

PREFACE.

THE present volume consists of two distinct parts, united by a community of relation to the history and fate of Mary Queen of Scots, but derived from different sources, and seen through the press by different editors.

The first part of the volume consists of papers relating to the expenses of Queen Mary's maintenance in England, and to her funeral. These have been edited by Allan J. Crosby, esq. The remainder of the volume contains a Justification of Queen Elizabeth in relation to her treatment of Queen Mary. This has been edited by John Bruce, esq.

These gentlemen will introduce their several portions of the volume by such remarks as they may think necessary by way of preface.

I.

Such of the following documents as relate to the expenses incurred in the maintenance of Mary Queen of Scots during the last two years of her captivity, and those connected with her funeral, are taken from the State papers preserved in the Public Record Office. They form part of an extremely interesting series,

entitled the "Wardrobe Miscellaneous Accounts," which consist of several large rolls of parchment stitched together, and, besides the accounts now published, contain also the charges for the obsequies of Charles IX. of France and Ferdinand II. of Germany, the funerals of Queen Elizabeth and Prince Henry, and the coronations and funerals of James I. and Anne of Denmark, his Queen. The narrative of Mary's funeral, which is now also published, is taken from a collection of papers more especially relating to her history, and is apparently a copy of a document compiled by William Dethicke, Garter King of Arms. The account of the expenses for the funeral feast is derived from the same source.

The charges for her diets commence on March 1, 1585, about which time Sir Amias Poulet was appointed to succeed Sir Ralph Sadler in taking charge of the custody of the Scottish Queen. They extend over the space of two years five months and eighteen days, and amount to the sum of 9,139*l.* 2*s.* 6*d.*

She was then at Tutbury, whither she had been removed for greater security from Wingfield Manor, in Derbyshire, on the 13th of January preceding. The Castle of Tutbury was so meanly furnished that Mary complained upon the subject to Elizabeth, who thereupon wrote to Sir Ralph Sadler, expressing her anger at the neglect. This letter was, however, accompanied by another from Sir Francis Walsingham, informing him that the Queen's letter was only written *pro formâ* to satisfy the Queen of Scots, and that Her Majesty had no fault to find with him.

Sir Ralph Sadler, whose moderate indulgence to the Queen had called down upon him the reproof of his mistress, finally gave up his charge to Poulet on the 19th of April, 1585; who, eight days afterwards, answers complaints of undue rigour towards the Queen

of Scots, and of removing her cloth of estate, by saying that Mr. Somers had told him that there was no good to be done with these people but by dealing roundly with them. He seems to have been so firmly convinced of the propriety of this mode of treatment, that scarcely a month passed without some complaint of his harshness.

The appointment of Sir Amias as her keeper gave great anxiety to Mary and her friends, on account of his well-known severity and strong Puritanical tendencies, coupled with the ill-will which he had shown against her during his embassy in France.

After the discovery of Babington's conspiracy in August 1586, this severity increased, and did not lack incentives from Queen Elizabeth, who in that month wrote to Sir Amias thanking him "for his most troublesome charge so well discharged," and bidding him "let the wicked murderess know how her vile deserts compel these orders."* Walsingham also wrote to him, allowing his purpose of removing the Scottish Queen to Chartley, and directing that she should be treated as a prisoner. These instructions were carried out so strictly, that her guards had orders to shoot her if she should attempt to escape, or if there was any probability of her rescue.

Sir Amias most fully justified Mary's apprehension on his appointment. In his conduct towards her, he appears to have been actuated by a personal dislike, which scarcely ceased with her death, as on the 8th February, the day of her execution, he, in conjunction with Sir Drue Drury, writes, praising the conduct of the Earls of Shrewsbury and Kent, and hoping that God would make them all thankful for his late singular favours.

