Mar's mortal sickness, warned Killigrew that, unless Elizabeth would assist them more effectually, neither he nor any other nobleman in Scotland would take up the dying man's burden.

The Castilians tried to profit by the emergency. Fearing the election of Morton, they offered their support to their old ally Argyle. A conference of both parties had been at last arranged for the 3rd November at Perth. It met there, in Killigrew's lodging, and under his auspices. Ruthven, Pitcairn, and Glenorchy appeared for the King's party; the Bishop of Galloway, Sir James Balfour, and a Hamilton for the Queen's. The former tabled their offers in twelve Articles, which the latter, hoping to profit by possible divisions, asked time to consider. They promised their answer at the Convention, which was to meet on the 15th, for the election of a Regent. Killigrew was more sure than ever that they meant only delay, till the arrival of Kirkaldy should put them in funds. He earnestly advised Burghley "to work effectually with the King's party, and that out of hand." It was in this letter that he made the oft-quoted statement as to the evident "decay of the noblemen's credit in Scotland," the rising to power of "the Barons, burghs, and such-like." He noted also the increase of the parochial ministry, and its efficiency in preventing the practice of the Papists; "the number of able men in the country both for horse and foot, very great and well furnished," and the "almost incredible increase of their ships"—a statement which requires to be borne in mind in estimating the effects of the political troubles. It was the Reformation that put backbone into the middle classes, and made them henceforward the most stable element in the State, and the ultimate

arbiters of its history. It was this change, of which Maitland took little account, that rendered his cause hopeless. The nobles had now to reckon with influences stronger than their own. Their power continued to decay. By the following century they had sunk, like their fellows in France, into satellites of the Crown, which they had once been accustomed to overawe and control.[1]

Killigrew now tried to draw Huntly and Athole into conference with Morton, but was foiled for the moment. As the King was now, since the death of Mar, in the custody of his widow and his brother, both Catholics, it was proposed to associate with them Glencairn, Buchan, and Glamis, for his greater security. The plan was not carried out; there were difficulties in the way; minor precautions were found to be sufficient.

The Convention met, and, on the 24th November, Morton was elected Regent. The day was still more notable as that on which Knox—the original and most efficient protagonist in the fight that was now drawing to a close—ended "his long battle," worn out at the age of fifty-seven. His last public act had been to denounce in public audience, and to the address of the French Ambassador, the vengeance of Heaven on the French King and his whole house, if they did not repent of their awful crimes. His last years had been saddened by the tragedy of Moray's death, and by the part taken by Grange in kindling the civil war. From Maitland, whose pin-pricks disturbed his last illness, he had long been estranged. But his heart yearned to the last for his old friend Kirkcaldy, and found characteristic expression in a dying message. Yet he bated not a jot of heart or hope in the great cause, and looked forward with confidence to the fall of the Castle and the final

[1] S.P.S. iv. 432; Tytler, viii. 4.

victory of the "little flock," whose interests he believed to be at the heart of all the ways of God to men in the providential ordering of the world's affairs. Morton long after, on the eve of his execution, told the story of their last interview, and of the dying Reformer's faithful dealing with him, which it would have been well for him had he taken more to heart. "First of all, he (Knox) speired (asked), If I knew anything of the King's murder? I answered, Indeed I knew nothing of it. Then he said to me, Well, God has beautified you with many benefits which He has not given to every man; as He has given you riches, wisdom, and friends, and now is to prefer you to the government of the realm; and therefore, in the name of God, I charge you to use all these benefits aright, and better in time to come than ye have done in time past; first, to God's glory, to the furtherance of the Evangel, to the maintenance of the Kirk of God and His ministry; next, for the weal of the King, his realm, and his true subjects. If so ye shall do, God shall bless you and honour you; but if ye do not, God shall spoil you of these benefits, and your end shall be ignominy and shame." It hardly required the gift of prophecy to foresee this result. Morton had already many enemies, and was likely to make more.[1]

Morton put new life into the conflict. He was not a man to be trifled with, as Killigrew well knew. He did his best to exact from Elizabeth a pledge of decisive support before consenting to accept the burden which her Ambassador was pressing on him. A little later he threatened to throw it up, and shift for himself, if it were withheld. He insisted on the surrender of the Castle by Grange, and on the exacting of securities for the future obedience of all who had formerly taken the oath of allegiance to the King and had afterwards renounced it. Killigrew asked to be

[1] Bannatyne, 326.

recalled, if the money so urgently required by him were not sent at once, or the certain promise of it.

