that ſhe could not well determine upon which to act: but it he would condeſcend to mention the names which, in his opinion, were moſt ſuſpicious, ſhe would inſtantly command that thoſe ſteps ſhould be taken which the laws directed and authoriſed. He in return named the earl of Bothwel, James Balfour, David Chalmers, black John Spence, Francis Sebaſtian, John de Burdeaux, and Joſeph the brother of David Rizzio; and aſſured her majeſty, that his ſuſpicions of theſe perſons were weighty and ſtrong. In reply to his information, Ma­ry gave him her ſolemn promiſe, that the perſons he had pointed out ſhould abide and undergo their trial in conformity to the laws, and that they ſhould be puniſhed according to the meaſure of their guilt: and ſhe invited him to leave immediately his retirement, and to meet her at her court, that he might witneſs the proceedings againſt them, and the zeal with which ſhe was animated to perform the part that became her.

While the queen carried on this correſpondence with the earl of Lenox, ſhe reſided partly at the palace of the lord Seton, at the diſtance of a few miles from her capital, and partly at Holyroodhouſe. By the time that ſhe ſent her invitation to him, ſhe was reſiding in her capital. She delayed not to confer with her counſellors, and to lay before them the letters of the earl of Lenox. Bothwel was earneſt in his proteſtations of innocence; and he even expreſſed his wiſh for a trial, that he might eſtabliſh his integrity. No facts point­ed to his guilt; there had appeared no accuſer but the earl of Lenox; and no witneſſes had been found who could eſtabliſh his criminality. Her privy-council ſeemed to her to be firmly perſuaded that he was ſuffering under the malice of defamation. Murray, Morton, and Lethington, whatever might be their private ma­chinations, were publicly his moſt ſtrenuous defenders; and they explained the behaviour of the earl of Le­nox to be the effect of hatred and jealouſy againſt a nobleman who had outrun him ſo far in the career of ambition. But though all the arts of Murray and Bothwel, Morton and Lethington, were exerted to their utmoſt extent to miſlead the queen, they were not able to withhold her from adopting the ſtrain of con­duct which was the moſt proper and the moſt honour­able to her. It was her own ardent deſire that the re­gicides ſhould be puniſhed; ſhe had given her ſolemn promiſe to the earl of Lenox, that the perſons whom he ſuſpected ſhould be proſecuted; and amidſt all the appearances in favour of Bothwel, and all the influence employed to ſerve him, it is to be regarded as a ſtriking proof of her honour, vigour, and ability, that ſhe could accompliſh this meaſure. An order, accordingly, of the privy-council was made, which directed, that the earl of Bothwel, and all the perſons named by Le­nox, ſhould be brought to trial for the murder of the king, and that the laws of the land ſhould be car­ried into full execution. The 12th of April was ap­pointed for the trial. A general invitation was given to all perſons whatſoever to prefer their accuſations. The earl of Lenox was formally cited to do himſelf juſtice, by appearing in the high court of juſticiary, and by coming forward to make known the guilt of the culprits.

In the mean time, it was proper to repreſs that ſpirit of outrage that had manifeſted itſelf againſt the

queen. No diſcoveries, however, were made, except againſt James Murray, brother to Sir William Murray of Tullibardin, who at different times had publiſhed placards injurious to her. He was charged to appear before the privy-council: but refuſing to obey its ci­tation, it was made a capital offence for any commander of a veſſel to convey him out of the kingdom; and the reſolution was taken to puniſh him with an ex­emplary ſeverity. Effecting, however, his eſcape, he avoided the puniſhment due to his repeated and deteſtable acts of calumny and treaſon.

The day for the trial of Bothwel approached. The conſpirators, notwithſtanding their power, were not without apprehenſions. Their preparations, however, for their ſafety had been anxious; and, among other practices, they neglected not to attempt to throw a panic into the earl of Lenox. They were favoured by his conſciouſneſs of his unpopularity, and his want of ſtrength, by his timidity and his ſpirit of jealouſy, Suſpicions of the queen’s guilt were inſinuated into him; and the dangers to which he might be expoſed by inſiſting on the trial were ſet before him in the ſtrongeſt colours. He was ſenſible of her averſion to him; and his weakneſs and the ſovereign authority were contraſted. His friends concurred with his ene­mies to intimidate him, from the ſpirit of flattery, or from a real belief that his ſituation was critical. By the time he had reached Stirling, in his way to Edin­burgh, his fears predominated. He made a full ſtop, He was no longer in haſte to proceed againſt the re­gicides. He addreſſed a letter to the queen, in which he ſaid he had fallen into ſuch ſickneſs, that he could not travel; and he affirmed, that he had not time to prepare for the trial and to aſſemble his friends. He complained, too, that Bothwel and his accomplices had not been committed to cuſtody; he inſiſted, that this ſtep ſhould be taken; and he requeſted, that a day at a greater diſtance might be appointed for the trial. After the lengths to which mattere had gone, this con­duct was moſt improper; and it is only to be account­ed for from terror or capriciouſneſs. His indiſpoſition was affected; he had been invited by Mary to wait upon her at Edinburgh at an early period, to concert his meaſures; and the delay he aſked was in ſtrong contradiction to his former intreaties. After the invi­tation ſent to him, he might have relied with ſafety upon the protection of the queen, without any gather­ing of his friends; from the time of her private intima­tion to him, and of the legal citations of her officers, there had paſſed a period more than ſufficient for the purpoſe of calling them together; and indeed to ſuppoſe that there was any neceſſity for their aſſiſtance; was an inſult to government, and a matter of high in­decency. There was more juſtice in the complaint, that the earl of Bothwel and his accomplices had not been taken into cuſtody; and yet even in this peculi­arity, he was himſelf to blame in a great degree. For he had not obſerved the precaution of that previous diſplay of evidence, known in the Scottiſh law under the term of a precognition, which is common in all the groſſer offences, and which the weighty circumſtances of the preſent caſe rendered ſo neceſſary as a foundation for the confinement and conviction of the criminals-