

A JUSTIFICATION OF QUEEN ELIZABETH
IN RELATION TO THE AFFAIR OF
MARY QUEEN OF SCOTS.

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THERE hath not happened sithence the memorie of man, nor, peradventure,^a in any age beyond, soo strange a case on everye behalf to be considered, as this of that unfortunate Ladye the late Scottishe Quene: soo as if the same have bene by her Majestie as stranglie proceeded in, and to the marvale of many, yet ought it not in the iudgment of the wise and virtuuous sort to be holden for anie wonder at alle, unles it be perchaunce in this onlie part, that her Majestie hath to the great admiracion of all the world used it so honorablye, and with so strange a clemencye, as could not have bene expected in the like case at anie^b Christian princes handes besides her self, the causes everie way urging soe much to the contrarie. Yet manie discontented persons opposing them selves to her Majesties course and proceedinges in the cause of religion, others undeservedlie maligning her Highnes greate prosperities and glorie (such hath allways bene the nature of envie and reward of the greatest and most excellent vertue), have given furth manie speches to the contrarie, and seekinge to abuse the populer simplicitie by sinister perswasions and reportes, spare not (soo farre furth as they dare) to charge her Majestie in honour and conscience for manie partes of her demeanour in this accion, nothings princelie nor justifiable, as they would have^c it appeare. And somme others who by ignorance of the case cannot comprehend the trouthe of her Majesties great iniuryes and greifes, and how

^a perhaps, Harl. MS.

^b any other, Harl. MS.

^c make, Harl. MS.

sorrowfull she hath alway bene to take anye such course, had she not extremie bene inforced therunto by the continuall intercession and cryes of her people and realme, even more then for the respect of her owne safetie and lief wherupon their comforte and tranquillitie entirelie dependes, doo in like manner condempne her Majestie, somme of iniustice, somme of crueltie, or other unprincelie behavioure, in her Majesties usage and procedinges aganst the said Quene, duringe the tyme of her captivitie heare; which untrew reportes concurringe with sinister opinions, beinge sprede abrode to the blemishe of her Majesties good renowne, yf they should be suffered depelie to sinke and be imprinted (spetiallie in the ruder mindes) and should not be spedelie suppressed and by^a the very wepons of trouthe notouriously disproved or rather vanquished, might be in somme sorte to her Majesties greate ignominie, and detriment towards the good amitie and reputacion of Christian Princes and others of the best and worthiest, which her Majestie hath holden very deare and precieuse above anie wordlie treasure.

It hath behoved therfore her Majesties honest subiectes and wellwillers for her, and yf no other person would vouchesafe for her sake to attempt it, even her self is bound by alle reason, publicuelie to lament to the world her sayd iniuries, for the due satisfaction of all such as be not utterlie alienated from her Majestie in good will, and doe yet retayne an equitable opinion in the sayd causes. And to the intent no part of her Majesties behavioure or doinges therein should be covered or hidden, as that which she would be lothe the world should knowe and see, or which might best searve the enemyes purpose to maintayne ther said evell brutes, and wherunto they maie easiliest tender obiection for ther most advantage, and in which pointes they may happelie weene to be able to prove her Majestie most evidentialie to have failed in the dutie of a noble prince, ether for iniustice or rigoure shewed to the sayd Scottishe Quene her enemye, or for no due regard used to the Majestie and good gree^b of her best frendes neighbors and alyes, the

^a with, Cott. and Harl. MSS.

^b degree, Cott. and Harl. MSS.

greate Princes and potentates of Christiandome, who had bene intercessors^a for her, or for anie other part of her Majesties behaviour and usage towards the sayd infortunate Ladie duringe her abode here which could not be vouched by the rules of honor and right, even of the universall right of the world, wherin her Majestie hath alwayes shewed her self most affectionatelie desirous to be acknowen pertaker and concurraunt in everie honorable action with them all, soo farr furthe as reason would and the law of necessitie (surmountynge everye other law) alloweth any absolute prince of the world to consent unto, and espéciallie such as the law of Godes Justice doth permitt, beinge the first origen and source of all humaine justice and lawes, and onlie sufficient warrant of all our doinges in this world, be they ether private or princelie. In this respect her Majestie will not refuse, of her owne most gracious and voluntarie disposition, beinge otherwise not constraynable to yeild anye accompte of her doinges but onlie to God alone, the founder and protectour of Princes, to have laied open and unfouled even the most secreat partes of the sayd cause, which hath fallen out from the beginninge of this businesse betwene her Majestie and the sayd Scottishe Quene, and how her highnes hath intreated the sayd infortunate Quene, and bene her self by the same Quene intreated, wherupon the occasions have bene geven on anie of^b both sides to doo as hath bene done in the sayd cause, and what the world may conceive thereof to leave to all godlie and indifferent iudgmentes. And trulie it may seame a verie strange accident, and wherof ther is not found anie president or example emonges the memories of Princes, that a Quene absolute and hereditarie, rulinge in soveraigntie, not comptrolled by the mariage of anie husband or other superior, should be by a law^c condemned to die, or that so great a personage (by^d common opinion exempt from all superiour iurisdiction) should be made iustlie culpable of such a crime as might desERVE so sharpe a correction;

^a interested, Cott. MS.

^b on, Cott. MS., or, Harl. MS.

^c by law, Cott. and Harl. MSS.

^d by the, Cott. MS.

and that such an offenders captivitie might not seame a sufficient redresse and revenge of anie iniurie or wronge that could be by her offred; and at the intreatie of most great Princes for her deliverie, that she could not be sett at libertie,^a ether upon ransome or other reasonable paction, and covenantes on their^b partes offered: ffinallie that a Quene to a Quene, a woman to a woman, should shew soo smale favour, her Majesties nere neighbour and kinswoman, even then flinge to her for succoure, and sekinge refuge at her hand, and everie other way so distressed and overwhelmed in calamityes as might seame to deserve commiseracion, and be pittied in^c the most vile and miserable wreache in the world, and not in a Princes of soo greate name and honour of blood, and annointed and crowned as she was said to have bene. To which they alsoe add manie^d pointes more, of no smale consideracion to be particulerlie examined, upon which they urge her Majesties ignominie^e and bleamish to her good renowne, sainge that immediatlie upon the entrie of the sayd Scottishe Quene into this realme, made in the tyme of amitie and good peace betwene both princes and ther people, and cominge to crave her Majesties curtesie, or rather the benefite of her regall protection ageinst her owne rebels of Scotland, who with all extremitie persecuted her leif, she was made prisoneur contrarie to all law and right. Then that the continuance of her imprisonment for 18 yeres space was yet more iniurious and contrarie to the law of Armes, which alloweth ransome to anie captive prince, and so to her, yf she had bene her Majesties lawfull prisoner (as they saie she was not). Then at length perceavyng her sayd restraint not to bee warrantable by anie iustice, and her wronge to be pittied by^f all Christian Princes, and others of anie degree, and no lawfull cause apperinge whie she should be

^a and that the entreaty of the most considerable princes of Europ for her delivery could not procure her to be set at libertie, Harl. MS.

^b other, Cott. MS.; her and their, Harl. MS.

^c though, Harl. MS.

^d a great manie, Harl. MS.

^e ignomie, Cott. MS.

^f of, Cott. and Harl. MSS.

deteigned; that her Majestie hath inforced^a causes aganst her not trulie criminall by anie law, and growne sence the tyme of her imprisonment, to thend to warrant^b her first wrongfull takinge and surprince.^c And that the same causes not beyng sufficient to convince her of crime by the universall law of the world, her proces was framed by such a private law as diametrallie repugnes^d the sayd universall law, and spetiallie the law of Armes, by which all absolute Princes for their life ought to be sentenced, and by none other humane law, and so by an unknowne provinciall constitucion or law, and of her Majesties owne makinge and at her owne appetite, hath uniustlie, as they alleadge, atteinted her, and by the iudgment of her most mortall enemies, and for manie other causes her no competent judges, beyng her Majesties owne vassalls and subiectes, and manie of them her neare^e kynsfolkes and domesticall or sworne servantes, who by no resonable intendment could be parties indifferent^f for her triall, she being a stranger borne, and a pretendant^g to the succession of that Crowne, wherunto by all possible meanes they sought her hinderance and disherizon; and so beinge uniustlie atteinted was made subiect to the penaltie of a most shamfull death, refusinge all such good appoinctment and meanes of accord as have bene offred her Majestie, and of all antiquitie^h bene used and accepted in like cases, and in all honour and iustice arⁱ due betwene Princes, those spetiallie who accompt them selves fellowes and members of the Christian societie and congregation. Finallie that her Majestie by such extraordinarie accion^k of crueltie under the coverture of iustice (as they seeme to inferr) not onlie sought to deface and blemishe all soveraigne majestie and autoritie, but also hath opened a passage

^a has pretended, Harl. MS.

^b to the end she might justify, Harl. MS.

^c surprise, Cott. MS. surprize of that Queen, Harl. MS.

^d as is diametrically repugnant to, Harl. MS.

^e own for neare, and, or sworne omitted. Cott. and Harl. MSS.

^f by no reasonable construction could be reckoned indifferent parties, Harl. MS.

^g and pretendant, Cott. MS. and pretending, Harl. MS.

^h which in all times out of mind have, Harl. MS.

ⁱ ought to be, Harl. MS.

^k actions, Cott. and Harl. MSS.

to the manefest danger of all princes who ether upon confidence or by misfortune shall enter into ther neighbors territorie, or without anie evell intent fall into ther handes, as manie ways it may come to passe. So as no prince, whether it be in time of peace or of warre, or more in amitie then enmitie, can assure them selves on of another to solace ther persons (as in tymes past hath bene accustomed) by conversacion, conference, or enterview, longer then they may thinke ther forces to prevale or serve for ther reskue,^a yf neede should requier.

These ar in effect the substance of such matters, and the verye worst, that her Majesties no wellwillers^b can alleadge, and would gladlie be able to verefye to her disgrace. And which beinge trew in deed, as by Godes grace it shall never be proved, yt were perchance somewhat (and as they beleive yenough) to envie upon^c her Majesties credite in that behalf, wherof as her Majestic standes in no feare at all, as on possessinge a cleare conscience of her owne, and havinge the trouthe for her patron and protectour, not onlie able to defende it self against all malice, but also to subdew her mightiest enimies that shall seame to impugne the same, yet would her Majestic be verie glad^d to satisfie all men that would willinglie be satisfied, and not be willfullie parciall in the case, so as yf the aforesaid hatefull imputacions may be well salved by some reasonable answer, to the contentment of the most noble and wise Princes who in trouthe have greatest interest of anie^e in this case, then also^f of all other good and vertuous personages, yt is verilie hoped^g that yt shall sufficientlie prevaile with the rest, who thorow affection or by ignorance have bene miscaried or ledd into anie errour about these causes, and at least yf they will not be satisfied with reason, that ther untrew reportes shall be littell hable to annoie her Majestic hereafter.^h Neverthelesse yt should be for her more comfort a great

^a able to prevale . . . rescue and retreat, Cott. and Harl. MSS.

^b enemies, Harl. MS.

^c blemish, Harl. MS.

^d be glad, Cott. and Harl. MSS.

^e any other, Cott. and Harl. MSS.

^f as also to the contentment, Harl. MS.

^g it's hoped, Harl. MS.

^h for ever after, Cott. and Harl. MSS.

deale to have all parties pleased, yf the verytye of anie dew proof or solempne protestacion of them that best knowe the truth may be anie wayes able to contrive^a it.

But first, before anie other point be spoken unto of those which ought necessarilie to be remembred in this iustificacion. Though it be soe that the saide unfortunate Ladie be now dead, and hath passed the last and most terrible passage of mortalitye, and not without apparant warrant from^b her Majestie sufficientlie avouching the facte by^c suche persons as were nedefull to assist the execucion therof by ther presence, consent, or other kind of ministerie in such cases requisite, and that it be now to smale purpose for her Majestie to excuse it, much lesse to show anie repentance in the doinge of that, which by no manner of meanes can be undone or holpen: nor can seame^d to stand with that regal wisdome and constancie which all men acknoledge to be in her Majestie. Yet may it be trulie saied and sworne, in her behalf, and ought to be beleived, that her Majestie never absolutelie determined her pleasure in it, more then by subsignacion^e of the sayd warrant in generall tearmes, without limitacion of anie tyme in which the feate^f should be accomplished, and more then^g the deliverie of the same to her Secretarie to be kept in a redynes, and not to take place before her Majesties verball commandement geven for ratificacion and dispatche of the same. Nor in deed that her hart could ever be brought to like well of that course of iustice, nor by anie open speaches gave her consent to the dede, nor peradventure ever intended to have done, though for somme respectes the same warrant was suffered to passe from her, to thentent onlie (as her Majestie hath bene hard oftentimes and most earnestlie to protest) that the notice of it to her privie counsell should satisfye^h them and her nobilitie, forⁱ her stedfast perseverance^k and determinacion which they

^a procure, Harl. MS. ^b evident proof of, Ibid.

^d it seem, Ibid.

^e signing, Ibid.

^c by the presence of, Ibid.

^f fate, Ibid.

^g never did more in it than by, Ibid.

^h suffice, Cott. MS.

ⁱ of, Harl. MS.