Soon after his appointment the new Regent had a serious illness. His life was thought to be in danger (17th December). Hearing of his condition, Maitland wrote to him, through a mutual friend, a letter which is preserved by Bannatyne, along with Morton's reply. They are strange memorials of the two men, of their past and present relations, and they are not discreditable to either.

Maitland, anticipating Morton's death, suggested a reconciliation. He claimed to have done him great services, which had been ill repaid. "Yet I speak it not at this time to reproach him of ingratitude, but for another intent, more godly and honourable for us both. Since God has visited both him and me with corporal diseases, and little likelihood that ever we shall meet face to face, I would wish, for relief of both our consciences, that these causes were removed, and hereafter better effects to follow. I know him to be a wise man, and able enough to foresee that the world is not so tethered but that, if he inlaike (die), they that he ought to care for may have need of friends." Then follows his proposal. "If before that he inlaike, he will make effectual demonstration that he minds the reparation of my losses in a reasonable manner, I can yet be content that all the evil offices past be buried in perpetual oblivion, and I (to) continue hereafter the goodwill I sometime bore (to) himself, to those he shall leave behind him. And I doubt not ere it be long, and sooner nor many believe, the time will come when they will think my kindness worth the purchasing."

These sanguine anticipations of future power are in melancholy contrast with the event, so near at hand. But they show the indomitable spirit that animated that crippled frame.

Morton speedily recovered, and answered with

equal temper, though not without disputing some of Maitland's alleged services. As to his forfeiture, he disclaimed the chief responsibility for it. "When it shall be considered who then had the government (Lennox), and for what cause" (the revived Darnley murder charge) "the forfeiture passed, I think they will not esteem me the chief procurer, solicitor, and setter forward thereof. . . . That I knew him innocent in my conscience as myself" (as he had claimed), "the contrary thereof is true, for I was and am innocent, but could not affirm the same of him, considering what I understood in that matter of his own confession to me of before." (What had he confessed to Morton? Foreknowledge, which Morton shared, and passive assent, of which Morton no doubt considered himself guiltless, he having preserved entire neutrality. Maitland doubtless held, as we have seen, that mere passive assent to the act of the Queen and Bothwell did not render him guilty of the murder; a plea which in ordinary times, and apart from party exigencies, would probably have been accepted.) Nor could he endorse Maitland's estimate of the probable consequences of Mary's restoration. "A greater cause on his part could not be, to make me change my friendship, nor (than) when I found him directly entered in action, not only of intelligence with the Queen, but to overthrow that estate (the King's), in the erection whereof before, himself had been a chief instrument, and in defence of which, by his persuasion, I had drawn all of my name; who could not have escaped wreck if we had ever slipped our ground, which I always esteemed to be true and honest; and in that respect could never like of it he calls his good advice. For as it was vain for him to think that he could deserve more particular evil will at her hands nor (than) he had already, so was it great presumption to pretend[1]

[1] *i.e.* aim at, or endeavour.

by himself that universal reconciliation. And his doing was not without evident suspicion and danger to them with whom he was joined. . . . And whether I inlaike or not, I wish he may consider his offence to God, the King, the noblemen, and others whom he was joined with in this common cause, and that the losses in this troubled country, whereof he has been the occasion, may be repaired. And how soon he shall give demonstration of his mind to the repairing thereof, none shall be better content that the memory of the bypast evil desert be forgot, and he and his restored to that which sometime was his own."[1]

The generous hope was vain. But at least the letter, with other similar evidence, tends to show that Morton was not nearly so black as he has sometimes been painted.

The new Regent at once set about gaining the Queen's Lords and the neutrals in detail. He raised his reputation by his conciliatory bearing. Through Argyle he negotiated with the Duke and Huntly, and Killigrew assisted him in dealing with Huntly and Athole. Of the neutral Lords, Rothes, Oliphant, and Gray submitted, and Rothes was encouraged to use his influence with his old friend Grange.

But Morton was none the less bent on a speedy settlement. He told Killigrew that if he were well and promptly supported by England he would soon end the controversy. The Abstinence was continued only till the 31st December (1572), the Castle continuing to drive time without any prospect of progress. Killigrew, unwilling to give up hope, urged him to consent to a further continuation. He yielded on condition that a serious conference of both sides should at once be held—that reparation should be made for past breaches of the Abstinence, to be assessed by a neutral arbiter, with security for the implementing of his judg-

[1] Bannatyne, 339–44.

ments—that the coining of money in the Castle should cease, and the coining irons be delivered up to Killigrew, along with those who worked them, security being given for the lives of the latter—that prisoners on both sides should be released—and that no more than daily supplies of provisions should be received into the Castle.[1]