One curious proof of Sir Amias's harshness occurred shortly before leaving Chartley in August 1586, when the Queen, having

* Queen Mary of Scots, R. O. vol. xix. Nos. 55, 56.

desired that an infant of Mr. Gilbert Curll, one of her servants, might be baptised and bear her name, he sternly refused; whereupon she baptised the child herself.*

The charges for the diets of the Scottish Queen were presented by Anthony Poulett, son of Sir Amias Poulett, in 1589, subsequent to the decease of his father, which took place on September 26, 1588, and consist of a debtor and creditor account of all receipts and disbursements from March 1, 1585, to August 4, 1589. The debtor account consists of payments out of the Exchequer to the use of the Queen, amounting to 7,298*l.* 5*s.* 3*d.*; the profits arising out of lands at Burton-on-Trent and certain iron works belonging to Thomas Lord Paget, then attainted, amounting to 2,289*l.* 13*s.* 10*d.* together with the money received by Sir Amias for the sale of certain provisions and necessaries: the whole amounting to the sum of 9,669*l.* 17*s.* 7*d.* [9,769*l.* 17*s.* 7*d.*]

The creditor account amounting to 9,139*l.* 2*s.* 6*d.* comprised the entire charge for the maintenance of the Scottish Queen's household during the aforesaid time of two years five months and eighteen days, and is divided under the following heads:—

1. The Pantry and Buttery; containing all payments for wheat of various sorts, averaging 48*s.* 1½*d.*, 21*s.* 11*d.*, and 20*s.* 10*d.* the quarter; manchets, viz. 1,424 dozen at 6*d.* per dozen, and 1,343 dozen at 8*d.* per dozen; cheate bread, 3,348 dozen at 10*d.* per dozen, 3507 and a half dozen at 12*d.* per dozen; malt; beer, 353 tuns 2 hogsheads and 1 tierce at 39*s.* 11½*d.* the tun; Gascoigne wine 28 tons 3 hogsheads 2 tierces at 16*l.* 13*s.* 4*d.* the tun; sack; ale; hops; casks, &c. with repairs incidental to the said offices.

2. The Acatry; containing the payments for 158 carcasses and

* Mary Queen of Scots, R. O., vol. xix. No. 62.

3 quarters of beef at the average price of *4l. 8s. 2d.* the carcass; sheep, 1,441 at *6s. 8d.* each; veal; lambs; bacon; pigs, 712 at *13½d.* each; and poultry.

3. The Kitchen; containing the payments for different sorts of fish; butter, and eggs. Salt salmon cost *4l. 4s.* the barrel, or from *1s. to 2s. 6d.* the fish. No less a sum than *91l. 7s. 7d.* is paid for pikes, and *48l. 13s. 4d.* for barbel. 17,862 pounds of butter were purchased at from *2d. to 4d.* the pound. No less than 73,250 eggs were provided at from *1s. 8d. to 2s. 4d.* the hundred.

4. The Larder; containing the payments for salt, salad oil, vinegar, &c.

5. The Spicery; containing the payments for spices, prunes, raisins, torches, and wax lights, 1,119 pounds at *14½d.* the pound.

6. The Woodyard; for wood, coals, and rushes.

7. The Stable.

8. The carriage of furniture and provisions.

9. Wages of artificers and others, amongst which are two laundresses, paid respectively at the high rates of *6s.* and *10s.* per week.

10. Wages of officers and ministers of the household.

11. Wages and conduct money for soldiers, amounting to 30 men, raised to 45 on December 6, 1586. The garrison appears to have been changed once, but the officers no less than five times. The captain was paid *4s.* per day; and the men *8d.* or with rations *4d.* per day.

12. Posts.

13. Extraordinary expenses; soap, repairs, &c. *20l. 6s. 4d.* was given in reward to the servants of different noblemen and gentlemen who brought presents of venison and other viands from their masters.

The charges for the Funeral consist of the account of John Fortescue, the keeper of the Queen's Great Wardrobe; and comprise disbursements for cloth, silk, liveries for 540 mourners, the pall and hangings, and for carriages and riding charges for officers and others.

The black cloth for liveries for the mourners, amounting to 1,599 yards and costing 955*l.* 18*s.* 2*d.*, was distributed amongst the 540 mourners according to their degrees, the Earls of Rutland and Lincoln receiving ten yards each; the Countess of Bedford who was chief mourner sixteen, and those of Rutland and Lincoln twelve yards each; the bishops and barons and their wives received eight yards a-piece; knights and their ladies six; esquires five; gentlemen three and a half; and yeomen one and a half.