^k the stedfast perseverance in that purpose, Cott. MS.

had with so great instance pressed her unto. And that the generall knowlege and publicacion of such warrant (which her Majestie was not unwilling should be bruted and spred abroad) might be an expedient meane to interrupt and repress all such ^a dangerouse attemptes which might be wrought aganst her Majestie by the favorers of the sayd Scottish Quene in hope of her longer leif and survivor,^b thorow her Majesties over moch lenitye and pacience: savynge ^c a certayne irresolution of her mynd as manie would happellie ^d conceave, and not in trowth that the sayd warrant should be put in execucion, but by her Majesties further advise and prevetie, and perchaunce not without somme new causes of ^e danger enforcinge ^f to lett it be accomplished. And so her Majestie, yf the facte might have bene hardlie conceived of, is sufficientlie cleared from anie default therin. And yet no dout coulede it not seame to desarve anie blame or inure ^g to the discredite of her Majesties privye counsell, who receavinge the sayd warrant from her^h Secretarye without anie such notice or caution, did with all diligence cause the same to be put in execution for her Majesties finall securitye, wherin yf they should have used anie delay or detracted tyme,ⁱ and anie evell consequence had hapened the meane while,^k it might have called ther loialtye in question very depelie. Or yf the very worst construction should be made of ther Lordships doinges therin, yt could^l be but a right wise and honorable consideracion used by ther Lordships in a case of so great moment, and by the whole realme so firmelie resolved upon, as it might not become anie man to think it revocable, nor meete or in ^m manner possible to be comptrolled. And lokinge ⁿ further into her Majesties dangers, then perchance her owne harte, always replea-

^a further, Cott. MS.

^c savouring, Ibid.

^e some other new causes or, Cott. MS.

^g tend, Harl. MS.

ⁱ and in the meanetye if, Ibid.

^k the mean time, Cott. MS., the words omitted in Harl. MS.

^l could not, Harl. MS.

ⁿ they looking, Harl. MS.

^b surviving, Ibid. and Harl. MS.

^d readily, Harl. MS.

^f inforcing her, Harl. MS.

^h the, Ibid.

^m or meet in any manner, Cott. and Harl. MSS.

nished with princelie magnanimitie, could be afraied of, somewhat perchance more then needed to feare the mutabilitie of her Majesties minde (in thinges ^a that tende onlie to mercie and commiseracion) which yf it be a fault, maie verelie be reputed a princelie defalt, and such as her Majestie is supposed hardlie able to reforme in her selfe, or ever will be, during her leif. And as it might have proved verie dangerouse to her person to have had the sayd ladies execucion deferred, so in the ende, by the provident advise of her counsell, such perrill was spedelie prevented, and is now in ther lordships a great good ^b service and well allowable, and to her Majestie nothinge ingloriouse.

And this that hath bene sayd of her Majesties intent maie very well be beleived, and seeme nothinge unlikelie to such as knowe and be well acquainted with her gratious good ^c nature, soe well besydes inured ^d with the bitterrest partes of fortune,^e and great ingratitude of the worlde, as beyng therbye now become obdurate and senceles, as it weare, to all adversities, and so littell ioying in the transitorie felicitye of this world, or glorie of her crowne, as she hath bene hard manie tymes to saye,^f that she had resolved with her self rather to hazard her person and estate ^g to alle^h uttermost danger that perverse fortune or the malice of the sayd ladie could worke her ⁱ the residew of her tyme, then to take away that poore leif of hers ^k which her Majestie had so manie yeares rescued^l from other mens assaltes, and tooke it for her greate good merit,^m and no smale glorie.

Nor this entent of her Majesties was so close or secrete, but that manie about her have bene made acquainted with it by ⁿ her owne regall mouthe. And yf it weare otherwise, and could not be wit-

^a chiefly in things tending to, Harl. MS.

^b great and, Ibid.

^c gracious and, Ibid.

^d incurred, Cott. MS.

^e which she hath improved by the bitterest of misfortunes, Harl. MS.

^f many times say, Cott. and Harl. MSS. ^g state, Harl. MS.

^h the, Ibid.

ⁱ that Queene could procure her during, Ibid.

^k that Queene, Ibid.

^l protected, Ibid.

^m which she thought was her great honour, Ibid.

ⁿ have been acquainted with it from her own royal mouth, Ibid.

nessed at all, (which might reasonable have happened in so weightie a case, nor can^a worke her Majestie anie point of preiudice,^b whether it be confessed or denied,) yt were sufficient to be^c by her Majesties owne solempe protestacion made in the feare of God, and in all truthe, princelie honour and integritie averred, and ought right well to satisfie everie perticuler persone that remained^d ignorant and unsatisfied of her Majesties such intente,^e but spetiallie all noble, wise and honorable princes, who by the same prerogative would challenge credite to ther owne othes and protestacions in the like cases, and looke^f to be beleved by them.

Nevertheles, her Majestie as on that feareth no mans indignacion, but Godes alone, nor passeth^g of anie^h puisance that would undeservedlie professe to be her enemye, nor is subiect to anie humane authoritie within her owne realme, nor accomptable or to be justified by anieⁱ superior jurisdiction, soo longe as it pleaseth God to keepe her out of the handes of her enemyes, doth not whollie stand^k upon that pointe, nor would have the world conceive^l that yf her sayd intent had bene otherwise then hath bene remembred, the matter beyng now fallen out as yt is, and reduced into remedillesse tearmes, that she goeth about to excuse her self of errour, or the fact of iniquitie anie wayes iustlie apperinge, but continewallie following her owne noble nature doth, with that vertuouse remorse and greife, which becometh the most puisant princes^m in all humanitye to use in casesⁿ of so great commiseracion, constantlie affirme and protest, that she hath done nothinge in this affayre from the first day untill the last, wherewith her conscience ought to be grived, or^o wrought, ether upon^p anie ambitiouise mind, or appetite of revenge,

^a cannot, Harl. MS.

^c that this is vouched, Ibid.

^e that this was her purpose, Harl. MS.

^g valueth, Ibid.

ⁱ nor accountable to, Harl. MS.

^l think, Ibid.

ⁿ puisant and humane princes in a case, Harl. MS.

^o as, Cott. MS.

^b any prejudice, Ibid.

^d remaining, Cott. MS.

^f expect, Ibid.

^h any man's, Cott. and Harl. MSS.

^k insist, Ibid.

^m princess, Cott. MS.

^p as that she had done it from, Harl. MS.

or^a otherwise not warrantable by the rule of right and iustice, to be maintained by the equitie,^b no^c even by the expresse letter of anie law, and which may not also be avowched by curtesie and the honorable usage of princes in like cases urginge.^d But, contrarie wise, affirmeth, that to her Majesties owne extreame perill, and hazard of her estate, she hath for the space of eighteen yeeres suffered the said unfortunate ladie, her iust and lawfull prisoner, to live, not in calamitie and want as prisoners were^e wont, but in all princelie aboundance and securitie of leif, beinge pursued by^f her owne naturall^g subiectes in all extremitie,^h not onlie of armes, but also of practize,ⁱ when armes^k could not prevaile, sparinge no manner of intreatie, perswasion,^l or offer of service or gratitude to her Majestie, to have her delivered up to the handes of such^m as had bene first authors of her disgrace and renuntiacion to the crowne and regall administracion of that Realme of Scottland, which her Majestie not onlie with greate fidelitie refused to do, but also entreatedⁿ her with all the amiable interteynementes^o that could be used towards her, (savage onlie^p the advantage^q of her restraint, which^r it behoved her Majestie in all reason and good pollicie to re-teigne, for the suretye of her owne person and estate, and tranquillitie of her whole realme, otherwise apparantlie endangered) nor never in all the space of that eighteen yeeres seemed to reioice in anie thinge so much as to be able to shew her curtesie, and to cherish her said unfortunate prisoner with all vertuous consolations and large beneficences,^s not without extreame sorrow lamentinge both

^a or from motives, Harl. MS.

^b to be maintained by the equitie *not in* Harl. MS.

^c nor, in the same MS.

^e are, Cott. and Harl. MSS.

^g unnatural, Harl. MS.

ⁱ not only by arms, but also by practizes, Ibid.

^k force, Ibid.

^m delivered to such, Ibid.

^o treatment, Ibid.

^q disadvantage, Ibid.

^s benefittes, Cott. and Harl. MSS.

^d in such pressing cases, Harl. MS.

^f of, Ibid.

^h in all extremitie *not in* Harl. MS.

^l perswasion *omitted* Ibid.

ⁿ entertained, Ibid.

^p except, Ibid.

^r whom, Ibid.

ther fortunes, to eche other so adverse and uncomfortable, and that they should seame to^a be borne to be authors of ther owne woo, being so nere a kin, so neer neighbors, soo equall in yeeres, sex and degree, as by anie naturall resemblance ther could not be a more lovelie equalitie betwene^b sisters of on bellie then^c them.

And for that verie respect, during all the tyme of the sayd unfortunate ladies abode within this realme, never used lesse amitie, honor and^d regard to her then yf she had bene her owne naturall sister. I call it her abode, and no^e captivitie, nor scarce a restraint, when^f in effect the greatest part of this realme was her prison at large (havinge somme eie^g to her safe custodie), and the fairest pallaces of everie shire^h the places of her residence, wher she might hunt and hawke and use all other princelie disportes at her pleasure, and remove and change aiers and lodgings as oft as she listed, and be allowed honorable attendance and companie, great interteynmentes and costlie diett, riche presentes, free accesse of her people to her, conference with whomⁱ she would, and libertie to give and receive what so ever intelligence from anie part of the world by her secretaries and messengers.^k Finallie, for her greater^l reputacion and comfort, an Ambassador Lidger^m to negotiate her causes with her Majestie and intertayne ther mindes in all good almitie, sewertie and confidence, without mistrust: which continewed manie faireⁿ yeres, untill the abuse of the Bushopp of Rosse, the sayd late Quenes Imbassador, gave just cause whie that frendlie course of negociacion should be discontinued and interrupted, her Majesties favours continewinge still

^a seem to omitted Harl. MS.

^c betwixt, Harl. MS.

^e not, Harl. MS.

^g small care of, Harl. MS.

ⁱ to wait upon her and discourse with her when, Ibid.

^k couriers, Ibid.

^m was allowed her, Harl. MS.

^b among, Harl. MS.

^d or, Cott. and Harl. MSS.

^f where, Cott. and Harl. MSS.

^h county, Ibid.

^l great, Cott. MS.

ⁿ faire omitted Ibid.

towards the said unfortunate ladie, and in no point^a impaired or diminished.

And wher the sayd Ladie had longe before stood apparantlie with her Majestie competitour for the crowne of England, to the great disquiet and troble to^b the whole state, till it was by her desisted and put in surcease, yet not leauinge to pretend to the succession, with littell lesse discontentment to the whole realme then before, her Majestie beinge urged in sondrie of her Parlamentes to consent to such an^c establishment of the Crowne as must needes have proved to the utter disherizon of the said infortunate Ladie, and her lineall posteritie for ever, could not be brought to consent unto that which all her nobilitie and commons pressed her Majestie in with unspeakable lamentacion and teares:^d but always held her self indifferent, and free from anie violacion of right restinge in the said Ladie or her children, by color and pretext of anie law or ordinance precedent, levinge the decision therof to the will of God, her owne good merites and acceptance of the people whose government her Majestie should leave when God pleased,^e without workinge^f anie interruption, anticipacion, or preference of anie right or titell by her consent.

To all these great favoures her Majestie yet added on greater then the rest, too weete,^g the carefull protection and defence of the King her sonne, then very yonge, environned rounde about with enemies and manefest dangers, both from his owne people by faction and from strangers by an usurped force, and with that continuall care assisted his educacion and government untill his riper yeares, that now, thankes be to God, beinge come to mans state, he is able to perceave and doth acknoleadg her Majesties motherlie benignitie and good mind towards him. Ne never was

^a way, Harl. MS.

^b of, Cott. MS.

^c an *omitted* Harl. MS.

^d by unspeakable tears, Cott. and Harl. MSS.

^e of the people after her death, Harl. MS.

^f allowing, Ibid.

^g than all, viz.. Ibid.

her Majestie wried with the excessive charge of the saide Ladies intertayment, nor of no manner of bountye and magnificence^a dailie and hourelie bestowed upon her, nor of anie good counsaile or comfort that could be yelded her, no,^b nor neglected the head of^c her health at such tymes as she had bene^d sicke, but sent her at such tymes^e her Majesties owne phisicians, and the most pretious and comfortable remedies, medicines^f and preservatives that could be gotton for the recoverye^g of her helthe and prolongation of her leif; albeit her Majestie was not ignorant that her death had bene a great deale more for her saftie, the present contentment of the people, and future tranquillitie of the realme. Yea, though her Majestie were not uninformed of manie undue meanes which the said Ladie being restrayned practized from tyme to tyme to her Majesties great danger, but winked at them, and for her princelie lenitie would not seeme to perceave or be acknowen therof to anie creature in the world, no, not her owne privie counsell, because she would not willinglie be discomforted by anie contrarie advise, nor be perswaded to alter her good meaning for^h the said Ladies preservacion, and all her rightes; nor now, finallie, after manie haynouse crymes andⁱ conspiracies worought by the said Quene prisoner, aganst her Majestie and the realme, hath her Highnes sought her safeguard^k (which reason requireth) by her coercion, but rather by the punishment of sondrie her^l noble subiectes and kinsfolkes entangled in the said conspiracies: namelie the Duke of Norfolke, the two Earles of Northumberland, the Earles of Westmerland, Southhampton, and manie others of good accompt, somme by death which could not^m beⁿ avoyded, others by imprisonment or banish-

^a munificence, Cott. MS. *omitted*, Harl. MS.

^b no *omitted*, Harl. MS.

^c the head of *omitted* Ibid.

^d her health when sick, Ibid.

^e at all such times, Cott. MS.; always then, Harl. MS.

^f drugs, Cott. MS.

^g preserving, Harl. MS.

^h from, Cott. MS., to, Harl. MS.

ⁱ crimes and *omitted* Ibid.

^k safety, Harl. MS.

^l her Majesties, Cott. MS.

^m not *omitted* Ibid.