Killigrew submitted these conditions to the Castilians on the last day of December. Maitland and Grange seized at once on the last of them, and refused to consider the others till it should be withdrawn. Moreover, they told Killigrew unofficially that the only arbiter they would accept was the King of France, with whom neither he nor the King's party was likely to have anything to do. Negotiation was evidently hopeless. The Ambassador retired, with expressions of regret at the failure of his mission. On the following day, he apprised them by letter of his immediate withdrawal to Leith, on the way to Berwick, where, however, if they should wish, they would find him still willing to do any good he could. His messenger brought back the answer 'that he might depart when he would, for it would be long enough ere they sent for him.' The answer was that of Maitland and Grange alone; the rest were not consulted. At his departure, Morton expressed the hope that, in reporting the issue to Elizabeth, he would urge compliance with his recent demands.[2]

On the 1st of January (1573) the Abstinence was at an end. Grange signalised the fact by throwing some harquebus shot into the town, and on the following morning eight cannon-shot were aimed at St. Giles's steeple. They did little harm. The Regent, in

[1] The reader who takes the trouble to compare the history of the negotiations, as given in this chapter on the authority of the official records, with Sir James Melville's account of them in his *Memoirs*, will have no difficulty in judging of the general credibility of this product of his old age, probably of his dotage.

[2] S.P.S. iv. 452–60.

self-vindication issued a Proclamation setting forth the whole course of the negotiations, "that all might see on whom rested the responsibility of their failure." Killigrew endorsed it as "well and truly grounded."

But the Queen's party was falling to pieces under the pressure of events. Disapproving of the irreconcilable attitude of Maitland and Grange, Balfour left them, and by Killigrew's mediation, though not without difficulty, was received into favour. The English envoy was convinced that unless the old accusations of complicity in the murders of the King and the two Regents were dropped, at least for a term of years, and guarantees given for their security from accusation and trial during that time, peace would never be made. By the reception of Balfour on this footing, he prepared the way for bringing in the rest, a task in which Balfour efficiently assisted him. There was much murmuring in the King's party, and Morton risked a good deal in consenting to the measure. He sheltered himself under the advice of Elizabeth and her minister, who, in consideration of the part they were taking in the work of pacification, were entitled to much deference.[1]

On the 9th January, the Regent wrote to Drury for experts in gunnery and mining, to survey and report on the fortifications of the Castle. They were sent, and on a hint from them, a well near St. Cuthbert's Church, on which the Castle seemed to depend for water, was destroyed. It was first poisoned, and then filled up with dead carrion to prevent its use.[2]

While the ground was thus giving way under their feet, Maitland and Grange showed no signs of yielding. Two intercepted letters, signed by both—one to Mary of the 14th January, the other to Fenelon of the 17th—show their still unflinching attitude. To the

[1] S.P.S. iv. 460, 487, 493; Robertson, App. 39. [2] S.P.S. iv. 474.

former they wrote: "The 1st of January the wars began again between the other party and us; which is made only against this house, for all others that have professed to be your favourers are entered in communing with the Regent, and like to appoint, except —— and Ferniehirst. Notwithstanding their leaving of your cause, if France will do for you, your Majesty's cause shall be maintained, in spite of the Regent and England. For all that they intend to do against this house is to hunger it, which, God willing, shall be hard for them to do, for we are provided for a year, and if we had any friends besouth Forth, they could not keep us from victuals. . . . If the Queen of England shall assist the Regent with men, as she lately (did) with 2000 merks sterling, we will be driven to greater strait. And yet, God willing, both shall be bidden." [1]

That of the 17th to Fenelon is in the same strain. It desired him to impress on the French King how greatly it imported his service "to prevent, by all means, that our enemies and his have the better of us, who are deliberate to live and die at his devotion, under the good pleasure and commandment of the Queen our mistress." . . . "In him, after God, is all our hope." We "will remain firm and constant to the Queen's devotion, come what may." [2]

The Parliament met in the recovered capital on the 15th January, and sat till the 26th. The Tolbooth, its ancient meeting-place, was made safe by the erection of high and formidable ramparts of earth, turf, and faggots, stretching across the High Street, between it and the Castle. Killigrew came from Berwick to assist. On the 21st he made a speech, in his representative capacity, which paved the way for the reception of the Duke and Huntly on the same terms as had been granted to Balfour. It was the

[1] S.P.S. iv. 463. [2] S.P.S. iv. 469.

only alternative to a wholesale proscription. At the same time, a demand was made for a league of all Protestant governments, to cope with the Catholic one.