Amongst the items there is a charge of 115*l.* 18*s.* 8*d.* for head-dresses of different sorts for the female mourners. Those for the three countesses cost 4*l.* 13*s.* 10*d.* a piece, and are termed Paris heads. There is likewise a charge for six large "bongraces" at 62*s.* each (Cotgrave defines these latter as "the uppermost flap of the down-hanging tail of a French hood, whence, belike, our Boongrace, also a muff or snufkin.") Under this charge are also included whiteheads for the gentlewomen, a large attire of lawn with a barb for a Scottish gentlewoman, and five head attires for gentlemen. One hundred and twenty poor women had one ell of Holland a-piece allowed to them for kerchers to serve as head-dresses, together with one shilling as doole or alms money.

The duties paid to the Dean of Peterborough amounted to 40*l.* 15*s.* 10*d.*; out of which the grave cost 10*l.*; the carriage of the corpse to the grave 20*s.*; perfumes 2*s.* 6*d.*; and 20*l.* was paid to him in consideration of the black baize that hung in the church, and 66*s.* 8*d.* for ringing the bells.

To this account is appended that of William Dethicke, Garter King of Arms, for the hearse and other causes of heraldry used at the funeral, amounting to 406*l*.

The hearse consisted of a frame of timber, twenty feet square and twenty-seven feet in height, covered over with black velvet, and richly set with escutcheons of the Queen's arms, and gold fringe, which was erected in the quire of Peterborough Cathedral, and surrounded with double rails covered with black cloth, the inner rails being lined with baize.

Within this hearse the "corps," or representation of Mary, was placed during the funeral ceremony. This account also contains a full description of the great banner of honour, the coat of arms, helmet, sword, &c., which are represented in the fac-simile as a frontispiece to the present volume. They are copied from a drawing taken from Dethicke's account of the funeral. In arranging the plate the articles represented have been obliged to be placed rather closer to each other than they stand in the original, but in size and all other respects they are exact representations of the original drawings.

The funeral took place in Peterborough Cathedral on the 1st of August, 1587, the Queen's body having been removed on the preceding night from Fotheringhay Castle and deposited in the quire in a vault on the south side, opposite to the tomb of Katharine of Aragon, the first wife of Henry VIII. It was not deemed expedient, on account of the great weight of the coffin and the heat of the weather (an accident having already happened at Fotheringhay from the latter circumstance), that the body should be removed during the ceremony, and therefore its place was taken by an effigy of Mary, which was borne in procession under a canopy

of black velvet, was laid in the hearse, and covered with a pall of black velvet, upon which, on a purple velvet cushion fringed with gold, was placed a crown.

After all the mourners were arranged in their places according to rank, a sermon was delivered by the Bishop of Lincoln, and certain anthems were sung; after which the Countess of Bedford, as chief mourner for the Queen of England, made the offering, which consisted of the coat, sword, targe, and helmet, together with the standard and great banner. They were received by the Bishop of Peterborough and Garter King of Arms, and after the close of the ceremony were hung up in the cathedral. This being accomplished, the Dean of Peterborough proceeded to the vault where the body was laid, and read the funeral service, after which all the officers broke their staves and threw the pieces into the vault.

The ceremony being thus completed, they all returned to the Bishop's palace to the funeral feast.

From these accounts it will be seen that, whatever charges may be brought against Queen Elizabeth in respect of her treatment of her unfortunate cousin, that of illiberality—at least during the latter period of her captivity—cannot be sustained. There was evidently a considerable train of household officers kept up, their entertainment was ample, and the whole establishment was probably better than any which Mary had had since leaving France.

The funeral was decently and solemnly conducted, though of course it could not compare in pomp with that of her rival, upon which no less a sum than 17,647*l.* 7*s.* 11½*d.* was expended.