ⁿ be well, Harl. MS.

ment, and otherwise by more milder^a coertions a great deale then they desarved. And yet, for all that, her Majestie still spared the sayd Quene delinquent, and never would^b exercise her lawful power over her, or^c see her lacke one inche of^d her libertie the more, nor anie ways to be discomforted, nor in manner discontented, more^e then for the continuance of^f her restraint, which it behoved her Majestie not to release without^g order taken for her better securitie, which^h manefestlie declare a most noble nature in her Majestie, and how great a desier she had to have her live and doo well, whenⁱ by her such^k clemencie her self^l lived the meane while^m in continualle feares and danger of her owneⁿ leif by the same occasion.^o What will yow^p more? Ther could no greater regard of kindnes^q be used by a Quene to a Quene, a sister to a sister,^r a mother to the childe^s of her owne bodie, then her Majestie used toward the said unfortunate and ill^t desarvyng Ladie for the space of eighteen yeres, which was untill her^u last conspiracie with Babington and the rest, who had taken a solempne othe to murder her Majestie and stirre^x tumultes in the realme, upon which forrein powers should have bene brought in, to have wrought further innovation in^y the state, revenge upon the present magistrates, destruction of the people, and total desolacion of the land.

Wherupon her Majestie and previe counsell perceaving that her lenitie wrought none^z amendment in the sayd infortunate Ladie, but

^a mild, Harl. MS.

^c and, Cott. MS.

^e nor anie . . . more *omitted*, Cott. and Harl. MSS.

^g which she was obliged to till, Harl. MS.

ⁱ whereby, Ibid.; notwithstanding, Harl. MS.

^l she her self, Ibid.

ⁿ own *omitted*, Ibid.

^p you have, Ibid.

^r a sister to a sister *omitted*, Ibid.

^t evil, Cott. and Harl. MSS.

^x to stirr, Ibid.

^z no, Ibid.

^b would never condescend to, Ibid.

^d One inch of *omitted*, Harl. MS.

^f to continue, Harl. MS.

^h which may, Cott. MS.

^k own, Harl. MS.

^m time, Ibid.

^o by the same occasion, Ibid.

^q no greater kindness, Ibid.

^s children, Ibid.

^u the, Cott. MS.

^y invasion of, Ibid.

rather that the disease beinge suffered to runne out at large unlooked too, that the cure became ^a dalie more ^b desperate, yt was not thought by anie counsell or advise ther should be anie longer ^c delay used for a finall reformation of the said Ladies excesses, and prevention of the last and greatest evill. For it was in every man's opinion supposed ^d impossible her Majestie could live, and be anie smale tyme preserved from destruction, yf the sayd Scottishe Quene should be suffered to live, or yf her Majestie should have borne anie longer, and neglected the occasion last presented, which of all other attemptes and conspiracies that had passed ^e before was most evident, horrible and dangerous. Her Majestie at the earnest ^f pursute of her nobilitie and people in open Parliament was in manner enforced (or ells to have lost ther love and good opinion for ever, which had not behoved,) to acconsent ^g unto the redresse of the sayd Ladies enormities by such due and convenient meanes, and in such forme of iustice, as the lawes of the land do allow and requier; the same neverthelesse so slowlie proceeded in, ^h and with such inward greif to her Majestie, as hath bene alreadye remembred. And wherein it is feared that, whatsoever countenance yt please her for her regall constancie and magnanimitie to sett upon it, that she will hardlie be recomforted during her leif: thoughe her Majesties great good fortune and prosperitie in this affaire would perchance be reputed, by anie other vindicative or ambitious prince, a most gloriouse victorie and matter to triumphe at. But her Majestie taketh it not after that sort, but as a princes fearing God, charitable and of moch moderacion; for she sorrowethe it not a littell, and greatlie rebuked the popular reioycinges, by banquettes and bonefyres made thorow out her realme for that cause, and hartelie wisheth that the occasions ⁱ had never have bene geven (as on ^k her Majesties behalf they were not); and

^a begann, Cott. MS.

^c more, Harl. MS.

^e conspiracies which passed, Harl. MS.

^g consent, Cott. and Harl. MSS.

ⁱ occasion, Ibid.

^b more and more, Ibid. and Harl. MS.

^d supposed to be, Cott. and Harl. MSS.

^f request and, Ibid.

^h in *omitted*, Cott. MS.

^k in, Ibid.

that, in the eye and sence of man's understandinge, the regard of state and regall administracion were not^a so great and obligatorie to all absolute princes as in trothe they be; but that Kinges and Quenes governance^b might, without ther owne ignominie and detriment of ther people, use such tolleracion in cases of offence done unto them, as private persons might be allowed to doe, and in respect of ther government and chardge (which is but a function and ministrie of justice to the people assigned by God to ther direccion) is not allowable for them alwayes to use. This,^c no smale porcion of infelicitie, her Majestie confesseth to be hers, common with every other absolute prince, that they may not in all cases use mercye, and forgive, when they could be best contented^d so to doo, but when ther office and dutie of administracion permittes it best, and the case of the commonwelth requireth it, but not ther owne appetites.

To weete,^e in the thinges that merelie belonge not to ther persons but to the^f people, so deeplie as on may say it concerneth the totall adversitye and^g prosperitie of them and ther posteritie for ever, as in this case by all the wiser iudgmentes of the Realme and the three estates assembled in full parlament yt hath bene upon great deliberacion resolved, which may satisfye all that be not unreasonable^h men to thinke that it was not for anie scruple that ought to remaine in her Majesties conscience, nor that she doth or can acknoledge anye iniusticeⁱ in the facte, for therin she had before received full satisfaction by the greatest clarkes in Christiandome, both lawiers and devines, who had studiouslye consulted upon the case and delivered ther opinions therin. But the cause onlie was for the greif^k that her Majestie hath conceived (wherin no man can^l iustlie blame her) to thinke that she of all Christian Princes should be made the

^a not omitted, Cott. and Harl. MSS.

^b governments, Ibid.

^c This is, Cott. MS.

^d would be most willing, Harl. MS.

^e weete omitted, and a blank left for it, Ibid.

^f their, Cott. and Harl. MSS.

^g or, Ibid.

^h all reasonable, Cott. MS.

ⁱ justice, Ibid.

^k great grief, Ibid.

^l can omitted, Ibid.

first author of so strange a president in justice, so farre discrepant and contrarie to her nature and ^a her sex, to the manner of her leif, who hath alway professed peace, amitie, mercye, and indulgence to all offenders, even her greatest enemyes. So as now to be driven, after the processe of so longe and gloriouse a raigne,^b to embrew her handes in the bloud of a Quene, a kynswoman, a prisoner of so manie yeres preseruinge, and of which merite to lose all the thankes and glorie in a day, it must needes be verie grevous.

Then, besides, her Majestie sekinge all the dayes of her life to gett good renowne by clemencie and lenytie, to make her self in the end famous by an action of such ^c apparant crueltie, and by so dolorous a sentence, as no hart that weere^d not made of marbell or steele ^e or not sufficientlie enformed of the sayd ^f Ladyes ill ^g merites, but might worthelie seame to mourne and take to ruthe, which acte, though it be not seane how her Majestie could possible have avoyded, is neverthelesse sorrowfull,^h and with greif (without anye repentance) to be lamented.ⁱ

Thus muche, and more peradventure then neded, maie suffice for the knowleadg that manie great and grave personages nere about her Majestie have receaved and delivered with all fidelitye from her owne regall mouthe, of her secrete and sincere intent in the subscription, deliverie, and use, of the said warrant geven for the execution of the said infortunate Ladie. Also for^k the manner of her Majesties first informacion of that ^l dolourous feate,^m and of the great sorrow and hevinesse she conceaved, that the same was at the beginninge occasioned, or that it now happened, in somme sorte unexpected, and without her Majesties participacion ⁿ in the cause, at the least wise for the manner and tyme of her deathe. Besides of^o her

^a to, Cott. and Harl. MSS.

^c so, Harl. MS.

^e flint, Ibid.

^g evil, Cott. and Harl. MSS.

ⁱ repented, Harl. MS.

^l their, Cott. MS.; her, Harl. MS.

ⁿ further participation, Cott. MS.

^b a long and glorious reign, Ibid.

^d was, Ibid.

^f sayd unfortunate, Cott. MS.

^h sorrowfully, Ibid.

^k and of, Cott. and Harl. MSS.

^m fate, Harl. MS.

^o all, Cott. and Harl. MSS.

Majesties kind usage towardes the sayd Ladie soo manie yeares before, and of her constant determinacion to have saved, protected and done her good, yf for her infinite misdemeanors and ingratitude she had not provoked the whole realme to that iust indignacion and greife which enforced her to consent to the sayd Ladies longer imprisonment then was at the first determined or ment, and now, finallie, to her lawfull conviction and atteyndor, and the rest that is, to her Majesties no littell greif, ensewed therupon.

Now, to the manner of her Majesties iustification and defence of all her meane^a procedinges aganst the sayd infortunate Ladie, albeit she acknoleadgeth no necessitie therin, more then of the rest, save onlie the due regard which her Majestie hath alwayes had to right and iustice, her owne good renowne, and to the honour of all princes, of which nomber she is, in fellowship of the Christian congregacion, wherof she professeth to be one no^b meane or unworthie member. Yet her Majestie will not seame greved that the same iustification be, by her honest wellwillers, dutifullie and trulie presented to the vew and acknoleadg^c of the Kinges and governors of the^d world, to whom upon earthe is onlie incident the censure and arbiterment of all princlie merite; that therby it may appere her Majestie is nether in dede nor in her owne conscience guiltie of anie wronge, iniustice, malice, rigour, or other unprincelie behaviour, in anie part of her procedynges aganst the said infortunate Ladie, which her^e no indifferent reporters maie perchaunce publish and denie;^f to staie also the headie and rashe^g reportes of the malicious sort, and to staunche the riotous^h speaches of the popular, full of intemperance; to satisfie besideⁱ all persons, both princelie and private, who, by ignorance of the case, of^k partiallitie of mindes shall happen to be

^a meane omitted, Harl. MS.

^b to be no, and "member," omitted, Ibid. . ^c knowlege, Cott. MS.

^d kinges and governors of the omitted, Ibid., and the words interlined in Sir T. Winnington's MS.

^e her enemies, Cotton. and Harl. MSS.

^f deeme, Ibid.

^g malicious, Harl. MS.

^h violent, Ibid.

ⁱ beside omitted, Ibid.

^k or, Cott. and Harl. MSS.

irresolute and not well satisfied in the said causes.^a It is thus delivered ^b by way of veritable assertion,^c for all men to examine and iudge upon sencible and frelie without affection.

And first, yt is not to be ^d denied that the said infortunate Ladie, the Scottishe Quene, entringe into this realme of England upon the sodein with certaine tropes of horsemen, a matter ^e unusuall and directlie aganst the law of our borders, and generallie that of all Princes marchers, whether it be in tyme of peace or of warre, her ^f purpose and determinacion not before knowne, and beinge secreatlíe harbored in places of those partes very suspitious or ^g nothinge seamlye or convenient for so great a personage, the Warden of her Majesties borders ^h beinge informed therof resorted to her with all possible speed, and ⁱ as became him, in all courtious and dutifull manner, entreated the said Quene to be contented to change her lodginge to somme more convenient and ^k commodious place at his appointment, and that it would please her ther to staie her self till the Quenes Majestie (our soveraigne Ladie) might be advertized of her arrivall, and her pleasure knowne backe againe what should be further done in the case, ether for the intelligence of her misfortunes, or provision of reliefe to her distresses, and shewed therein great dutie and discretion. For what stranger accident could have happened in a ^l world, then to see a Quene come in such ^m sort into the territorie ⁿ of another prince, unlooked for, uncompeled, and without anie ^o licence or safe conducte? Or what thinge could be ^p of greater importance, to bynd her Majesties Lievtenant and subiectes of those partes to use great care and circumspection, in an occasion so strangelie presented and manie ways suspitious, and of a

^a cause, Harl. MS.

^c affection, Cott. MS.

^e thing, Harl. MS.

^g and, Ibid.

ⁱ and *omitted*, Cott. and Harl. MSS.

^l the, Cott. and Harl. MSS.

ⁿ territories, Ibid.

^v have been, Ibid.

^b declared, Ibid.

^d to be *omitted*, Ibid.

^f their, Cott. and Harl. MSS.

^h border, Harl. MS.

^k convenient and *omitted*, Harl. MS.

^m such a, Harl. MS.

^o anie *omitted*, Cott. MS.

Princes whose person booth to see and ^a conferre ^b with upon ther manie ^c great causes it might moch behove her Majestie, the oportunitie soo well servinge for that purpose, in such sort as to have lett her departe with out her Majesties privetie had not onlie bene a fowle omission of his dutie, and a ^d signe of great indiscretion, but also dangerous to her Majesties ^e saied Lord Warden of the same marches, ^f so as the staie of her retourne, whether it were by pretext of the law of the borders, or for anie other respect, till such tyme as her Majesties good pleasure might be knowne for the said Lord Warden's discharge, was done both wiselie and justifiablie by him, and her Majesties consent therunto afterwarde given no lesse lawfull and allowable; nether is it be douted that anie Prince in the world would otherwise have used ^g the same occasion. And so do we fynd by manie examples of great antiquitie, which have ^h longe agoone over ruled this case, and made it a president of verie good iustice and government, even when no necessitie of the state or perill of the Prince of that dominion enforced, as now it did. ⁱ For what tyme Phillipp Kynge of Castile, sonne to Maximilian the Emperour, about the yeres of K. Henrie the vij. her Majesties grandfather, ^k was by tempest of wether cast upon the Englishe cost, as he would have gone into Spaine, the Kynges Lieftenaunt of the West countrie intreated him to staie, and would not suffer him to depart, till the Kynges further pleasure might be knowen. Wherupon the Kinges Majestie commanded ^l that the said King of Castile should be honorablie attended, and under safe convoye brought up to London, wher, and in all other places, during the rest of his abode within the realme, he was most magnificentie enterteyned, and with great honour conveyed to the port wher his passage most commodiouslie

^a and to, Cott. MS.

^b converse, Harl. MS.

^c manie omitted, Cott. MS.

^d a omitted, Ibid.

^e the, Ibid.

^f of the same marches omitted, Harl. MS.