A few days later Killigrew received the consent of Elizabeth to the reduction of the Castle by the artillery of Berwick.[1]

Meanwhile, during the sitting of the Parliament, James Kirkaldy, long looked for by the Castle, arrived at last from France with his treasure. A French pinnace brought him to Blackness Castle. This fortress, which had changed hands during the war, and was now held for the Queen, was at once surrounded by the Regent's troops, and the pinnace captured. The Castle was betrayed from within, was regained by Kirkaldy, and again lost, through the treachery of his wife, it is said.[2] He was taken, and brought to the Regent, with most of his gold, examined, and committed to prison, from which he only emerged in August to accompany his brother Grange to the scaffold. Soon after, Verac, returning on his old errand, was caught and imprisoned at Scarborough, into which he had been driven by stress of weather.[3]

All was now hastening to the end. On the 15th February, a conference took place at Perth between commissioners for the King on the one side, and the Duke and Huntly on the other, for themselves and their dependants. It was held as before at Killigrew's lodgings, and he and Balfour assisted.

On the 23rd, the Pacification was signed. The Queen's Lords, on condition of their submission to the King and Regent, and the disbanding of their forces, were pardoned and restored to their lands. The Castle tried in vain to prevent Huntly from yielding. Killigrew still hoped to induce Maitland and Grange to accept the same terms for themselves. He did not

[1] S.P.S. iv. 474, 481. [2] Bannatyne, 298.
[3] S.P.S. iv. 477, 486, 490, 492.

believe they would abide the shot of the English cannon. He thought the sight of these formidable engines would suffice to bring them to reason. Once more he was mistaken.[1]

A device to steal the King from his keepers, and hand him over to France, was the last effort of Maitland's ingenuity. Lady Hume and Lady Livingston were employed to seduce Erskine of Gogar and his wife, who was a sister of Lady Hume. The plot was discovered, and Lady Livingston was imprisoned.[2]

On the 2nd March, Killigrew apprised Maitland and Grange of the decision of Elizabeth and her Council to send men and guns for the reduction of the Castle. They answered by demanding that the Castle should remain in Grange's hands, with an allowance for its support; that they and Ferniehirst, their last remaining support, should be restored to their lands, offices, and honours; and that provision should be made for payment of their debts. This they said was "their last and determined answer." They would otherwise "abide all extremities that might be prepared against them."

A long letter from Maitland to Killigrew accompanied this answer. They were surprised, he said, that Elizabeth should intend any such hostility against those who had not done her or her subjects any such harm as would justify war against them. He sarcastically thanked Burghley, who had sent some message to him, for forewarning him, which he attributed to the abundance of his love to an old acquaintance, and his desire to apply the proper kind of salve to the sore from which he took him to be suffering. His proposed action was grounded on the supposition that they had refused reasonable conditions. But reasonable conditions had never been offered them. Commonplaces about the enemies of

[1] S.P.S. iv. 495–9, 501. [2] S.P.S. iv. 502.

true religion and the bloody persecutors of Christ's members might furnish declamations enough to fill more than a missive letter, but they had no relevance to his conduct. He was sorry that any should die on either side. Let their blood be on the heads of those who slew them; there was no ground to charge him with the crime. He and Grange were only 'defending themselves from one who, by hook and by crook, had usurped the government of Scotland without the smallest right, and who could not find his position secure unless he had the Castle of Edinburgh in his own hands. Its retention was no offence to the sovereign of another nation, nor any just ground of war against those who held it.'[1]

Grange at once set about strengthening the defences of the Castle.

Even at the last moment there seems to have been some hesitation on the part of Elizabeth. But on the 12th March she signed Drury's commission, authorising him to employ his forces to bring into subjection "certain private presumptuous persons that can in no wise like to live in peace," and who detain the King's Castle; as well as "discorded persons on the frontiers" (Ferniehirst and his clan) who would not submit to the King's authority.

Killigrew zealously supported all the Regent's demands, though he still hoped to avoid coming to extremities with Maitland and Grange. Perhaps also he hoped to minimise Elizabeth's expenses, always a welcome service to the English Queen. On the 27th he persuaded the Regent to allow him to send again to them, with an offer to obtain for them the same terms as the Duke and Huntly had accepted. They evaded it by asking for an authentic copy of the terms, and a conference with those who had accepted them. Their object was too apparent. It was labour

[1] S.P.S. iv. 505–11; Wright, i. 468.

in vain to try to save them. Nevertheless, a week later (5th April), he tried again through Lord Rothes, without result.[1]

On the 17th April, Drury's force of 1500 men left Berwick, hostages having been given for its safety. It was met at the Bound Road by Ruthven, with a Scots force, and a formal Contract was signed by the two commanders, which defined the respective spheres and powers of the co-operating authorities—Drury and the Regent. Those of Drury were to be wholly military and non-political. Ten days later the ordnance, which came by sea, was landed at Leith. On the 25th, the Castle was summoned to surrender. The answer given was that they would keep it for Queen Mary till Michaelmas, though all Scotland and half England had sworn the contrary.[2]

Parliament met again on the 27th, amid the din of the preparations for the battery, and sat till the 30th. It ratified the Pacification of Perth, with all its concessions—the sole purpose for which it had been called.