The account of the funeral here published is somewhat scanty in detail. They who are anxious to learn what were the full cere-

monies performed at the burial of a Royal Princess may find in the Appendix to the Rev. Joseph Stevenson's second volume of "Calendars of the Elizabethan State Papers," an extremely interesting description of the burial of Queen Mary of England, the charges for whose interment in Westminster Abbey amounted to 7,662*l.* 1*s.* 9*d.*

In conclusion, the following short account from Stowe's "Chronicle of the Removal of the Remains of Mary from Peterborough Cathedral to their Final Resting-Place" may not be considered inappropriate:—

"1612. At this time the corps of Queene Mary, late Queene of Scotland, was translated from Peterborough unto Saint Peter's Church in Westminster, beeing thither attended by the Lord Bishop of Coventry and Litchfield. And upon Thursday, the eight of October, the Lord Archbishop of Canterbury, the Lord Chancellor, the Lord Privy Seale, and the Earle of Worcester, and other noblemen, and the Bishop of Rochester and the Deane of Westminster, met the corps at Clearkenwell about sixe a clock in the evening, and from thence, with plenty of torchlights, brought the body of the sayd Queen unto the Chappell Royall at Westminster, and on the south side thereof it was there interred that night, where the King had builded a most royall Tombe for her, where she now resteth." (Stowe, ed. Howes, A.D. 1631, p. 1002.)

The churchwardens of St. Margaret's Westminster paid "to Michael Stockdale, for ringing when the Queen of Scots was buried in St. Peter's Church, 2*s.* 6*d.*"

II.

THE second portion of the present volume consists of a paper brought under the notice of the Camden Council by Albert Way, Esq. Upon the recommendation of an authority so unquestionable, and in the hope that Mr. Way would have been able to take upon himself the editorship of the little volume, the Council did not hesitate to agree to its publication; but the state of Mr. Way's health having unfortunately prevented him from fulfilling these expectations, Mr. Bruce, as an officer of the Camden Society, has collated the proofs with the original manuscript, and also with two other manuscripts of the same paper, and has furnished the following remarks by way of Preface.

The JUSTIFICATION OF QUEEN ELIZABETH, which is the paper now printed, belongs to a class of publications of which there were many examples in the reign of that sovereign; defences, that is, published by authority, of the course of action adopted by the government on the occurrence of some important political crisis.

In this class we would not reckon such publications as the True and Plain Declarations of the Treasons of Francis Throgmorton, of William Parry, of the Earl of Northumberland, of the Earl of Essex, and of several others. Those publications were printed by the Queen's printer, and were set forth with the allowance, probably by the direction, of the government; but they were substantially mere reports of the trials of those several persons, and were communicated to the public in the only way in which reports of State Trials were in those days allowed to be openly sold.

We allude rather, on the present occasion, to such publications as explain and vindicate the conduct of the Queen's government in its larger relations either to foreign countries or to its own people. For example, when Elizabeth determined to give military assistance to the United Provinces, there was published in various languages, a vindicatory "Declaration of the causes mooving the Queene of England " to give Aide to the defence of the People afflicted and oppressed " in the Lowe Countries." (Lond. 1585, 4to.); again, when the country seemed threatened to be overrun with Seminary Priests and Jesuits, and it was determined to enforce against them the penal laws, a Declaration was sent forth " of great Troubles pretended " against the Realme by a number of Seminarie Priests and Jesuits, " sent and very secretly dispersed in the same, to work greate " Treasons under a false Pretence of Religion; with a provision very " necessarye for remedie thereof." (Lond. 1591, 4to.) So again, when the expedition to Cadiz under the Earl of Essex was dispatched to destroy the second armada which Philip was preparing for the invasion of England, a Declaration was published " of the " causes mouing the Queene's Maestie of England to prepare and " send a Nauy to the Seas, for the defence of her realmes against " the King of Spaines Forces." (Lond. 1596, 4to.) These are a few examples of the class of publications which we consider to be analogous in design to the treatise which we believe now sees the light for the first time.

The importance of such publications for historical purposes can hardly be over-estimated. Not that their statements are on any account to be taken for granted. Candour is seldom a virtue of any government, and rarely indeed of one which is put upon its defence. When sifted, the statements of these publications are too

often found to be rather plausible than true. But what was designed to instruct and guide public opinion, or to rouse under circumstances of peril the dormant patriotism of the people, is always entitled to careful consideration, and occasionally leads to the discovery of the truth which it was not intended to reveal.