^g would have otherwise done upon the like occasion, Ibid.

^h have omitted, Cott. and Harl. MSS.

ⁱ doth, Harl. MS.

^k grandmother, and three lines further on be knowen, omitted, Ibid.

^l ordered, Ibid.

laie^a for him to embarke^b him self^c toward Spaine, and for all the honours and good interteynmentes shewed unto^d him by the Kinge was^e never at hartes ease whiles he was in England,^f knowinge him self to be in the Kinges power to use as his lawfull prisoneur, though necessitie drave him in, not his own voluntarie desier; and feared it so moch, as when the Kinge would have had him brought^g into the Tower of London to see the antiquities therof, with the greatstore of the Kinges treasure and abilimentes of warre there remaininge, he praied the King not to desier it, for that he had made a vowe never to enter anie castell, prisone, or other stronge peice of^h anie forreigne prince, unles he were therunto compelled aganst his will, and so acknoledgedⁱ to stand for his libertie at the Kinges curtesie, and not otherwise upon anie assuraunce of law, and^k tooke his leave.

The like chaunced in the yere of the reigne of her Majesties most noble father K. Henrie the viijth, upon Charles the fift^h Emperour cominge out of^m Spaine into the Low Countries, and was in like frendlieⁿ sort entreated by the Kinges Majestie; soo as it was not thought unlawfull to staie them from sodaine departure,^o which ether of them^p desired and might not be suffered to doo, though in verie trouthe they both came in nothings bouldlie nor presumptuouslie, as did the said Scottish Quene, but compelled by force of wether^q and rage of the sea, where humane necessitie^r did seame to merite pardon.

They weare also knowen to be the Kinges good frendes, and

^a laye most convenient, Cott. and Harl. MSS.

^b pass, Harl. MS.

^c him self omitted, Cott. MS.

^d unto omitted, Ibid.

^e he was, Harl. MS.

^f whiles . . . England omitted, Cott. and Harl. MSS.

^g would have brought him, Cott. and Harl. MS.

^h place of strength belonging to, Harl. MS.

ⁱ acknowledged himself, Cott. and Harl. MSS.

^k so he, Ibid.

^l the like chaunce happened upon Charles the First, Cott. MS.

^m from, Harl. MS.

ⁿ frendlie omitted, Cott. MS.

^o departing immediately, Harl. MS.

^p both Philip and he, Ibid.

^q bad weather, Ibid.

^r storms, so that necessity might, Ibid.

in an^a amitie with him by an auintient leaugue betwene England and the howse of Burgondie, and weare not knowen to be profest enemyes to the state of England, and much lesse competitors to the crowne, as was the said Scottishe Quene.

Manie yeares after that, the said Charles the fift^b beinge animated to displeasure aganst his rebell subiectes^c of Gaunt, whose tumoultes and revolt asked^d spedie redresse and pacification, would not seame to enter the frontiers^e of France, to come the shorter waie, before he had the Frenche Kinges placard of safe conducte to passe the Realme of Fraunce, albeit both the sayd Princes weare at that tyme^f in great amitie,^g and allied by the mariage of the Ladie Elioner, Quene daughter^h of Portingale, the sayd Emperorsⁱ sister, to the said Francis the^k Frenche Kinge, insomoch as beinge entred into the Realme by licence, he stood in great dout of him self, least the Frenche King would have repaied him with all^l hard condicions as the Emperour had before offred him in^m Madrill, when the Frenche King beinge taken prisoner at the battell of Pavia was enforced to renounce all his titell and right to the Kingdome of Naples and Duchie of Millan, with other territories wherunto the saydⁿ King pretended the lawfuller interest,^o and was verie like to have comme to passe, yf the Emperour had not very polli-tiquelie and with great guiftes made the Duches of Estampes, the Kinges onlie favoured,^p a meane to remove the Frenche Kinge from that determinacion.

Kinge Richard the first, called Cuerdelyon, retorninge from the seage of Jerusalem, and passinge thorow the countrie of Austria,

^a an *omitted*, Cott. and Harl. MSS.

^b first, Cott. MS.

^c provoked by his rebellious subjects, Harl. MS.

^d demanded, *Ibid.*

^e enter into the territories, *Ibid.*

^f present, Cott. MS.

^g unity, Harl. MS.

^h dowager, Cott. and Harl. MSS.

ⁱ Charles's, Harl. MS.

^k the first, Cott. MS.

^l as, Cott. and Harl. MSS.

^m at, *Ibid.*

ⁿ the same, *Ibid.*

^o the lawful interest, Cott. MS. ; a just right, Harl. MS.

^p favouritt, Cotton. and Harl. MSS.

was by Duke Leopaldus taken prisoner in his inne, and in apparrell^a disguised, and was not sett at libertie till he had paied an hundred thowsand markes^b for his ransome.

And before him, Robert Duke of Normandie, brother to Kinge Henrie the first, called Beauceclark, pretendinge titell to the Crowne of England by prioritie of birthe, though that quarrell was thought to have bene before^c appeased, cominge hether to visite the Kinge his brother, was taken prisoner, and intreated as the storie maketh mention;^d which declareth that it is not lawfull by the law^e of common right for absolute Princes (espetiallie Marchers) personallie to presume upon each others territorie and dominion, without licence and placard manifestinge before hand ther intent and the causes of ther entrye, and the one and the others consent, as to a common action. For yf it should be otherwise used betwene such manner of personages,^f manie inconveniences might ensew, as well to the on as to the other of them. For by ignorance, or perchaunce malice, of the people wher such great Prince should happen sodeinlie to arrive, some violence or evell entreatie might be offred ther persons, which might touche the Lord in soveraigntie of the same countrie^g in honour. Againe, upon such tollerable adventures on the other side, danger might be induced to the Prince and^h countrye wher such arrivalls at large should be borne with and allowed as lawfull, the same beyng perchaunce used for coulourable pretextes of necessitie, or peradventure of amitie, when ther intentes might be nothinge frendlie. Such entryes therfore of forreigne princes in ther proper persons unlicenced, yea though they be slenderlie accompanied, ar not allowedⁱ by the law of Princelie regiment, but are accompted rather^k slie invasions then

^a in his apparrell *omitted*, Harl. MS.

^b pounds, Cott. and Harl. MSS.

^d telleth, Harl. MS.

^f persons, Harl. MS.

^h of that, Cott. and Harl. MSS.

^k rather to be accompted, *Ibid.*

^c before *omitted*, *Ibid.*

^e way, Cott. and Harl. MSS.

^g soveraign of the said countrie, *Ibid.*

ⁱ allowable, *Ibid.*

frendlie entryes, which otherwise ought to be bespoken ^a of every wise and noble prince desiringe to enterteine amitie, league, and alliance with ther good neighbors without suspition. And this law, yf it failed in anie other ^b cuntrye of the world, as it apperes not to doo, yet doth it not faile, but is preciselie observed, betwene the Realmes of England and Scotland, wher, in respect of the auncient deadlie foode ^c betwene both nations, yet yt is not permitted to the meanest persons of the same contries to passe into eache ^d others frontiers, without a pasport or bill of treague; ^e and yf they do, may be taken for iust and lawfull prisoners by such as shall happen to laie first handes upon them, thoughe it be in London, or in the middest of the Realme. This hath chaunced by ^f manie persons, and dalie doth in the borders; and few ^g yeres past came to passe in the case of Thomas Earle of Northumberland, and ^h in the tyme of the late Northerne rebellion undertaken by him and the Earle of Westmerland for the said Scottishe Quenes cause, ⁱ who fliinge into that Realme, and beinge found without his licence of Pasport from the Warden of the Scottish borders, was taken prisoner, and as a lawfull prisoner to the taker sould to a subiect in ^k England for a smale somme of monie, and afterward executed at Yorke, as he ^l well desarved.

And yf this custome and law take place betwene ^m the meanest persons, as soldiers, marchauntes, travelers and such other, ⁿ whose errand into the Realme maie be for traffique or other beneficiall cause to the countrie, or perchaunce ^o for pleasure sake, as to hawke and hunt, to visite and conferre with ther acquaintance, or to do anie other office of humanitie and curtesie, and whose forces could

^a spoken, Cott. and Harl. MSS.

^c feed, Harl. MS.

^e trafique, Cott. and Harl. MSS.

^g a few, Harl. MS.

ⁱ causes, Harl. MS.

^l he had, Ibid.

^u and the like, Ibid.

^b other *omitted*, Ibid.

^d the, Ibid.

^f to many, Ibid.

^h and *omitted*, Cott. and Harl. MSS.

^k of, Cott. and Harl. MSS.

^m amongst, Harl. MS.

^o marchantes, Cott. and Harl. MSS.

not be redoubted^a or preiudicall to the same countries,^b with how moch greater validitie ought it to inure aganst the soveraigne Princes of the said realmes, makinge such suddaine and unlicenced entryes as did the Scottissh Quene, who, to the knoleadge of all the world, not manie yeres before she came into the Realme, had offred her Majestie great and notorious disgraces and iniuries, when in the tyme of Francis the second, French Kinge, her late husband, she laied clayme to her Majesties Crowne, attributyng to her self the right patrimoniall^c therof, by two publique and famous evidences; on in bering quartered^d in her coyne and otherwise the Armes of England and Fraunce without difference, and an other in takinge upon her the titell and regall stiles^e of her Majesties realmes of England and Ireland, matters of great malice and manefest hostilitie. And even now, when she entered the realme, stood^f her Majesties competitor of the same Crownes, because the former quarrells had not bene extinguished before, nor cleared by anie good accord or capitulacion, but still remained in the sayd Scottissh Quene by pretence unrenowned, and for her owne^g ease forborne for the^h tyme, by a temporarie silence and abstinence onlie of open warr: so as, without some reasonable cause, other then to saie she was driven into the realme by the purseut of her enemies, and fledd for succoure to her Majestie, therupon coulloring her enterie without licence, it could not be reputed lawfull, nether to proceede of anie ignorance or simplicitie, but might verie well be deamed a subtile pretence to enseasonⁱ her self of the state and Crowne, which she had so presumptuouslie challenged before, when she was in Fraunce. Also by continuinge her abode heare,^k upon the Quenes Majesties protection aganst her owne persecutors, it might be ment for a compendiouse way to sound the seacretes of the

^a redoubtable, Harl. MS.

^c patrimonie, Cott. and Harl. MSS.

^e stile, Cott. and Harl. MSS.

^g her Majesties owne, Ibid.

ⁱ take seizin to, Harl. MS.

^b to the country, Ibid.

^d quarters, Cott. MS.; quarterly, Harl. MS.

^f she stood, Harl. MS.

^h a, Cott. and Harl. MSS.

^k heare omitted, Ibid.

Realme, and to serche out the^a favourers which she might hope to sarve her tourne bie another daie, in anie attempt to be made by her for the same, which is to trulie fallen out, as all men may see.

And for that cause her entrie was at the first begininge unlawful and suspitious, and dangerous to her Majestie and the whole realme; and, without anie further triall or discussion of her entent, was of it self a manefest breache of ther ordinarie league and^b the common peace; and without that, also a plaine infringment of all Princelie amitie by her irregular and undescrete manner of usage on^c that behalf, which with no few^d other great presumptions of evill ment^e and intended by the said Scottishe Quene towards her Majestie and^f realme in tyme to come, bewrayed as well by the reportes of some of her owne subiectes and neare servitoures, as also manie tymes unadvisedlie issuinge from her owne mouthe, gave no dout sufficient matter to her Majestie not onlie to hinder her spedie departure out of the realme, but also to constitute the sayd Quene her iust and lawfull prisoner, though she weare surprisid^g in peace, and not in the tyme of warre. And sithence as well the sayd Ladyes departure as her abode here, yf the same should have bene without restraint, might manie ways have bene used by the sayd Scottishe Quene to her Majesties grevaunce, therefore her stay and also her restrant [are]^h convenient and iustificable; for in all ages it hath bene seene that practice and slight have proved more harmefull and dangerous to the state of Princes then open armes, and battell manie tymes lesse bloodie then a covenouseⁱ and farded^k peace.

Then yf the said Scottishe Quene[s] ill demeaure^l in those former claimes, and now in these unlicenced entringes and cominge^m

^a her, Harl. MS.

^c in, Harl. MS.

^e design, Ibid.

^g seized, Harl. MS.

ⁱ an ensnaring, Ibid.

^k deceitful, Harl. MS.; forged, Cott. MS.

^l evil demeanour, Cott. MS.

^m runing, Cott. MS.; in this unlicensed entry and invading, Harl. MS.

^b of, Cott. and Harl. MSS.

^d many, Ibid.

^f and her, Cott. and Harl. MSS.

^h convenient *omitted*, Cott. and Harl. MSS.

invasion^a of the Realme, be by no pretext tollorable, nor warranted by anie law, the integritie of ther ordinarie league seming therbie to be violated, and ther amitie dissouled, what cause can make her imprisonment uniuist ether by the law of Kinges and Kingdomes, that is the law of regiment purposelie ordeined for ther preservacion, or by the law of Armes (yf ther be anie such law) till the sayd prisoner^b Quenes captivitie were redemed by ransome,^c and all former iniuries remayning yet unredressed, by somme equitable sentence decided and compounded, as in her case it was not.

And how can it be imputed to her Majesties dishonour, or ells laied for^d a burthen to her conscience, in anie poynt to have provedentlie seene to the saftie of her owne estate, even then standinge in so great hazard, and as it were tremblinge for feare of the said Quenes iniurious^e attemptes and claymes? And yf she did gladlie embrace so commodious an occasion geven her (as it seemeth by the providence of God), as a singuler meane to pacifie all former unfrendlie quarrells betwixt them, and to avoyde manie evells which^f might have enseeded to the people of both realmes, whensoever (the same pretences not extinguished) such claymes should happen^g to be renewed by open hostilitie in tyme to come, the Scottishe [Quenes]^h ambition and oportunitie of anie good hower therunto aptlie servynge, so as yf the same occasion had bene by her Majestie curiouslie sought for, and not offred, as it was by good fortune, and the mercifull favoursⁱ of God, for her Majesties comferte and the realmes, yet no dout it had bene expedient in all good pollicie to be no otherwise used then it was. And, on the other part, to have bene negligentlie omitted might have bene somme note of her Majesties good renowne, and staine to the glorie of her government, for muche improvidence shewed towards her self and the^k Realme, in so weightie a cause as the like never concerned her; sithence all great princes and governors are

^a invading, Harl. MS.