On the 17th May, the guns in position began to play, and on the 21st, the battery was complete. On the 23rd, St. David's Tower fell, and a day or two later the Spur, a strong outwork that connected the Castle with the town, was taken. The besieged were suffering from want of water, from insufficiency of men, from divided counsels, from general demoralisation. Maitland was in sore physical distress. Unable to abide the noise and vibration caused by the firing of the great guns, he had to be lowered, while they were active, into the vaults of the Castle. The garrison was on the point of mutiny; Grange and Maitland were in danger of their lives.

At last, on the 27th, they asked for a parley with Drury and Killigrew, ignoring the Regent, who,

[1] S.P.S. iv. 512, 514, 528, 539. [2] S.P.S. iv. 547, 552–4.

however, insisted on a representative of the King being joined with them. Lord Boyd accompanied them. Grange and Robert Melville came to them at 5 p.m. of that day. They offered the surrender of the Castle on condition that the lives and livings of all within it should be assured—that Maitland and Lord Hume should be allowed to go into England—that Grange should remain in Scotland, with liberty to depart into England if he chose—that they should be allowed to retain what personal property they had within the Castle, all else to be delivered up—with their submission to the King and Regent. They were told to reduce their submissions and petitions to writing, and to present the document on the following morning at 6 a.m. On that day (the 28th), the conditions of surrender, digested doubtless in concert with the Regent overnight, in terms of the Contract, were dictated to them. They were these: (1) that the ordnance, munitions, plate, jewels, registers, and all other goods and stuff in the Castle, should be delivered to the King and Regent; (2) that all within should come forth singly, without armour, and submit to the mercy of the King and Regent; (3) that all should receive pardon, except Lord Hume, Grange, Maitland, Coldingham, the Bishop of Dunkeld, Logan of Restalrig, Robert Melville, Crichton of Drylaw, Echlin of Pittadroe,[1] Mossman and Cocky, the goldsmiths who had worked the coining irons, who should all be reserved for judgment, with the advice of the Queen of England; (4) that the soldiers should be allowed to take their baggage for their own use.[2]

The surrender took place the same day. In what fashion Maitland in his weakness filed out of the Castle and went down the High Street we do not

[1] Sometimes confounded with Wishart of Pittarrow, a very different man, who was one of the Judges appointed by the Act of Pacification.
[2] S.P.S. iv. 570–3.

learn. The Regent, by Proclamation at the Market Cross, published the terms of surrender, and warned the people against offering any violence to the departing garrison, under the usual penalty of death. It is said, however, that Maitland and Grange, on their way down, were made the objects of bitter execration, not unnaturally, from a population on which they had inflicted so much hardship and loss. In any case, it was a day of bitter humiliation for both.

At the Regent's request, Drury shared with him the custody of the prisoners. It had been intended that Maitland should be lodged with Killigrew. It was found necessary to give him the military protection of Drury's house, with whom he remained to the end. Hume, Grange, Coldingham, and Robert Melville were his fellow-prisoners. The others were with the Regent at Holyrood.

A thanksgiving service for the close of the civil war was held in St. Giles'.

XIII

THE END

On the day following the surrender, Maitland, for himself and Grange, wrote letters to Burghley and Leicester in chastened, but by no means abject, terms. He expressed to Burghley the hope that even though sore offended with them, and perhaps not without cause, "for it was not a time to stand obstinately to justify themselves," he would not cast them off. They had surrendered to the English General and Ambassador, and if they had not had confidence in Elizabeth's clemency and goodwill they might have run a more desperate course. They desired to be in Elizabeth's hands, and to submit to her disposal. They asked that they two, with Lord Hume, Coldingham, Robert Melville, and some others, might live in England under Elizabeth's protection, not to leave it without her permission. "Always, we pray your Lordship, forsake us not now in time of our misery." His letter to Leicester was in similar terms.[1]

The Regent also wrote (31st May) to Burghley and Leicester, thanking them for their support, which had enabled them to reach the end of their labours. He intimated to both, not obscurely, the necessity for severe measures in dealing with the leaders of the rebellion now in their hands.