That the Justification now presented to notice was a paper of this kind in relation to Mary Queen of Scots, and was written with the intention of being offered to the government of Queen Elizabeth for publication, may be inferred from its contents.

It opens with free comments on the peculiar "strangeness" of the case of Mary Queen of Scots, whose miserable career it pronounces to have been probably unparalleled in the history of the world. It avers that if the same had been "as strangely" proceeded in by Queen Elizabeth, the strangeness on her part consisted in her having used her unfortunate relative "so honourably and with so "strange a clemency." It allows, that there were people who did not entertain these views of Elizabeth's conduct to her sister Queen. The "clemency" of long imprisonment and ultimate decapitation was not universally admitted. Some persons who were opposed to Elizabeth's proceedings "in the cause of religion," and others who envied the great prosperity and glory of her reign, had charged her "in honour and conscience for many parts of her demeanour in this action"—they had even denounced her conduct "as nothing princely nor justifiable." Some there were who, being ignorant of the "great injuries and griefs" of her Majesty of England, had condemned her "of injustice, some of cruelty, or other unprincely behaviour." Finally, the writer sums up these objections, or cavils as he esteems them, in an emphatic expression of the astonishment of those who put forth such opinions, that "a Queen to a Queen, a

woman to a woman, should show so small favour;”—that Queen and woman being moreover “her Majesty’s near neighbour and kinswoman, even then flying to her for succour,” and that at a time when the fugitive was “so distressed and overwhelmed in calamities as might seem to deserve commiseration and be pitied as the most vile and miserable wretch in the world,” and yet these circumstances excited no pity in the case of “a princess of so great name and honour of blood.”

After such a statement of the condition of public opinion, which we may conclude to be pretty accurate, since it is nearly allied to what we find to be the state of things upon this subject even now among ourselves, the writer declares it to be his opinion that “these untrue reports” ought, “by the very weapons of truth,” to be “notoriously disproved.” Without the adoption of that course the writer believed that the results would be “to her Majesty’s great ignominy,” and to the detriment of “that good amity and reputation of Christian Princes, and others of the best and worthiest, which her Majesty hath holden very dear and precious above any worldly treasure.”

Entertaining such opinions, the writer concluded that it behoved her Majesty’s “honest subjects and well-willers” for her, and if no other person would “for her sake attempt it, even herself,” was bound “by all reason, publicly to lament to the world her injuries,” the object to be attained being the “due satisfaction of all such as be not utterly alienated from her Majesty in good will, and do yet retain an equitable opinion in the said causes.” “And to the intent that no part of her Majesty’s behaviour or doings therein should be covered or hidden,” it is concluded that “her Majesty will not refuse of her own most gracious and voluntary disposition (being

otherwise not constrainable to yield any account of her doings only to God alone—the founder and protector of princes,) to have laid open and unfolded even the most secret parts of the said cause and what the world may conceive thereof to leave to all godly and indifferent judgments.”

The same thing is afterwards expressed thus: “Yet her Majesty will not seem grieved that the same justification be, by her honest well-willers, dutifully and truly presented to the view and acknowledge of the kings and governors of the world, to whom is only incident the censure and arbitrement of all princely merit.” (p. 85.)

It would seem from these somewhat hazy words that the writer suggested the publication of one of two kinds of printed works; either something proceeding from the Queen herself, probably in the nature of a proclamation (a form of publication adopted on previous analagous occasions), in which her Majesty might herself “lament to the world her injuries;” or a justification set forth by her Majesty’s “well-willers,” in which she “would not refuse,” or “would not seem grieved” that the whole truth should be revealed.

At the same time that the author made this double suggestion, he presented to her Majesty, or to the person whomsoever it might be for whom his paper was intended, an embodiment of the latter part of his own recommendation in the present treatise, which he evidently intended to be put forth as the “justification by her Majesty’s well-willers” to which he had alluded.