^c ransomed, Ibid.

^e injuries, Ibid.

^g have happened, Ibid.

ⁱ favour, Ibid.

^b prisoner omitted, Ibid.

^d for omitted, Cott. and Harl. MSS.

^f that, Ibid.

^h Cott. and Harl. MSS.

^k her, Cott. MS.

then thought most ^a wisest, and most worthy of ther^b administracion, when they be vigilant, and lett not slipp anie honest and good advantage offred them, and can charitablie, discretelie, and with a vertuous moderacion use prosperitie and good fortune when it is presented; in so much as by anie convenient and not ungodlie meane to seeke the quiet of his Crowne,^c and extinguishment of all such quarrells, by which manie millions of Christian people maye be destroyed, and whole cuntryes and kyngdomes brought to desolation, hath ever bene permitted, and demed in the most rightuous ^d iudgmentes, and by all lawes devine and humaine, iustificable, and ever wilbe whiles the world endures. So was the Scottishe Quene her Majesties lawfull prisoner, and not iniured by her first staye,^e nor by anie longer restraint therupon ensewinge,^f untill it might appere by some other law and ^g right, or ^h upon somme other reason, that such restraint ought to have bene within anie certayne tyme released, which as it ⁱ doth not appere, nor doth ^k altogether resemble the cases of Phillipp King of Castile and Charles the fift^l Emperour, who came^m into the Realme, oneⁿ of them driven by outrageous ^o tempest ^p of the sea, the other, as some say, with the Kynges consent and ^q participacion of his mynd at ^r his arrivall.^s Allso,^t in the first case, necessitie might seeme to have deserved excuse and mitigacion of the law of the land, because his will consented not to his action; nether had ther bene anie former quarrells of enmitie ^u betwene the sayd Princes, to inferre anie danger towards ^v the state, or presumption ^w

^a most *omitted*, Cott. and Harl. MSS.

^b the, Harl. MS.

^c for a prince to seek the quietness of the Crown, Cott. and Harl. MSS.

^d hath ever been accounted in all just judgment, Harl. MS.

^e by being stopt at first, Ibid.

^f yssuing, Cott. MS.

^g or, Cott. and Harl. MSS.

^h and, Ibid.

ⁱ yet, Ibid.

^k neither doth this case, Harl. MS.

^l first, Cott. MS.

^m incame, Ibid.

ⁿ thone, Ibid.

^o the outrageous, Ibid.

^p by storm, Harl. MS.

^q for his coming, Ibid.

^r for, Cott. MS.

^s coming, Harl. MS.

^t for, Ibid.

^u of enmitie *omitted*, Ibid.

^v to, Cott. and Harl. MSS.

^w presumptions, Ibid.

of warres in tyme to come, nor anie likelihoode of practize, or apparance of controversie of lesse moment and interest then a Crowne, or anie league broken or amitie infringed by the manefest and vehement suspition of anie secrete pretence, to use such refuge and harbour to ^a purposes of hostilitie, that could anie manner of ways be imagined. So as the cases do differ very much.

But yf the like had happened by the Frenche King, at this day usurpinge her Majesties possession and right to the Crowne of Fraunce (which no man need to be affrayd to say, the same beyng warranted by the lawes of the Realme, and also by her Majesties continuall claymes ^b and pretence in Armorie); or yf it had fallen out by the Kinges of Denmark, auntient competitors and pretendantes ^c to this Crowne; yt had bene questionlesse in ^d her Majesties lawfull election ^e to have deteyned ether of them both prisoners ^f till they had made open renuntiation of ther pretended titells, or payd theyr ransomes, or otherwise composed ther businesse to her Majesties contentment. Albeit to such as do yet ^g more presicelie ballaunce this case, it is douted whether the law of princes or of Armes (^h yf yow will ⁱ make them but one) doe permitt anie absolute Prince, though not a Prince marcher, nor anie wise pretendant, ^k to presume personallie upon his Peeres territorie for anie cause or culler whatsoever. Seminge ^l that the verie print of a Princes fote upon his neighbors soile clameth an interest, wher the same is not warranted by ther common consentes, so great is the ielosie of estate, and so highlie favored by all equitie and lawes; so dangerous also is soveraigne puisance either to offend or be offended. And seames ^m very reasonable that it ⁿ be soe conceaved, ^o sence

^a to the, Harl. MS.

^c pretenders, Harl. MS.

^e Majesties choice, Ibid.

^g do more, Cott. and Harl. MSS.

ⁱ would *omitted*, Harl. MS.

^l seeing, Harl. MS.

ⁿ it should, Ibid.

^b clayme, Cott. and Harl. MSS.

^d justly at, Ibid.

^f deteyned them prisoners, Ibid.

^h or if, Ibid.

^k a pretendant, Ibid.

^m 'tis, Ibid.

^o conceaved *omitted*, Ibid.

in private possessions, the lawes adiudge it a trespas for me to marche upon my neighbors ground (unles it be in a pathe or highe way) without his leave, and provideth accion^a for it, and reasonable amerciment^b to the rate of the wronge. By the rule of which law it is thought that these two great Princes of the howse of Awstria, Phillipp and Charles, might by our Kinges have bene deteigned prisoners, till they had ransomed ther persons with such reasonable price as might seame to be dew for such an offence, and which they might incurre by ignorance or misfortune as well as by hostilitie and^c usage^d of armes, and wherof the advantage might with as good reason have bene taken by our Kynges^e as^f the Duke of Awstria ther auncestour, [who]^g tooke prisoner Kinge Richard Cuerdelion retorninge from a travell of so greate merite and service to all Christiandome as the sayd Kinge Richard then did, and which greate favour of our sayd two noble Kynges shewed to those two princes of Awstria maie stand for a perpetuall record of all^h regall curtesye, rather then of anie law or immunitie by honor or armes; who of their kinglie magnanimitie despisinge all unhonorableⁱ advantages, and abhorringe both avarice and rigour, nor^k mindfull of the great iniurie done by the same howse to their noble predecessor, did so favourablye intreate^l the posteritie of that famelie in those two mightie Princes before remembred.^m

Neither conformeth it with the case of common persons, who, for entertraffique sake, are allowed by common rightⁿ to haunt and negotiate in anie forreigne countrie for the weale and^o societie of

^a ane action, Harl. MS.

^b "Recompence" is inserted in the margin of Sir Thomas Winnington's MS. as an explanation of "amerciment;" and "according to" is the reading of the following words in the Cott. MS.

^c as, Cott. MS.

^d the use, Harl. MS.

^e kyng, Cott. and Harl. MSS.

^f as by, Harl. MS.

^g ibid.

^h all omitted, Ibid.

ⁱ dishonorable, Ibid.

^k not, Cott. and Harl. MSS.

^l entertain, Harl. MS.

^m the posteritie of that Archduke, Ibid.

ⁿ by the law of nations, Ibid.

^o weale of the universal societie, Cott. MS.

man,^a unless it be after open intimation of warres betwixt the same nations, or upon some ordinance, custome or prescription of those places makinge such entertraffique^b unlawfull, and aswell thoffence as the penalties of such lawes and customes knowne notoriouslie to all resorters at ther perills; wheras the Scottishe Quene, beinge so great a princes, and for so manie enterprises of utter enmitie detected to her Majestie, beinge also her next neighbor marcher, and for the smale strengthe of her Majesties borders, and nerenes of the limite, most apt of all others to annoy her Majestie and the^c realme by anie suddaine road or incursion, needynge not to passe ether seas or rivers, or marishes or mountaynes, or in effect anie other place of difficultie, to invade her Majesties countrie manie miles space^d in on night; then also for the auntient enmitye betwene both peoples, and the law of the borders expressly inhibiting such unlicenced entryes, the same made not by a meane subiect of that Realme, whose cominge in could not have wrought anie dangerous effect, but made by the soveraigne her self, a known competitour to^e the Crowne of England, a disturber of the common quiet, and terrour to the state, by trayninge in such forces and aydes as by pretext of her^f attendantes and companie must needes follow her. It could not stand with [the] honorable wisdom of so greate a Quene and governour as her Majestie is, to suffer without her evident perill, dreade of her people, and danger of her owne disherizon; her Majestie therfore could do no lesse then first to stay the sayd Scottishe Quene, and afterward, upon deper advise, to hould her person in longer restraint and under safer guardes then before: such restraint neverthelesse (as^g yf the said unfortunate Ladie were now on live^h to confesse the truthe) was noneⁱ impi-

^a In the Harl. MS. the following words have been inserted in this place: "prove that soveraign princes have the same right, for private persons are never hindered this."

^b mutual commerce, Harl. MS.

^c her, Ibid.

^d space omitted, Ibid.

^e of the Crowne, Ibid.

^f her omitted, Ibid.

^g as omitted, Ibid.

^h alive, Cott. and Harl. MSS.

ⁱ no, Cott. MS.; not, inserted in a later hand in the Harl. MS., and "at all" omitted.

sonement at all (beynge dylie considered) but a most honorable and safe libertie^a for her as her case then stooode, her deathe beynge sought by her owne subiectes with all indignitie, and put in extreame hazard, had she not bene sheilded under the winges of her Majesties protection: and which libertie, yf she had bene suffered to use at large, at^b her owne appetite, she was likelie enoughe to have misused of,^c ether^d to her Majesties harmes or perchaunce to her owne confusion, by sturring up^e striefes in all^f places wher she should come; so restles was her courage and naturallie bent to all unquietnesse: in such wise, as for so manie yeares^g she continewed her Majesties prisoner, so manie yeares she maie be sayd to have continewed her leif with all, and beinge now deade, it can not iustlie be imputed to her Majesties will, but to her owne malltallant, and to the rancour of her cheifest favourers, the papistes and others, whose follie and arrogancie by busie attemptes sett her forwardes to so doubtfull^h an end, tumblinge her headlonge into those misfortunes and adversities which they desired mostⁱ maliciouslie to have sene fall^k upon her Majestie.

But they on the other side will perchaunce saye, that the sayd Ladyes restraint continewed manie yeares longer then yt ought to have done, and that to winne^l her libertie by anie possible meanes or devise, she ought to be houlden excused; for admittynge her entrye to be unlawfull, and her self her Majesties just prisoncur, as as well by her adverse fortune and oversight as yf she had bene her captive in armes, yet upon reasonable ransome that she should have bene^m delivered, by the equitie of the same law of Armes: forasmuch as euery captivitie is mantained by force, wherof armes is in

^a retreat, Harl. MS.

^c of omitted, Ibid.

^e up omitted, Cott. and Harl. MSS.

^g years as, Ibid.

ⁱ most omitted, Ibid.; and the words preceding somewhat differently arranged.

^k to have sene fallen, Ibid.

^m ought she to be, Harl. MS.

^b to, Cott. and Harl. MSS.

^d ether omitted, Harl. MS.

^f all the, Ibid.

^h to do so doleful, Ibid.

^l noy, Cott. MS.; enjoy, Harl. MS.

the hiest and most honorable degree.^a For answere wherof I will aske them but these questions;—What it is they call the law of Armes, whose authoritie they so moch extoll, as a thinge in dignitie surmountynge all other lawes in the world? Then;—Wherupon is it grounded^b? When it tooke his commencement? How large^c it extendeth, and who shalbe iudges, triers, and executioners of the same law? I for my owne^d parte knowe nothings of the matter more then of certayne customes and orders of millitarie discipline, prescribed by generalls and captaynes for the leadyng of ther armies, good order and obedience of ther soldiers, and wise conduct in the rest of ther busines, wherof^e victorie is the principall marke, and consequentlie peace. For what Prince would have warre but to thend to purchase quietnes^f? Therefore our wise forefathers have alwayes preferred the law of peace before the lawes of warre, and that of pleading before the other of armes: so as, yf ther be anie such custome or auncient usage to that purpose they speake of, it seameth to be grounded upon an other reason: as perchance to police the state,^g and fortifye that part of iustice in mans behaviour, which is to be reteigned in dutie, and onlie remediable by force, when nether perswasion nor processe^h can prevaile; and, in fyne, tend all but to one end, thatⁱ is, to stablishe and continew peace betwixt the great princes, dominators of the world, not otherwise subiect to anie terreyne^k iurisdiction, coercion of law, or penaltie that can be imposed upon them. This standeth with great reason and iustice, for otherwise how should the iniuries of Princes be reformed, and ther irregular appetites be restreyned and bridled,

^a whereof armes is the most honorable degree, Cott. MS. By force of armes in most honorable degree, Harl. MS.

^b In the Harl. MS. there are here some unimportant differences.

^c largelie, Cott. MS.

^d owne *omitted*, and also, in the next line, more, Cott. and Harl. MSS.

^e in all their attempts where a, Harl. MS. ^f tranquillity, Harl. MS.

^g as perhaps policy to stablsh and fortify, Cott. MS. ^h law, Cott. and Harl. MSS.

ⁱ and that, Cott. MS.