It was doubtless the knowledge of the Regent's opinion, if not of his letters, that induced Maitland to

[1] S.P.S. iv. 573–4.

write again to Burghley (1st June). He feared, he said, that the malice of their enemies, increased by their surrender to England and not to them, to whom they would never have yielded, might lead them to the impudency of craving their blood at her Majesty's hands. But he trusted that they would not so far prevail with so gracious and clement a Princess as to induce her to deliver them into the hands of their mortal enemies. He asked for Burghley's influence with her to prevent it, and they would serve both to their utmost. They were of small value at present. But the time might yet come when they would be able to serve her turn.[1]

It was evident that Maitland had not even yet abandoned hope of his cause, that, as Killigrew said, he repented of nothing he had done, but only that it had failed of success. And it was the knowledge that, if spared, he would never cease to conspire against the King's government and the peace of Scotland, wherever he might be; and that if he and Mary were both in England, and free to communicate with each other, the peace of both realms would be in constant peril—it was this consideration that determined the Regent and the King's party to insist on the extreme penalty of his misdeeds, and the English envoy to support their demand.[2]

On the 3rd June, Drury moved with his force and his prisoners to Leith, to superintend the reshipment of his guns and munitions. There, on the 11th or 12th, Maitland, still in Drury's custody, was found dead in his bed.[3]

The tragic end of the most brilliant figure of the Queen's reign, in the hour of his deepest humiliation, must have been a shock to all parties, even the most hostile. To some among them, who had been his admiring colleagues in the day of his power, it was

[1] S.P.S. iv. 574–8. [2] S.P.S. iv. 579. [3] S.P.S. iv. 585.

probably a welcome relief from the duty of sending him to the gallows.

There were, of course, the usual rumours of poison—the rumours that in those days followed every case of sudden death. Killigrew, who was on the spot, reported them, but could say nothing as to their truth. So far as we know, they were mere surmises. It was very unlikely that Maitland, if he intended to die by his own hand, would take any one into his confidence, or leave any palpable proof of the act behind him. No evidence is anywhere hinted at. Even Sir James Melville, who might have been expected to know all that was to be known from his brother Robert, Maitland's fellow-prisoner, who was lodged in the same house with him, mentions it only as an *on dit*. Elizabeth, though doubtless without any special knowledge, said he died of his old disease, and so did Burghley. It was the judgment of charity, but, so far as we can ever know, it was also the judgment of truth. He may well have died suddenly from what is now known as heart failure—the result of his old malady, of the strain of the last three years, of the shock of the last few weeks, and of the depressing influence of an uncertain fate. He was mercifully spared the terrible indignity of "hanging in the face of the sun," along with Grange and his brother, and the two goldsmiths who had coined the Castle's money.

His body lay for some time unburied. Dreading the usual treatment inflicted on the corpses of the condemned, his widow, the once brilliant Mary Fleming, sought the influence of Burghley with Elizabeth to obtain decent burial for it, and to protect the interests of his family in his forfeited estates. Elizabeth wrote to the Regent, and doubtless obtained the first of these requests. It is quite possible that Maitland's remains lie in the family vault at Haddington, though we hear nothing of their fate.

HADDINGTON PARISH CHURCH—EAST END.

In accordance with the Contract, the advice of Elizabeth was taken as to the prisoners. On the 19th July, on the ground of her own inability to assess their demerits, she resigned the punishment of them all to the Regent, to be determined by the laws of Scotland, with the single exception of Robert Melville, to whom, for old association's sake, she desired that "no extremity should be used."[1] With the four exceptions we have named, the death penalty was remitted to them all.

It is impossible not to regret the fate of the brave, quixotic, and misguided Grange, though it is equally impossible to deny its justice. Great offers were made to the Regent to spare him. According to James Melville, he sent a mutual friend, David Lindsay, minister of Leith, afterwards a bishop, to offer "his whole heritage, the bond of manrent of all his friends, and to pass off the country in exile during his will." The Regent went aside and consulted with Pitcairn, the Secretary of State, and with Macgill, the Clerk Register. He returned with the answer that "it could not be; the people could not be satisfied, nor their cause cleared and crowned, without exemplary punishment of that man, and his counsellor the Secretary." So "about three hours in the afternoon of the 3rd August he was brought out, and about four was put off the ladder, and hung against the sun."[2] It was a miserable end to a distinguished career.

