An application for the delay of a trial ſo important, upon the night immediately preceding the day ſtated for it, and reciting reaſons of no concluſive force, could not with propriety be attended to. The privy-council refuſed the demand of the earl of Lenox. The court of juſticiary was aſſembled. The earl of Argyle acted in his character of lord high juſticiar; and was aided by four aſſeſſors, Robert Pitcairn, commendator of Dunfermline, and the lord Lindſay, with Mr James Macgill and Mr Henry Balnaves, two lords of the ſeſſion. The indictment was read, and the earls of Bothwel and Lennox were called upon; the one as the defender, the other as the accuſer. Bothwel, who had come to the court with an attendance of his vaſſals, and a band of mercenary ſoldiers, did not fail to preſent himſelf: but Lenox appeared only by his ſervant Ro­bert Cunnyngham; who, after apologizing for his abſence, from the ſhortneſs of the time, and the want of the preſence of his friends, deſired that a new day ſhould be appointed for the trial; and proteſted, that if the jury ſhould now enter upon the buſineſs, they ſhould incur the guilt of a wilful error, and their verdict be of no force or authority.

This remonſtrance and proteſtation appeared not to the court of ſufficient importance to interrupt the trial. They paid a greater reſpect to the letters ol the earl of Lenox to the queen inliſting upon an immediate proſecution, and to the order of the privy-council conſequent upon them. The jury, who conſiſted of men of rank and condition, after conſidering and reaſoning up­on the indictment for a conſiderable time, were unanimous in acquitting Bothwel of all ſhare and knowledge of the king’s murder. The machinations however of Morton, which we have mentioned in the life of **Ma­**ry, were ſo apparent, that the earl of Caithneſs, the chancellor of the aſſize, made a declaration in their name and his own, that no wilful error ought to be imputed to them for their verdict; no proof, vouchers, or evidence, to confirm or ſupport the criminal charge having been ſubmſtted to them. At the ſame time, he offered a proteſtation for himſelf, that there was a miſtake in the indictment, the 9th day of February inſtead of the 10th being expreſſed in it as the date of the murder. It is not to be doubted, but that this flaw in the indictment was a matter of deſign, and with a view to the advantage of Bothwel, if the earl of Lenox had made his appearance againſt him. And it has been remarked as moſt indecent and ſuſpſicous, that ſoldiers in arms ſhould have accompanied him to the court of juſtice; that during the trial, the earl of Morton ſtood by his ſide to give him countenance and to aſſiſt him; and that the four aſſeſſors to the chief juſticiar were warm and ſtrenuous friends to the earl of Murray.

Immediately after his trial, Bothwel ſet up in a conſpicuous place a writing, ſubſcribed by him, challen­ging to ſingle combat, any perſon of equal rank with himſelf, who ſhould dare to affirm that he was guilty of the king’s murder. To this challenge an anſwer was publiſhed, in which the defiance was accepted, up­on the condition that ſecurity ſhould be given for a fair and equal conflict: but no name being ſubſcribed to this paper, it was not underſtood to correſpond with the law of **arms;** and of conſequence no ſtep **was**

taken for the fighting of the duel. Two days **after** the parliament met, and there the party of Bothwel appeared equally formidable. The verdict in his favour was allowed to be true and juſt. He was continued in his high offices; and obtained a parliamentary ratifica­tion of the place of keeper of Dunbar caſtle, with the eſtates in connection with it; and other favours were conferred upon Murray, with the reſt of the nobles ſuſpected as accomplices in the murder.

A very ſhort time after the final acquitment of Bothwel, he began to give a greater looſe to his ambition, and conceived hopes of gaining the queen in marriage. It has been already remarked, that he had inſidiouſly endeavoured to gain her affection during the lifetime of her huſband; but though he might have ſucceeded in this, the recent death of the king in ſuch a ſhocking manner, and the ſtrong ſuſpicions which muſt neceſſarily ſtill reſt upon him, notwithſtanding the trial he had undergone, neceſſarily prevented him from making his addreſſes openly to het. He therefore endeavoured to gain the nobility over to his ſide; which having done one by one, by means of great promiſes, he invited them to an entertainment, where they agreed to ratify a deed pointing him out to the queen as a perſon wor­thy of her hand, and expreſſing their reſolute determi­nation to ſupport him in his pretenſions. This extra­ordinary bond was accordingly executed; and Murray’s name was the firſt in the lift of ſubſcribers, in order to decoy others to ſign after him; but that he might ap­pear innocent of what he knew was to follow, he had, before any uſe was made of the bond, aſked and ob­tained the queen’s permiſſion to go to France. In his way thither he viſited the court of Elizabeth, where he did not fail to confirm all the reports which had ariſen to the diſadvantage of Mary; and he now circulated the intelligence that ſhe was ſoon to be married to Bothwel. Her partizans in England were exceeding­ly alarmed; and even queen Elizabeth herſelſ addreſſed a letter to her, in which ſhe cautioned her not to afford ſuch a miſchievous handle to the malice of her enemies.

Mary, upon the diſſolution of the parliament, had gone to Stirling to viſit the young prince. Bothwel, aimed with the bond of the nobles, aſſembled 1000horle, under the pretence of protecting the borders, of which he was the warden; and meeting her upon her return to her capital, dilmiſſed her attendants, and car­ried her to his caſtle of Dunbar. The arts which he uſed there to effect the accompliſhment of his wiſhes we have mentioned under another article, (fee Mary). But having been married only ſix months before to Lady Jane Gordon, ſiſter to the earl of Huntley, it was neceſſary to procure a divorce before he could marry the queen. This was eaſily obtained. The parties were couſins within the prohibited degrees, and had not ob­tained a diſpenſation from Rome. Their marriage, therefore, in the opinion of the queen and her Roman Catholic ſubjects, was illicit, and a profane mockery of the ſacrament of the church. The huſband had alſo been unfaithful; ſo that two actions of divorce were inſtituted. The lady commenced a ſuit againſt him in the court of the commiſſaries, charging him as guilty of adultery with one of her maids. The earl himſelf brought a ſuit againſt his wife before the court of the archbiſhop of St Andrew's, upon the plea of conſan-