^k terror, Cott. and Harl. MSS.

sence it is not meate that anie mortall man coversant amonge men be utterlie dishonourable of his crime^a which by the fraieltie of humane nature he maie committ, so longe as anie convenient meane^b devised by man can bringe it to passe.^c Mans witt, therefore, by the suggestion of nature, hath ordeyned that the law of force shalbe lord and superior of all other lawes, so farre furthe perchance as reason and equitie will affirme: and therefore it maie be that such law of force was never^d meete to be conteyned in writen recordes, but rather to stande in strengthe, dependinge upon the will of the conquerour, or him that shall^e happen to be superiour in puisaunce. For it is absurd to saie that ther should be anye thinge able to bynd or vanquishe force yt self, which subdueth everye other thinge to his^f subiection. This beinge admitted, it can not be said ther^g is a certayne law of Armes, but rather customes,^h and ordinances, in the usage of force and armes, alterable at the appetite of the superior puisaunce, shewinge ether mercie or rigour, as occasion and the equitie of ther owne brest shall allow and stirre them unto. One of the ordinances of this law sayeth, that the enemie beyng taken in battayle, or otherwise armed, yf he yeild him self prisoner, cast away his weapon, and praie leif, and be therupon spared, ought to be delivered upon competent ransomme. And great reason, forⁱ leif is sweete and deare to everye man, and as it weare a common treasure, and in all men is subiect to casualtie and violence, and therefore of all men who be not utterlie barbarous and without humanitie greatlie to be favoured. Yet do we dalie see that, for respectes of more importance to the conqueror then the prisoners ransome or savinge of his leif,^k they be often tymes all slaine, though they would willinglie paye ther ransome. For yf so manie prisoners

^a any man should enjoy impunity of those crimes, Harl. MS.

^b meane may be, Cott. MS.

^c to bring it to pass, Cott. MS. ; to prevent it, Harl. MS.

^d thought meete, Cott. and Harl. MSS.

^f its, Ibid.

^h some customes, Harl. MS.

^k their lives, Cott. and Harl. MSS.

^e will, Harl. MS.

^g that there, Cott. MS.

ⁱ which is reasonable because, Ibid.

should be taken in a battell, or in a skirmishe, as could not be safelie garded, or would troble the conquerors campe to be kept in hould, or would spend upp his victualls in the ^a tyme of scarcitie, and for **xx**^{tie} other causes wherin they might worke his danger and ^b annoiance, they be all upon a suddeine ^c put to the sworde, no reason servynge why such prisoners should be kept alive.^d Soe it is in the dedicion and ^e yeldinge up of townes, castells and fortresses, and of Princes them selves, submittinge ther persons, estates and dignities to the mercie of the ^f more mightie ^g: in which respect we have seene somme saved, somme spoyled of ther lives, somme deposed, somme restored to ther dignities, and the promises of the more puisaint with no lesse equitie broken then performed: such the causes and respectes maie bee. And herein I could bringe in ^h infinite examples, so as it seameth the law of Armes (yf ther be anie such) is but the verie will of the vanquisher, and no certaine rule of the ⁱ unviolable iustice. Likewise to assesse the prisoners ransomme, I knowe no text of law otherwise then by the will ^k of him that can conquere his parson: for we have known prisoners of private, and also princelie degree, who not beinge able in all mens knowlege^l to pay the ransome demanded at ther handes, have bene enforced to borrow or begg it of ther frendes, or ells should still have remained^m in prisone and ther starved.ⁿ We fynd others of them that could never be released for anie ransome, great or small, as the Duke of Orliance, who lay ^o xxij yeares prisoner here in England, and in that state dyed: so was Lodowick Sforza, Duke of Millaine, used by Francis the French Kinge, and died nether a prisoner nor at his full

^a the *omitted*, Cott. MS. ; consume his provisions in time, Harl. MS.

^b or, Cott. MS.

^c are all immediately, Harl. MS.

^d all alive, Cott. MS.

^e at the dedicion or, *Ibid.*; dedition or, Harl. MS.

^f their, Cott. MS.

^g powerful, Harl. MS.

^h bringe in *omitted*, Cott. MS.

ⁱ the *omitted*, Cott. and Harl. MSS.

^k law, Harl. MS.

^l in all mens knowlege *omitted*, *Ibid.*

^m remain, *Ibid.*

ⁿ have starved, *Ibid.*

^o was, *Ibid.*

libertie, but with reasonable intertainment, restrayned at large within the limittes of Fraunce.

No more is it by the lawe of Armes for the cause of captivitie, for thoughe it hath bene ^a seldom seene that anie Prince hath bene taken prisoner but with his weapon in his hand, declaringe in deed a mind of utter hostilitie: yet when they be enemies well knowne, or ells very doubtfull and suspected frendes, and happen to be surprisid by practise or slight, or fallen ^b by mischance into the hand ^c of the more mightie, not bound to the contrarie by anie paction civill, ^d which ought to be a qualificacion of all extremities, and the measure of mans iustice and will, they ^e be accompted lawfull prisoners, though they weere taken in ther beddes naked, and not in anie battaile or foughten feild, ^f or at the seadge and sackage of anie towne, or otherwise where there maie be ^g apparance of ^h enmitie betwixt them: for it is not the sword in fist, but the malice of a mans courage and hostile mynd, that maketh him an enemye; and in the one and the other cases Princes have bene adjudged lawfull prisoners, as King John of Fraunce and Francis the first beyng taken in battaile and bright armes, ⁱ Kinge Richard of England being taken as a pilgrime in a beggers cloke; for that was ^k all the reason wherupon the Duke of Austria mainteined ^l his accion aganst the said Kyng, because he sayd he knewe the Kinge to be his enemye, for a quarrell of unkyndnes ^m happened betwene them at the seadge of Jerusalem. What, I praye yow? For soothe, because he pulled downe and trampled under his feete a paper of the Dukes armes, which he had sett upp upon a gate of ⁿ the cittie of Akers, wherof the Kinge challenged the whole conquest, and the Duke parte ^o with him: neverthelesse a sufficient

^a be, Cott. and Harl. MSS.

^c hands, Cott. and Harl. MSS.

^e are to, Ibid.

^g is any, Ibid.

ⁱ armour, Harl. MS.

^l defended, Harl. MS.

ⁿ which he sett upp upon the city, Ibid.

^b fall, Harl. MS.

^d treaty or paction, Harl. MS.

^f committing hostility, Ibid.

^h apparant, Cott. MS.

^k is, Cott. MS.

^m which, Ibid.

^o claimed a parte, Ibid.

pretext to deteigne him prisoner as he came home ward, and to make him paie an hundreth thowsand poundes for his ransome. Yf that be so, no doute ther can be no better iustificacion for her Majestie, ether by the law of Armes, yf anie such be, or by common reason and equitie (which ought to rule thaccions of Princes wher civill paction bindes not to the contrarie,) then that the Scottish Quene, for her^a former pretence to the disinherizon of her Majestie, and anticipacion of her crowne, and now uppon^b the same (not being purged by^c anie later accord) should^d be her Majesties iust prisoner, and the sayd Quenes peaceable entrye adjudged as lawfull a cause of captivitie, as yf she had entred the realme with an armie of men; and being surprinced a slepe in her bedd all one as yf she had bene taken in anie^e bloddie battayle. Otherwise it maie be said^f unlawfull to take anie Quene prisoner, though she invaded the Realme with sword and fier, because commonlie we men^g goe unarmed, and fight with other folkes weapons, and not with ther owne.

But, I praie yow, speake indifferentlie.^h Would anie Christian prince have used this case otherwise then did the Quene our Sovereigne Ladie? Let it be supposed ofⁱ Charles the Emperor, yf Francis the Frenche Kinge, clayminge the crownes of Naples and Cicilia, and also the Dukedome of Millane, or but secretlie pretendinge to the right of them, yf he had bene taken wanderinge alone^k in Millain, or in Naples, or in anie other parte of the Emperors dominion, huntinge or^l hawkinge, and not in armes wounded^m in the face, as he was in the park of Pavia, doo yow thinke the Emperor would have lett him goo, and not seized upon his person, and, gevinge him a good interteynment accordinge to

^a the, Cott. and Harl. MSS.

^b and upon, Cott. MS.; and whereupon, Harl. MS.

^c upon, Ibid.

^e a, Cott. and Harl. MSS.

^g women, Cott. and Harl. MSS.

ⁱ if, Harl. MS.

^l and, Cott. MS.

^d she should, Harl. MS.

^f judged, Harl. MS.

^h indifferent, Ibid.

^k alive, Cott. MS.; alone *omitted*, Harl. MS.

^m and wounded, Ibid.

the honorable usage of Princes, would not have deteigned him prisoner? No man need to dout therof, nor of anie other prynce beyng offered the like occasion, and havinge made so faire a profe of his neighbour Princes hart as her Majestie had done of the late Scottish Quenes, to be utter ^a hostile and adverse to all his doinges.

The longer continuance of the sayd Ladyes inprisonment was therefore iustificable by the lawes of Armes. Yf the heraultes will saie otherwise by ther art and profession, I woulde be gladd to heare how they wilbe ^b able to infirme my opinion. Yf they saie, by reason, that I denie; yf they say, by curtesie, that is no law; yf they saie by honour, necessitie surmounteth it; yf by conscience, what that ^c is I would fayne knowe (unles it be grounded upon the equitie of somme law), more then a peevishe remorse of mind ^d procedinge from our patience [passions?], suppose pittie, mansuetude, or feare, and being qualified by reason ar commendable partes in our affection, otherwise not onlie vayne, but also to our sound iudgmentes and accions ^e verie preiudicall, for wisdom can not worke wher affection reignes. It is therefore no conscience, but follie, to shew a littell pittie, wherbie (as the common sayinge ^f is) may be spilt a whole cittie, or to use compassion upon our most dangerous enemyes, rather then ^g provide for our owne reasonable saftie; and in her Majesties case, no consciene at all more to favour the Scottishe Quenes honour and ease, then the tranquillitie of her owne Realme and crowne dependinge upon the said Ladies quarrells, for ever restlesse and unquiet. And who, alive and at libertie, would not surcease them, beyng ether in prison or in her grave, were never able to stirre them up to anie great danger. For which respectes me thinkes yt reasonable to saie that, yf fortune of the warre can stablishe anie rule of right and iustice in Princes cases, that fortune in all peaceable eventes, such as may lead Princes into the danger of

^a utterly, Harl. MS.

^c it, Harl. MS.

^e practises, Harl. MS.

^g then to, Cott. and Harl. MSS.

^b are, Cott. and Harl. MSS.

^d myner, Cott. MS.

^f proverb, Ibid.

ther enemies more puissant then them selves, may erect and stablish a like law for them, of as great iustice. And by those examples that have bene remembred, of Princes taken prisoners, and ransomed or put to death, her Majesties iustice in this case hath presidentes yenoughe of good authoritie: soo have not Princes slie invasions, and haynouse conspiracies aganst the state under which they inioy saftie and protection, anie president of exempcion ether frome imprisonment or death; inasmuch as all such Princes are bound to use loyaltye to the sovraigne of the place wher ther captivitie lyeth, and yf not for ther residence and protection sake (beynge, they will saie, a forced benefite which is not worthe thankes), yet for ther inferioritie in puisance, and dishabilitie to resist and amend the case of ther calamitye, wherunto ther owne ill^a fortune or indiscretion have led them to their enemyes advantage, as it befell to the sayd Scottish Quene.

Now, yf ther had bene no former quarrell betwene the two Princes, nor by no reasonable intendment could bee, nor that the said Quenes sinister practizes after she came into the Realme had not bene to be laied to her^b charge, perchance the case weer somewhat altered. But the said Scottishe Quenes malice and treasons weare not hidden from the world, ether before she came into the realme or sence. Beynge, therefore, by the providence of God, fallen upon the person and place that have power over her leif, with lawfull authoritie to decide right and revenge ther owne iniuries,^c as well by civil iudgment as by the sworde, and in which it is all but force and necessitie in them both, thone to doo and thother to suffer, her Majestie maie no dout use^d ether of them, at her election and good pleasure, without iniustice. And, therefore, the prorogation of the said Ladies restraint might veric well seeme,^e not an iniurie, but a favour much exceeding her merites, when her Majestie, having so good cause, and, by titell of superioritie in armes, power to

^a evil, Cott. and Harl. MSS.

^c injurie, Ibid.

^e be thought, Ibid.

^b laid unto charge, Ibid.

^d not doubt to use, Ibid.

put her to the sworde without answere or allegacion, of her Majesties most mercifull nature forbare to doo it, contented onlie with a mild coercion, by way of restraint, for her owne safegard.

And yf equitie be duly exacted at the conquerors handes, to quallifye both his force and appetite, much rather should it be^a at the handes of the conquered, in his debilitie to render^b obedience and trouthe for his protection; the self same reason seeminge to overrule and command them both, thone well and equitablie to use the^c Empire, thother his subiection and thraldome; and by whom leif is preserved, that to him be due somme gratefull retribucion. But in a prisoner, loyaltie and obedience is it,^d to him that happens to be superiour in armes, and is even so by the law of armes, wherof they talke so moch, yf not, I am sewer, by the law of nature and reason, wherupon all other lawes ar grounded. For yt is no reason at all that the vanquisher shalbe tyed to anie formalitie of iustice, suppose for his honors sake, or pittie, or charitie, to save his prisoners leif, and that his prisoner shall not^e be bound to be unto him thankfull for the same, not onlie whilst he remaineth his prisoner, but ever^f after, otherwise, wherfore should I spare his leife that would kill me yf he could, and be an instrument of his safegard who desireth my destruction? Verilie ther were littell equitie in such a law.

Therefore the Scottishe Quene, howsoever she cam to this adversitie (yf yet she came and that her fortune was such), and whether the causes of her first restraint were lawfull or unlawfull (as lawfull no doute they weare), yet since her case was that superioritie by custome^g held her her Majesties prisoner, she ought not to have strived aganst the streame, or to conceive of her self what she was in degree, but in fortune; nor what she had bene in tymes past, but what she was now become; and to have measured her appetite

^a be required, Harl. MS.

^c his, Cott. and Harl. MSS.

^e not omitted, Cott. and Harl. MSS.

^g puaissance, Ibid.

^b tender, Cott. MS.

^d it is, Cott. MS., *the words omitted*, Harl. MS.