It was the end also of Mary's cause in Scotland. How she received the news of Maitland's death we nowhere learn. The fall of the Castle, when told to her by Shrewsbury, "nipped her very near," though she tried to hide her grief. So, in September 1569, as we have seen, when she heard of his arrest by Moray, she had been "in great care and pensiveness," and appealed to Cecil to save his life. Between these two dates, she

[1] S.P.S. iv. 598–600. [2] Melville's *Autobiography*, 35, 36.

had kept up with him what correspondence was possible. Her intercepted letter of the 10th December 1571 shows the terms on which they stood. She knew his value to her cause, and she assisted him to her utmost. "If you shall hold hard to them on the one side, as I shall do on the other, we shall yet work them a pirn that study to circumvene us."[1] There can be little doubt that, when the brief Bothwell fever was over, she recognised the enormous difficulties she had placed in the path of her minister by her wild outburst of passion and crime, and judged more justly his apparent desertion, though she could not afford to acknowledge the fact. It is vain to go to Nau for her real opinions as to the events of the Débâcle. That narrative, the product of long winter evening talks, reported by one who knew nothing of Scotland, is, to a great extent, a mere fairy tale, designed to conceal the truth, and to clothe Mary's action in the garb of simple innocence. Yet even in it there are passages which suggest an underlying consciousness of the reality. Her references to Lethington (assuming that Nau's words are hers) are not nearly so bitter as those to Moray, of whom she speaks with undisguised hatred and contempt; or to Morton, "deep in every deadly treason"; or to "that traitor Balfour," who sold the Castle, and treacherously allured her to Carberry. She recognises, sometimes not without a touch of humour, his consistent opportunism, his "balancing," his love of having two strings to his bow, his supreme regard for his own position and power. She was fully aware, from his own mouth, and from the significant token he sent her by Melville, of his temporising attitude in the days between Carberry and the coronation of her son. Secret messages seem to have assured her of its continuance

[1] S.P.S. iv. 60. A "pirn" is Scots for a bobbin or reel of thread or wool.

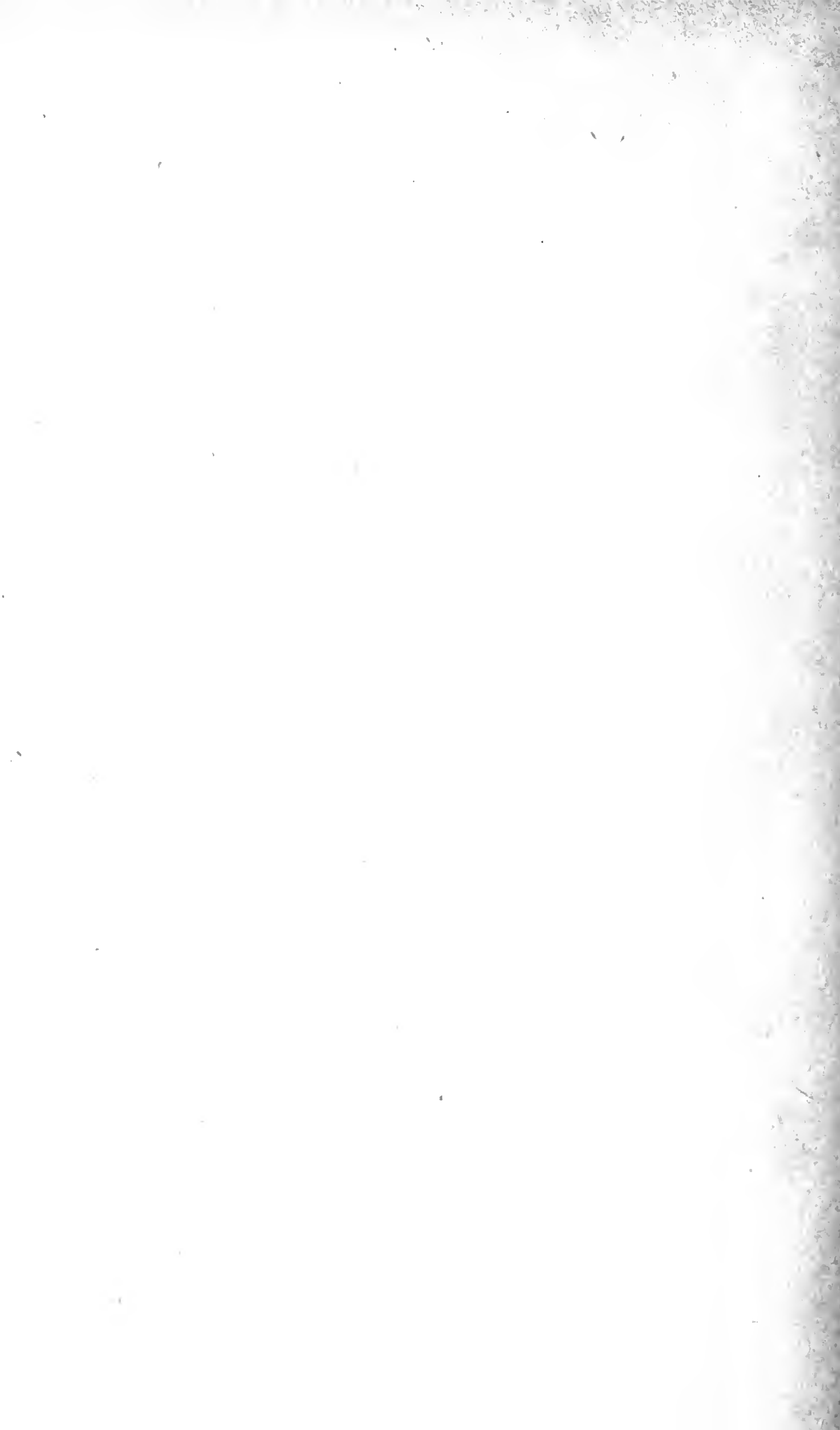
during her imprisonment. Between Langside and the York Conference, his wife, Mary Fleming, was probably the medium of communication. He had "not yet got assurances of pardon and favour" (so Nau writes), when Moray is said to have raised a premature alarm of her escape from Lochleven. It was probably at York or Westminster that they were given. They could hardly have been longer withheld, considering his labours, which they probably quickened, to bring about the Norfolk marriage and her restoration to the throne. Of course she believed that he was still acting from his old motives. 'He saw,' says Nau, 'that the scales had turned, that her party was stronger than the Regent's.' And we know from himself that he did believe, then, and on nearly to the end, that her restoration, sooner or later, by Elizabeth was inevitable. He expected, by bringing it about, to recover his lost position and power, to modify the course that Scotland was taking under the Regents, and to hasten the union of the Isle. Of any "loathing" of him, or of any special or inexpiable offence of which she held him guilty, beyond that of all the confederate Lords, there seems no trace in Nau or elsewhere. And so Mary and he worked cordially together to the end.