That he did not meditate any merely private publication, results almost necessarily from his intention and from the nature of his subject. In those days no one would have ventured to discuss so delicate “a matter of State” without the permission, tacit or acknow-

ledged, of the government; and the more especially as the contemplated justification involved the assertions of opinions, feelings, and statements of the Queen herself. The writer tells us, for example, on one occasion what "her Majesty had been heard oftentimes and most earnestly to protest" (p. 73); and again, that "she was not unwilling" that the fact of her having signed the warrant for Mary's execution "should be bruited and spread abroad," (p. 74) which by the way is quite contrary to what has always been asserted; and again, that "she hath been heard many times to say that she had resolved with herself" never to put Queen Mary to death, and that "many about her have been made acquainted" with that private determination of her own mind "by her own regal mouth" (p. 75); and again, that she does not "go about to excuse herself of error, but doth constantly affirm and protest that she hath done nothing in this affair, from the first day until the last, wherewith her conscience ought to be grieved." (p. 76.) The Council or the Court of Star Chamber would soon have brought to his senses any one who had ventured upon the publication of such statements as these, and many others which could be adduced, without the previous licence and approbation of the government. We may, therefore, conclude that this paper was written with the concurrence of the Council, or was submitted to them for their approbation.

Of the period at which this Justification was written we may speak pretty confidently. It fits in, as it were, to the year 1587 or the beginning of the following year, and that date agrees both with its contents and its purpose. It is also confirmed by two passages which contain allusions to the future James I. of England, then James VI. of Scotland. In the first of these passages that young king, who was born on the 19th June 1565,

is spoken of as just "come to man's estate," and able to perceive and acknowledge Queen Elizabeth's "motherly benignity and good mind towards him." In the second passage there is an obvious allusion to the disturbance in the friendly relations between the young King of Scots and Queen Elizabeth, occasioned by the execution of his mother. It is affirmed that as Elizabeth "hath alway hitherto done, so intended she still to do, the said young king all the good she can, and to be instead of a mother to him, and a mean to make him, if his merits correspond, capable for greater fortunes than any of his ancestors, Scottish kings, have been, so as he will be wise, and bear himself moderately in this discomfort of his, and not be wilful or ill-advised against her Majesty." (p. 125.)

Of the authorship nothing is known. It may be inferred from the style of composition, and the occasional use of words which were antiquated even at that period, that he was an old man. Many passages show that he was no lawyer. It is not quite so clear that he was not a divine.

The curiosity and value of the Justification will be mainly found in the circumstance of its having been written at the time when these transactions—momentous in their character, and which still excite the minds of all inquirers—actually took place. It is important to know what was the form assumed by the objections to the treatment of Queen Mary which were rife at the time. It is still more important to learn what were deemed the proper answers by those whom our author esteems to have been Queen Elizabeth's "well-willers." Much of the writer's argumentation will be found to be entirely obsolete; but that is a consequence of the period at which he wrote. Every generation has its own mode of conducting its inquiries, and is specially influenced by certain particular kinds of reasoning. In

Elizabeth's time, presumed ancient precedents, parallels derived from circumstances in Jewish history, and inferences deduced from scripture texts, formed a large part of the popular reasoning, even upon historical subjects. Our way of arriving at truth is so entirely different, that we deem the ancient precedents altogether valueless, the parallels with Saul and Samuel and other ancient heroes inapplicable to the present state of society, and the scripture texts too often misapplied. It is a puzzle and a mystery to conceive how our forefathers could have attached any value to such kinds of reasoning. But they did so; and in considering their argumentative writings we must take these peculiarities into account. We shall generally find that, after making whatever deductions we think necessary on these grounds, there is enough left of hard solid reasoning to maintain the positions which the writers were desirous to uphold.

One thing is very observable in the present treatise, that the author never touches the question of the guilt or innocence of Queen Mary in reference to the murder of her husband Darnley. Speaking in the character of the objector against Queen Elizabeth, he alludes in one place to Queen Mary's "rebels of Scotland," who "with all extremity persecuted her life" (p. 70); in another place he terms the same persons "the first authors of her disgrace and renunciation to the crown and regal administration of that realm of Scotland" (p. 77); and elsewhere they are designated as her "persecutors" (p. 92); but Darnley or Bothwell, the Kirk of Field or the pretended ravishment, is never mentioned or alluded to. In this silence the writer probably took the course which would be approved by Elizabeth herself, whose royal sympathies were stirred against all opposers or depreciators of sovereign powers.