^f for ever, Ibid.

by her present estate. And yf her leif lay in her Majesties handes, as her conqueror, to dispose at her pleasure, to have sought remission by her good behaviour duringe the tyme of such her captivitie, rather then by resistance and evill attemptes, which yf she had done, or^a could have borne her adversitie patientlie, and quietlye have^b expected her Majesties better favours; workinge the mitigation of her displeasure by all such humble meanes, earnestlie, and with all simplicitie and trew meaning attendinge to the businesse of her accord, wherunto her Majestie was never unwillinge to give eare, she, the most infortunate of Quenes, could not have remained so longe a prisoner as she did, by manie yeares. For her Majestie, at the begininge, ment not that she should have bene longer restrayned from her full libertie,^c then that the tyme might convenientlie searve for^d them to talke together, and^e to compound ther causes by them selves or by ther frendes, which at the first had bene none uneasie matter to have done.

But the sayd most^f infortunate and unquiett minded Quene, entendinge nothings lesse then perfitt amitie, trifled of her accord, and even in the prime of her Majesties gentlest^g and most honorable intreatye^h of her person, caused some of her subiects, on Harvye by name, a Scottish preist remaininge with the Busshopp of Rosse, her Ambassador Legier here in England, to preferre to the print a certaine seditious pamph[1]ett declaring her titell to the crowne of England; a matter of so great danger to the state (though in apparence she seemed to shoote but at the next succession) that the bookes were spedilie suppressed,ⁱ the preist sent to prison, and the printer well punished for his labor. Moreover, in the same tyme of her Majesties greatest favours shewed to her, she caused her Ambassador Rosse, and others abrode, to sollicite maryage

^a and, Cott. and Harl. MSS.

^c longer confined, Harl. MS.

^e to have an interview, or, Harl. MS.

^g gentleness, Ibid.

ⁱ surprised, Cott. MS., seized, Harl. MS.

^b she might have, Ibid.

^d for omitted, Cott. MS.

^f most omitted, Cott. and Harl. MSS.

^h entertaining, Harl. MS.

betwene her and other^a forraine princes: namlie, Philipp, Kinge of Spayne, then latelie become a widower by the death of his third wife, the daughter of Fraunce, which Kinge, not soo well likinge to^b mache for him self, neverthelesse imbraced thoffer for Don John of Austria, his brother, Governor and Generall of his armies in the Low Countryes, wherof might have growne moch harme to this realme,^c thoughhe it had bene but upon bare affiauncell,^d and without anie solemnizacion at all, or consummacion, such as the orders of the church requier. For by that onlie acte he was to have a sufficient interest in her person to have demanded her from her Majestie, aswell by the law as by armes.

Longe before this devise, by the unexpected death of Don John d'Austria, was overthrowne, the like practize was sett on foote, by her busie ministers, betwene her and the Duke of Norfolk, more (as it is thought) in hope of his aydes and favours within the realme to be used for her deliverie, then for anie good love^e she bare him, as afterward by the event appered.

Yf these and manye like attemptes of hers had not bene, her Majestie had sett her at libertie within short tyme after she was taken, which may appeare very credible, for before her Majestie had made so manie^f manifest proofes of the said Ladies evell affection towards her, by manie perilous assaies to have incombred her and the Statc, her highnes was so well mynded towards her, and so farre from all unfrendlie intention, as mervelouslie^g desiringe to see her, and to conferre with her personallie, and to solace them selves together with all amiable conversacion. Her Majestie was determined that sommer to make her progresse to York, wher it was appointed the sayd Scottishe Quene should have mett her, attended with all the nobilitie of Scotland, with^h great magnificence; which iorney anon after, uppon discoverie of some further devises

^a sundry, Cott. and Harl. MSS.

^b the, Ibid.

^c nation, Harl. MS.

^d affaunce, Cott. and Harl. MSS.

^e good omitted, Cott. MS.

^f manie omitted, Ibid.

^g marvellously much, Cott. and Harl. MSS.

^h and with, Harl. MS.

sett abroche by the sayd Busshop of Rosse her Ambassador, was sodenlie dashed, and the said Rosse^a sent to the Tower; afterward, at the great instance of the^b Ladie, delivered, and dispetched out of the realme quite. So as yf the sayd Ladyes imprisonment continewed longer, by manie yeres, then was first intended by her Majestie, the same was along of her self, and of her busie frendes, who by indirect meanes sought her enlargement, and not by such due order as became a prisoner by armes to use; beynge, in all wise mens opinion, a very ridiculous poynt for her to doo the thinges that might merite rigor, weninge^c afterward to wyn favour by allegation; and wher force and armes are superior to civill lawes, and, as we often see, put them to silence, for the said Ladie to hope in her evell^d behaviors to be shelded by the law of peace, which by profe of her present miserie she felt to be unto armes and force^e verie moch inferior.

The constitucions, therefore, of this supposed law of Armes in plea or allegacion^f (yf ther be anie such) should seame to be grounded upon a certayne equitie; that is, for the conqueror and more puisaint to use honor and mercye, the captive loyaltie and gratitude, recipricolly; so as the sayd Scottishe Quene could iustlie challenge no more advantage by the law of Armes in plea or in proces,^g then her Majestie might doo by the same law without proces or plea, havinge her sword unsheathed,^h readie to take away her prisoner's leif for a dew revenge, yf her Majestie had so listed. And sence, in my humble conceit, they may be in both cases saidⁱ the law of Armes, thone in feat^k thother in accion, it is a meare follie for anie prisoner abusyng thone to appeale for helpe to thother, and beynge^b in

^a Bishop of Rosse, her ambassador, Cott. and Harl. MSS.

^b the said, Ibid.

^c meaning, Harl. MS.

^d hope by evil, Ibid.

^e that she was under armes and in force, Ibid.

^f in a plea or obligation, Cott. and Harl. MSS.

^g in plea or in process *omitted*, Harl. MS.

^h her sword in hand, Cott. and Harl. MSS.

ⁱ and, Ibid.

^k feat, Cott. MS., fate, Harl. MS.

^j lying, Cott. and Harl. MSS.

dalie danger to be opprest by force, when nether practize nor resistance could prevaile, to seeke to shune it by litigious argument, and not by submission. Soo as when the sayd Ladie saw that her forces fayled, and could not serve her tourne, then did it in all wisdome become her to humble her self and stoope, which not doynge, but vayalie affiinge^a her self still upon her frendes practizes, she well deserved the rigor of the law of Armes to be shewed her, without anie compassion or favor.

Now againe, yf the same law of Armes be generallie allowed (as they saye) to decyde the differences of Princes, such onlie as concerns ther lives, and be not grevous nor repined at by them, then ought the Scottishe Quene (standinge at the vanquishers mercye, to have bene put to the sworde at her Majesties will) be^b much lesse greved to be by her kept in durance under honorable garde; wher unto, because by treacherous meanes she offredd rescous,^c even by the same law she was worthy to lose her leif, for satisfaction of those and all her^d former misdemeanors towards her Majestie. I, for my owne opinion, makinge noe difference at all betwene that force which a conquerour by armes at his owne appetite useth, and that which a peaceable Prince (as her Majestie) possessinge by good fortune the person of his enemy useth without weapon, clothed^e in purple roabes, and sittynge in a chaire of state, peace and civill iurisdiction, environed,^f neverthelesse, with manie more thowsandes of naked men to be armed at commandment then anie two Emperors can bringe to the feild under ther ensignes. For yf force, by the dint of the sworde, shalbe sayd yt that^g makes the law of Armes prevaile, and gives it also equitie, then, no dout, is necessitie anie other^h way as stronge a law to man as yf it weare by weapon; but that necessitie laie also in this case of this infortunate Quene.

To which purpose it may be thus concluded that the same infor-

^a valuing, Harl. MS.

^c Blank left for this word, Harl. MS.

^e being clothed, Ibid.

^g said to be that which, Harl. MS.

^b to be, Cott. and Harl. MSS.

^d other, Ibid.

^f injured, Cott. and Harl. MSS.

^h another, Ibid.

tunate Ladie beinge loathe^a to feele the^b uttermost extremitie of that^c law of Armes, which were^d to lose her leif peremtorilie, and without anie iudgment at all, yf her Majestie had so lusted,^e she ought willinglie, and without anie^f contradiccion, be^g tryed by her Majesties law^h of peace and civill iurisdiction, and not to thinke she had anie wronge. Right,ⁱ so her Majesties pleasure, was to passe upon her leif and death by her civill iurisdiction, that is, by the law of the land, and by^k none other cuntrye law, because as well her cryme as her captivitie beyng^e locall, could receive none^l other manner of proces so fitt and indifferent. And so, by the lawes of England, in the heighest degree of honour and iustice, the said infortunate Quene was condemned to die, and suffered^m upon the 8 day of Februarie, 1586,ⁿ at^o Fothringhey Castell in the countye of Northampton, and^p such solempne and honorable regardes beyng^e used, as weere in such a case dew and requisite.

Wherunto, neverthesse, because the said Ladies favourers fynd themselves no lesse greved then yf she had bene wickedlie murdered, contrarie to all iustice ether civill or martiall, alleadinge by waye of exception manie defaltes and imperfections in her said atteyndour, as partiallitie in her tryers, incompetencie of^q her iudges, and iniquitie of the sentence, wherupon they would inferre an utter ignominie to her Majestie and invaliditie of^r the whole accion; we will now breiflie answer^e all those^s poyncetes, and, as we trust, with good satisfaction to all men of sound iudgment and equitable opinion.

Now to speake of her proces, and the manner of her atteyndour

^a bothe, Cott. and Harl. MSS.

^c the, Ibid.

^e listed, Cott. and Harl. MSS.

^g to be, Ibid.

ⁱ right *omitted*, Ibid.

^l no, Cott. and Harl. MSS.

ⁿ anno, Cott. MS.

^p all, Cott. and Harl. MSS.

^r in, Harl. MS.

^b this, Ibid.

^d was, Harl. MS.

^f anie *omitted*, Harl. MS.

^h laws. Ibid.

^k by *omitted*, Ibid.

^m suffer, Harl. MS.

^o in, Harl. MS.

^q in, Ibid.

^s these, Ibid.

and death, wherunto the said Scottishe Quenes favourers impute no littell disorder and imperfeccion, urginge it greatlie to her Majesties dishonour. It is soo, that yf ever in all the tyme of her gracious reigne, or^a in anie one act that ever she did, as she hath done manie and great, worthie of everlasting fame, that hath bene in this onlie above all others, and by the which she ought to reape the greatest glorie, and to be accompted worthie^b the name and office of a Christian Prince and governour, that her Majestie would have it iudiciallie done, and not upon her iust^c indignacion without iudgment, which not onlie infinite examples; both of forreine Princes and of her owne noble progenitors, might have warranted her to doo, but also is allowed by that law of Armes wherof they make such accompt, the said infortunate Ladie beyng fallen into her Majesties handes, and standinge everye way in her mercye to be disposed of. And right so her Majesties pleasure was she should be tryed by the law of the land, and by such onlie course of the same law wherin the greatest honour and equitie might appear in respect of her bloode, greatnesse of her person, and weight of the cause.

And wher by the formall constitution of the lawes of England the greatest princes and peares of the realme^d have but one forme of ordinarie triall, which is by the verdict of xij men sworne to enquier of the facte, and therupon by some one^e or other able person, appoynted by her Majesties Commission, to be iudged,^f her Majestie in this case nether likinge so base a kynd of triall, nor much lesse to be^g her owne^h selfe iudge of her owne iniurieⁱ (allowed, nevertheles, in everye superior by armes, and as most Princes in^k the world, without anie^l solemnitie or circumstance, would have done yt,^m) was content that the sayd Quenes cause should

^a as, Harl. MS.

^c just omitted, Ibid.

^e one omitted, Ibid.

^g be omitted, Cott. MS.

ⁱ jury, Ibid.

^l anie omitted, Harl. MS.

^b worthie of, Ibid.

^d land, Cott. and Harl. MSS.

^f judge, Harl. MS.

^h owne omitted, Cott. and Harl. MSS.

^k of, Cott. MS.

^m would have done yt omitted, Cott. and Harl. MSS.

be decided by all the myndes and voyces of^a the Realme, that is, the three estates assembled in full parliament, to the number of 450 persons,^b authorised to be her iudges, in all iustice, equitie, fredome of speache and opinion, and with all reasonable leysure and delay possible^c to be allowed for such a businesse. Soo as for examinacion and profe of her guilt, she had not one or two meane persons appoynted to examine her, but 36 of the greatest princes and peares of the Realme, furnished with sufficient commission to chardge and appose her in all her misdemeanors. And for manefest profe of her offence,^d had^e not anie false or suborned witnesses produced against her, but the voluntarie confessions of her confederates latelie before condempned and executed; lettres of her owne hand writinge and her owne subsignacion^f to her owne cryme; also the subscription of the same 36 commissioners, parties to the examinacion, consideration, and registringe of the sayd whole proces; and for 12 triers of the fact, 450; and for one substitute iudge, a person of^g meane accompt, all the princes and people of the Realme; and the maiestie of the^h state to sentence her. The same sentence with all solempne and universall publicacion pronounced. Soo as the favours of that infortunate Ladie, more miserable then could be anieⁱ Quene in the world, cannot trule saie that anie parte of her affayre was secreatlie demeaned, or handled in hugger mucker,^k or rufflid up in hast, or that her cause was not indifferentlie hard, and plentifullie debated, and with all formalitie of iustice proceeded in, much lesse that it was done without anie iustice or iudgment at alle, by such secreat and ungodlie meanes and devises as^l could not be warranted in anie honour or^m conscience, or by the law of God or of man, as it hath many tymes happened to other most mightie

^a in, Harl. MS.

^c possible, Ibid.

^e she had, Cott. and Harl. MSS.

^g of a, Cott. MS.

ⁱ any other, Ibid.

^k mugger, Cott. MS.; or handled in hugger mucker omitted, Harl. MS.