Maitland, though he died in the ruins of Mary's cause, can hardly be said to have died for her sake. He was no legitimist. He had little or nothing in common with the later Jacobites, nothing of that romantic and self-sacrificing devotion to a person or to a family, which is almost the only charm of their history. As the three years' struggle went on it became more and more a bitter personal and party feud, in which higher ends were lost sight of. His later letters show little trace of any high purpose that might atone for the misery he was inflicting on his country. Of scorn and contempt for his opponents

there is enough, and of a proud determination to triumph over them at any cost, even at that of bringing in foreign Powers, who had long been plotting the ruin of the religion and liberties of both realms. It was the intoxication of pride and passion, of arrogance and self-will. He knew that, with the triumph of his opponents, there could be no career left for him. Exile, if not death, would be his portion. Therefore he preferred, even when deserted by nearly all the nobles he had so long led, to "abide the uttermost." It was a melancholy end, a sad contrast to the bright visions he had once entertained of his own and Cecil's fame as the joint founders of a United Kingdom, powerful and prosperous beyond all precedent, in the ages to come. He was alienated from the great body of his countrymen, from the main stream of Scottish life, which flowed in the channels that Knox had dug for it. These were not perfect; few things of the kind are. But they suited the Scottish people. They expressed its genius and responded to its needs. And though they failed to satisfy its nobility and the scattered segments of Scottish society which continued to cherish the feudal tradition, their hold on the great body of the nation has never been seriously shaken, and in the main they have made Scotland what it is.

Maitland's influence did not end with his life. He represented the aristocratic, traditional, feudal spirit—anti-popular, and anti-Presbyterian—which after a few years revived under James VI., and has never died out of Scottish history. It was the natural ally of James and his son, till the latter, venturing too far, threatened the estates of its leaders. It was submerged in the great uprising of the spirit of Knox and Melville which took shape in the Covenant, whose triumph its mutinous fit made easy. It was trodden under foot by the Commonwealth. But it rose again with the Restoration, and floated into power on the flood

of reaction which then overspread Scotland, at least among its upper classes, as well as England. It ran riot under the second Charles and the second James, till the Revolution brought its frightful excesses to their natural termination. Sullenly retreating, it organised the rebellions of '15 and '45, and, under the guise of Jacobitism, continued long to give trouble to the cause of the Revolution Settlement. It has constituted a party in Scottish politics, and still more in Scottish literature, down almost to our own time. It is possible to recognise to the full the value of its literary output, without sharing its spirit or palliating its excesses, especially after Scott appeared to immortalise it, and ere long to merge it in more modern currents, which are still running their course.



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