Of the author's estimate of the true character of Mary we catch a few little glimpses here and there, glimpses all the more valuable as they are opened up to us without design. That "infortunate Queen" and that "most infortunate Queen" are the designations which the author ordinarily applies to her; in another place she is termed that "ill-deserving lady," and again the "unquiet-minded Queen." (p. 108.) Elsewhere the writer is still more explicit; speculating on what would have been the result of her having been set at liberty, he states that she was likely enough to have misused her freedom "either to her Majesty's harms, or perchance to her own confusion, by stirring up strife in all places where she should come, so restless was her courage, and naturally bent to all unquietness." (p. 99.)

The accusations against Elizabeth with which the author principally deals are the following: 1. That Mary was made a prisoner contrary to law and right. 2. That the continuance of her captivity for eighteen years was contrary to the law of arms, which allows ransom to every prisoner. 3. That Elizabeth enforced causes against her not truly criminal, to justify her first detention. 4. That the causes alleged, not being criminal by the universal law, her process was framed by authority of a private law of her Majesty's own making, under which she was unjustly tried, attainted, and made subject to the penalty of a most shameful death. 5. That Elizabeth, by this extraordinary action of cruelty under the coverture of justice, had blemished all sovereign Majesty and authority, and opened a passage to the manifest danger of all princes who upon confidence or misfortune chanced to set foot upon their neighbours' territory.

Before entering upon his reply to these specific charges, the

writer deals with several other points in this unhappy case. And first, he contends vehemently for the truth of Elizabeth's own version of the signature of the death-warrant and its delivery to Davison. He reiterates what she had herself stated, and what had been declared on her behalf in the proceedings against Davison in the Star Chamber, and stoutly contends that her Majesty's own solemn protestation, made in the fear of God, and in all truth, princely honour, and integrity, ought to satisfy every one of her intent. He secondly, in the introductory portion of his book, treats of the character of Mary's imprisonment. "I call it," he says, "her abode, " and no captivity, nor scarce a restraint, when in effect the greatest " part of this realm was her prison at large (having some eye to her " safe custody), and the fairest palaces of every shire the places of her " residence, where she might hunt and hawk and use all other princely " disports at her pleasure, and remove and change airs and lodgings " as oft as she listed, and be allowed honourable attendance and " company, great entertainments and costly diet, rich presents, free " access of her people to her, conference with whom she would, and " liberty to give and receive whatsoever intelligence from any part of " the world by her secretaries and messengers;" with more in the same strain. (p. 78.)

The author dwells upon many other acts of kindness shown by Elizabeth to the Scottish Queen; her constant refusal to concur in Mary's exclusion from the succession to the English throne; her care of the young King of Scots; her winking at Mary's concurrence in a variety of underhand practices, to her Majesty's great danger; her living in continual fear and peril of her own life, and yet always sparing the delinquent who was plotting against her. "What will you more? There could no greater regard of kindness

“ be used by a Queen to a Queen, a sister to a sister, a mother to
“ the child of her own body, than her Majesty used toward the said
“ unfortunate and ill-deserving lady for the space of eighteen years,
“ which was until her last conspiracy with Babington and the rest,”
&c. (p. 81).

Proceeding now to answer the objections which have been before stated, the author contends, upon the authority of various precedents which reach back to the cases of Richard I. and Richard Duke of Normandy, that “ the very print of a prince’s foot upon his neighbour’s soil,” without consent previously obtained, carries with it a claim of interest, and puts the invader at the mercy of the sovereign invaded. Mary’s ill-demeanour in her former claim of the sovereignty of England, and subsequently in her unlicensed entry into the realm, are contended to have justified Elizabeth in first staying her, and afterwards in holding her under restraint.

In answer to the second objection, as to the long continuance of Mary’s restraint, without allowing the ransom which is permitted by the law of arms, the writer contends that there is no such law as that of arms, but that a person taken prisoner holds life and every thing at the will of his vanquisher. But he asserts that from the first it was Elizabeth’s intention that the restraint of the Scottish Queen should last but for a brief period, an intention which was defeated by the conduct of Mary herself.

