to concur in matters of importance. Now there did not aſſiſt in it more than four earls, ſix lords, one biſhop, and two or three abbots. Proteſtations, too, were openly made, that nothing tranſacted at that pe­riod ſhould be any prejudice to the queen, her eſtate, and the blood-royal of Scotland. Neither could it be rightly conceived, that if the queen had willingly ſurrendered her dignities, ſhe would have named the earl of Murray to the regency in preference to the duke of Chatelherault, who had a natural and proper claim to it, and who had deſerved well of her country by diſcharging that high office during her minority. As to the ratifi­cation of the inveſtiture of the young prince, and the regency of the earl of Murray by the eſtates, it was obſervable, that this was done in an illegal parliament. It was an invalid confirmation of deeds which in themſelves had no inherent power or efficacy. The princi­pal nobility, too, objected in this parliament to this ra­tification. Proteſtations were made before the lords of the articles, as well as before the three eſtates, to inter­rupt and defeat tranſactions which were in a wild hoſtility to the conſtitution and the laws. Neither was it true that the government of the king and the regent was univerſally obeyed, and adminiſtered with equity and approbation: for a great diviſion of the nobility never acknowledged any authority but that of the queen, and never held any courts but in her name; and it was notorious, that the adminiſtration of the uſurpers had been marked and diſtinguiſhed by enormous cruel­ties and oppreſſions. Many honourable families and loyal ſubjects had been persecuted to ruin, and plunder­ed of their wealth, to gratify the retainers and ſoldiers who upheld this inſolent domination; and murder and bloodſhed, theft and rapine, were prevalent to a degree unheard of for many ages. Upon all theſe accounts, it was inferred, that Elizabeth ought to ſupport the queen of Scots, to reſtore her to her crown, and to overthrow the power of a moſt unnatural and rebellious faction.

To theſe facts the regent did not pretend to make any objection; and though required by the Engliſh commiſſioners to produce founder and better reaſons for his treatment of the queen, he did not advance any thing in his own behalf. He even allowed the char­ges of treaſon and uſurpation to be preſſed againſt him, without preſuining to anſwer. This ſurpriſing beha­viour, which might readily have been conſtrued into an acknowledgment of his guilt, it ſeems, proceeded from ſome conferences which he had with the duke of Nor­folk. This nobleman was a zealous partizan for the ſucceſſion of Mary to the Engliſh crown. He was ſtrongly poſſeſſed with the opinion, that his miſtreſs, while ſhe was diſpoſed to gratify her animoſity and jealouſies againſt the queen of Scots, was ſecretly reſolved, by fixing a ſtain upon her, to exclude her altogether from the ſucceſſion, and to involve her ſon in her diſgrace. He was eager to defeat a purpoſe, which he conceived to be not only unjuſt in itſelf, but highly detrimental to his country. It was in his power to act with this view; and he obſerved with pleaſure, that Maitland of Lethington was favourable to Mary. To this ſtateſman, accordingly, he ventured to expreſs his ſurpriſe, that the regent could be allured to think of an attempt ſo blameable as that of criminating his ſovereign. If Mary had really given offence by miſcarriage and miſtakes, it yet was not the buſineſs of a good ſubject induſtriouſly to hold her out to ſcorn. Anxious and repeated conferences were held by them; and at length it was formally agreed, that the regent ſhould not accuſe the queen of Scots; and that the duke in return ſhould protect him in the favour of Elizabeth, and ſecure him in the poſſeſſion of his regency.

But while the regent engaged himſelf in this in­trigue with the duke of Norfolk, he was deſirous not- withſtanding of gratifying the reſentments of Eliza­beth, and of advancing his own intereſts by undermi­ning ſecretly the fame and reputation of his ſovereign. He inſtructed Maitland, George Buchanan, James Macgill, and John Wood, to go to the duke of Norfolk, the earl of Suſſex, and Sir Ralph Sadler, and to com­municate to them as private perſons, and not in their character of commiſſioners, the letters to Bothwel, and the other proofs upon which he affirmed the guilt of the queen of Scots. It was his deſire that they would examine theſe papers, give their opinion of them to Elizabeth, and inform him whether ſhe judged them ſufficient evidences of Mary’s concern in the murder of her huſband. It this ſhould be her opinion, he teſtiſied his own readineſs, and that of his aſſociates, to ſwear that the papers were genuine, and of the hand-writing of the queen. By this operation, he was ſolicitous to eſtabliſh his vouchers as inconteſtable, and as teſtimonies oſ record. The commiſſioners examined his papers, and heard the comments of Buchanan and his other aſſiſtants; but they do not ſeem to have bellowed the fulleſt credit upon them. They deſcribed them, however, to Elizabeth; pointed out the places of them which were ſtrongeſt againſt Mary; and allowed that their force and meaning were very great, if their genuineneſs could be demonſtrated. But of their genuineneſs they acknowledged that they had no other evidence than ſtout aſſertions, and the offer of oaths. The earl of Suſſex, in a private diſpatch to ſecretary Cecil, does more than inſinuate@@\*, that he thought Mary would be able to prove the letters palpable forgeries; and with reſpect to the murder of the king, he declares in plain terms, that from all he could learn, Murray and his fac­tion would, upon a judicial trial, be found by “proofs hardly to be denied,” more criminal in that charge than the queen herſelf. Elizabeth and her miniſters, upon the receipt of ſuch diſpatches, did not think it expe­dient to empower them to adopt a method of proof ſo palpably ſuſpicious, and in which ſhe could not openly concur, without groſsly violating even the appearance of probity. The regent had before attempted to en­gage her in a direct aſſurance of the validity of his pa­pers, when he ſubmitted copies of them to her infpection by his ſecretary Mr Wood. His attempt at this juncture was of a ſimilar kind; and it could not recom­mend him to the Engliſh commiſſioners.

Nor were theſe the only tranſactions which took place during the continuance of the commiſſioners at York. The inventive and refining genius of Lethington had ſuggeſted to him a project, which he commu­nicated in confidence to the biſhop of Roſs. It recei­ved the warm approbation of this eccleliaſtic; and they determined to put it to a trial. While they attended the duke of Norfolk to the diverſion of hawking, they inlinuated into him the notion of his allying himſelf with the queen of Scots. Her beauty, her accompliſh-

@@@ [m] \**Robertson of Dalmeny's History*, &c. book 4.