In dealing with the complaints made against Mary’s trial, the author seems to fall into a great mistake. His argument is this: By the law of England “ the greatest princes and peers of the realm ” have but one form of ordinary trial, which is by the verdict of twelve men sworn to inquire of the fact, and thereupon the culprit is judged by some able person appointed by royal commission. But

in Queen Mary's case the proceedings were far more dignified; the parliament, consisting of 450 persons, were her judges; thirty-six of the greatest princes and peers were appointed to take the evidence of her misdemeanour; and she was sentenced by the Majesty of the State. The whole of this is, of course, very inaccurate, but especially that part of it which asserts that princes and peers were tried by a jury and sentenced by a judge in the ordinary way.

The author meets the objection that, as a sovereign Queen, Mary was not subject to any human jurisdiction, by broadly contending, if we understand him rightly, that princes like other persons are subject to the justice of man's law; save that, within their own dominions, they are, for their own persons, and their persons only, privileged and exempt from punishment. The remarks on this subject occur at pp. 115—117.

The friends of Mary seem to have raised an argument that as a Queen she was exempt from all jurisdiction of Elizabeth, who was her equal, and that she was subject only to the judgment of the Emperor. The writer answers that the laws of the Empire are of no force in England, the Kings of which recognise no higher earthly power than their own, and that it is absurd to contend that the law of the Empire should bear sway save where it might be enforced by the Emperor's power, which in England it could not be.

The objection as to the partiality and improper selection of the commissioners for Mary's trial, all of them being her enemies, and some of them Elizabeth's sworn servants of her household, is answered by an allegation that no man of a thousand would be found so loose, false, and faithless, or so base-minded, as willingly to cast away a Queen, especially one whom they were bound to reverence next to her Majesty.

The last objection which the writer notices is that of the blemish to the sovereignty of other princes which resulted from the execution of Queen Mary. The answer is that Elizabeth had on the contrary given a precedent to all other sovereigns to deal honorably with their peers, and to use their jurisdiction with like justice in cases that may happen to themselves.

In conclusion, the writer essays to show that the condemnation and execution of the Scottish Queen could be defended by God's law, which was "the strongest argument and principal pillar of all her Majesty's defence." In proof of this branch of his Justification, he adduces various texts, which he construes in favour of his own views. "Thou shalt not kill;" "Whosoever spills blood, his blood shall be spilt;" "Thou shalt not touch mine anointed, nor lay any violent hands upon him;" these and others seem like two-edged swords, but our author presents only that edge which may be used against the Queen of Scots.

Finally, the author tells us the following very questionable anecdote of Marshal de Retz, who was sent Ambassador from France into England, "to inform her Majesty of the King's success in that bloody massacre done at Paris against the Admiral Chastillon and other the Protestants." Being asked the question, by the gravest councillors of this realm, how it could stand with his master's honour to consent to such a cruel act? "Quod he again, "I pray you tell me what the Queen your mistress would have done if she had been in the like case, being disobeyed, bearded,* "and defaced, by her own subjects, as my master was? *Ad quod non fuit responsum*; for it seems an argument impossible to be "refuted, as of more force than the position † of any act or law, that

* *sic.*

† provision ?

“ any man should be reprehended for the fault which the reprehendor, “ being asked the question upon his conscience, could not deny that “ he would have done the same.” Whereupon the author concludes that “ whatsoever all men’s judgments approve ought to be deemed good;” and concludes by applying that doctrine to the purposes of his Justification.

It remains only to state that the original MS. of this publication exists in the valuable library of Sir Thomas Winnington, Bart. M.P. who has most freely permitted the Camden Society to have the use of it. Two other copies of it were pointed out by Mr. Way, one the Cotton MS. Caligula D. i. art.6, and the other the Harleian MS. 4647, art.44. Both these have been collated. Our text represents Sir Thomas Winnington’s MS.; the foot-notes indicate the substantial variations between it and the other MSS. The conclusion at which we have arrived on inspection of the MSS. and consideration of these variations is, that no one of them is the original. Sir Thomas Winnington’s MS. is probably contemporary, and the best of the three; the Cotton MS. dates a little later than Sir Thomas’s, and the Harleian MS. much later. They are all copies of some other MS. but no other has been found.

ERRATUM.

P. 105, l. 22, *for* consciene *read* conscience.