^l as omitted, Cott. MS.

^b persons omitted, Cott. and Harl. MSS.

^d offences, Harl. MS.

^f subscription, Harl. MS.

^h the omitted, Cott. and Harl. MSS.

^m and, Cott. and Harl. MSS.

princes infortunate as her self. So as nothing can be trulie objected in^a this parte of her Majesties proceedinges which in anie reason ought to inure^b to her Majesties discredite or blame, or that maie perswade any indifferent person in the world to thinke that it might have bene with better iustice or more honorablie performed.

If they will happellie say, that she, beinge an absolute Princes of her owne authoritie, and not subiect to anie superiour iurisdiction, but onlie Godes, ought not to have bene^c iudged by her Majestie or anie of her deputies, that were very absurd; for soo should^d the most haynous synnes and offences that could be committed, and the greatest evells of the world and mankynd, scape unpunished, and be remedillesse; which God would not. For who doubteth but that the^e personages of the^f greatest puisaince maie committ the greatest enormities, and oftner and also more harmefullie erre, then anie other. Soo as, albeit the devine Majestie hath reserved to his^g secreat iudgmentes both the pennance and reward of manie mens merites in the future leif, yet will he that the greatest of all mortall men, whiles they be heere conversant amonge men,^h should be no doubt somme manner of ways restrayned, and ther accions rectified, even by the power of man, otherwise it could not stand with his devine iustice, since in everye other regard then forⁱ excellencie of degree and function, all men ar of equal estimacion to God by the qualitie^k of ther desartes, providinge for us all on manner of redemption, one everlasting felicitie, wherin is none oddes nor^l prioritie of person, place, or degree, but all alyke, and all as one. They that otherwise thinke, or affirme, be verie hardlie affected toward the inferiour sort of men, and doo lett the reynes a littell to lose to the leif of alle Princes, and more then anie goqd or^m godlie Prince, beinge wise

^a to, Cott. and Harl. MSS.

^b incurr, Ibid.

^c to be, Ibid.

^d would, Harl. MS.

^e the *omitted*, Cott. and Harl. MSS.

^f the *omitted*, Ibid.

^g his own, Ibid.

^h whiles they be heere conversant amonge men *omitted*, Harl. MS.

ⁱ but, Ibid.

^k equality, Ibid.

^l or, Ibid.

^m and, Cott, and Harl. MSS.

and vertuous, would challenge or like of. For why should they be otherwise obeyed and honored above the rest, but that they are presumed to be more worthy of honour^a and obedience for their manie^b good partes, and to be not onlie good and iust them selves, but also, by their authoritie and example of leif, preservers of iustice, and distributors of the same to all others who be subiect to them; and^c that therbie they do most resemble and represent the Majestie of God, and be not for anie other cause raysed by him to that eminent degree above the rest. This consideracion duly fallinge into their myndes, how can the greatest Prince in^d the world take it in ill^e part to be made subiect to the iustice of mans law, in cases wherin for the fraieltie of mans nature he shall^f seeme to passe the bondes^g of right and iustice to others?

Yet we must all confesse that everye Prince such as the tradicion of man alloweth for absolute in his owne realme, usynge iurisdiction upon all others under him, ought to be subiect to none other persons sentence in the same place of his resiaunce, but is dispunishable of anye cryme^h that can be by him committed, andⁱ maie concerne his leif or other corporall penaltie, because ther is none other person able^k (as the law intendes) to inflict anie corporall pennance upon his parson, which he would patiently suffer and abide. For by nature no man would do it, nor the dew consideracion of the law doth allow of it, because yt should rather impaire the vertue and good nature of such governors, and exasperate their courages to crueltie and revenge, which might be much more hurtfull then their^l correction would avayle, and beside worke none or littell amendment in themselves, nor^m in their subiectes by their example.ⁿ This may perchance be the reason that alle absolute

^a worthy of more honour, Cott. and Harl. MSS.

^b many *omitted*, Ibid.

^d of, Ibid.

^f should, Ibid.

^h of anye crime *omitted*, Harl. MS.

^k presumable, Harl. MS.

^m or, Cott. MS.; in them or, Harl. MS.

^c and *omitted*, Ibid.

^e evil, Ibid.

^g boundes, Ibid.

ⁱ or, Cott. and Harl. MSS.

^l the, Cott. and Harl. MS.

ⁿ examples, Cott. MS.

Princes within ther owne dominions ar, for ther persons onlie,^a privileadged and exempt from the rigor of ther owne lawes (*soluti legibus*), and, in distributing both reward and payne^b to ther^c subiectes, maie them selves receive nether reward nor punishment^d by compulsion, otherwise then onlie of ther owne good will, and by contract, and in cases^e not concerninge ther persons.

This excellent prerogative beinge by manie men mistaken, and in steed of avauncement utterlie abased,^f they doo unskillfullie applye to all princes in generallitie, in what place soever ther cryme shalbe committed, and spetiallie to the defence of this infortunate Ladies case, sayinge that she could not be lawfullie sentenced by her Majestie nor tryed by her lawes, as it were^g by her self, and after her owne appetite, beinge the said Ladie, though she soo unhappie as to fall into so great an adversitie to be her Majesties prisoner, yet^h a Quene, annoynted and crowned, absolute and hereditarie, and exempt ofⁱ all civill iurisdiction in cases towching her lief. And by that exception,^k that^l her proces and atteyndour was^m not lawfull, as made by her no competentⁿ iudges; and saie that of^o anie civill iurisdiction, onlie^p the imperiall ought^q to bynd her, as the highest and superiour^r on earthe, but not^s her Majesties,^t inferring by the same prerogative law, that because she was a Quene, her Majesties egall and peere (as they say), she could not be iudged by her Majestie as by her superiour, which were in justice requisite, and doo fortelye it by this text, *Par in parem non^u habet jurisdictionem*, a peare over his peare^v hath no iurisdiction.

^a are solely for their own persons, Harl. MS.

^b rewards and punishments, Ibid.

^d reward nor punishment, Harl. MS.

^f abused, Cott. MS.

^h yet is still, Ibid.

^k this exemption, Ibid.

^m were, Ibid.

^o if, Ibid.

^q law, Ibid.

^s not in the least, Ibid.

^u not, Sir T. Winnington's MS.; *non* omitted, Cott. MS.

^v one equal over an equal, Ibid.

^c the, Cott. and Harl. MSS.

^e the cases, Cott. and Harl. MSS.

^g which is the same as, Harl. MS.

ⁱ from, Ibid.

^l omitted, Ibid.

ⁿ incompetent, Ibid.

^p or law, Ibid.

^r superior law, Ibid.

^t her Majesties laws, Ibid.

For clearing of which poinct, and satisfaction of manie irresolute myndes, we must needes saie somewhat, and for manner ^a sake more then for anie necessitie, because it were absurd to thinke that the effect of iustice should go ^b rather by the forme and letter of a law then by the equitie of it, or that a law hath anie vigor or vertue to worke but wher it hath authoritie, nor anie authoritie ^c but wher it hath ^d *potestatem armorum*, and ^e force redie at hand to uphold the same ^f and defend it from violacion; which hath our law of the land, but not the law imperiall.^g Though they happlye concurre in one equitable sence, yet they mache not in authoritie ^h and puisaince; for the lawes of the Empire ⁱ never yet were received within this realme for discussion of temporall causes, nor now could be upholden within this realme by anie forraine puisance of greater force then her Majesties owne, nor never were ^k obeyed here, the Kynges of this realme not recognizing ther dignities to anie Emperour or higher power of the world, but unto God only. And soo ^l is her Majesties governement both regall and imperiall of yt self within her owne realmes. Neither could yt be but very absurd to thinke that the lawes of the Empire should beare swaie ^m but wheir their ⁿ puisaunce might prevaile, as in England yt cannot, thoughe they would anie such rebuke unto the land.^o Neither could it be but frivolous to saie that the said Scottisch Quene, offendinge within this realme, and aganst the maiestie of the ^p state, should be tried by such a law as can be nether transferred into this realme, nor the appellat from the place of her captivitie. Neither is it

^a manners, Cott. MS.

^b grow, Harl. MS.

^c nor anie authoritie *omitted*, Cott. and Harl. MSS.

^d and the, Harl. MS.

^e with, *Ibid*.

^f the same *omitted*, *Ibid*.

^g this hath our law, but not the civil or imperial, *Ibid*.

^h yet their authority is not equal, *Ibid*. ⁱ Emperour, *Ibid*.

^k neither were they ever, *Ibid*.

^l thus, *Ibid*.

^m in any place, *Ibid*.

ⁿ the, Cott. MS.; the Emperour's, Harl. MS.

^o luke, Cott. MS.; any such rebuke unto the land, Harl. MS. Perhaps "bring," or some such word, has been omitted before "anie."

^p the *omitted*, Cott. and Harl. MSS.

trulie sayd that her Majestie hath anie peare or egall within her owne realme, but such onlie as yt shall please her to allow, or God to make her superiour in armes, though he weare a forreine Kynge, or Emperour over^a never so manie people and nations.

To which purpose we will explaine the matter better with this distinction, that this peardom, or equalitie, they speake of, and intended by the civill lawes, is no manner of impeachment to her Majesties iurisdiction over the Scottish Quene, but is also allowed by her owne lawes of England, and with no lesse equitie and favoure then the ymperiall lawes use it.^b Because it is not the equalitie of bloode or of birthe, nor yet of sex or degree, or ells of riches, or anie other parte in the person, that hinders it, but onlie of puisaunce and eminent authoritie invested in the same person by vertue of somme law, or by common approbation of the world, or of the people and place wher that excellencye is allowed, with power to decide right. Otherwise it would come to passe that, for equalitie sake, of somme one sort or another, none or very few would fynd competent iudges, and^c take exception to the iurisdiction, and so^d should eskape all punishment and correction. A free man in that respect having^e no lawfull iurisdiction over an other free man, nor a riche over a riche, nor a poore or younge or unnoble over ther egalls^f in welth, yeres, or birthe, and manie other waies; which notwithstanding we knowe to be untrew, and that reason and necessitie will have it otherwise. Therefore one^g prince to punishe an other prince delinquent in the place of his resiaunce and dominion, ther is no manner of equalitie betwixt ther persons to impeache it, savinge onlie equalitye of force and authoritie to decide right, and therefore it may^h be thus conceivedⁱ that *Par parem cogere non potest*; and that is trew, for an egall in force cannot

^a of, Harl. MS.

^c should, Ibid.

^e must have, Ibid.

^f no, Ibid.

ⁱ expressed, Harl. MS.

^b used, Ibid.

^d thus, Ibid.

^f equal, Cott. MS.

^h may omitted, Cott. MS.; should, Harl. MS.

overmach or compell his egall in force;^a or thus, *Par in parem imperium non habet*, in an egall^b over his egall ther is no lawfull superiorite to command; for in that on^c commandes ther ought to be a right of superioritie, and such a right as the other may not encounter or controle with all his forces or autoritie, by vertue of anie other preheminece in his^d person remaininge. In this sort who doubteth but that the sayd infortunate Ladie was much her Majesties inferior, and might lawfullie be iusted^e by her, as by her^f superior in armes and puisaunce and everye other way? Though the sayd Ladie was also a Quene in name and titell, yet was she not therin, nor in anie other respect, her Majesties equall. Yf ether yow^g compare them both^h by ther yeres, ther dignities, ther estates, ther forces, or ther fortunes; for her Majestie will alwaye, and in all opinions, remaine her superior, yf she were alive, for eldershipp, for emynencie of estate, being a Quene possessourⁱ of manie realmes, the other onlie nominative,^k or rather of none at all; a Quene annoynted, the other not annoynted, yf that shalbe accompted anie respect of preheminece; her Majestie a Quene of grete and good renowne, thother nothing lesse; superior for riches and welfare,^l for subiectes, vassalls, dominion,^m and empire; also in puisaunce of all sortesⁿ to uphold the honour, autoritie, and dignitie of a prince; and, most of all, her superior in vertue and good fortunes, wherin happellie she surmounteth farre all other Christian princes now livinge, even those of her^o most worthie progenitors that be dead. Therefore, that law takes no place, in anie other sence then so as hath bene remembred, no, not in anye parte of the imperiall iurisdiction and territorie, and taketh place in our law of

^a in force omitted, Harl. MS.

^b unequall, Cott. MS.

^c in that in one, Cott. MS.; in him that commandes, Harl. MS.

^d her, Cott. MS.

^e justified, Cott. MS.; judged, Harl. MS.

^f a, Harl. MS.

^g yee, Cott. and Harl. MSS.

^h both omitted, Harl. MS.

ⁱ possessed, Ibid.

^k nominally, Ibid.

^l prosperity, Ibid.

^m dominions, Ibid.

ⁿ puisaunce able to uphold, Ibid.

^o her own, Cott. MS.

the land by equitable construction, wherein our said lawes and the imperiall concurringe, we ar inforced to saie that the said infortunate Ladies triall and sentence was rightuous and iust, and not insufficient or wrongfull, as her favourers do parciallie affirme. So as yf they will take exception to her Majesties lawfull^a iurisdiction, they shall not be able, yf perchaunce to^b the competencie of the iudges, or cause of the cryme, they shalbe hard.^c

And first, for what cause shall the iudges be sayd incompetent, that is, not^d fitt to be admitted to deeme^e of her fact, or to sitt upon her leif or death? Their authoritie was good, as derived from the highest power, that is, from her Majestie, who had received the same immediatlie from God, and which she might lawfullie assigne over,^f because yt could not, in her owne case, become her to sownd^g anie sentence that might concerne her self; soo had the three Estates of the realme, beside ther owne, her Majesties authoritie and warrant. Then is ther none allegation^h of incompetencie to be alleadgedⁱ agenst them, but ether that they were ignorant, or parciallie affected. The first were hard to be beleived; for yf four hundred and fifty of the greatest, wisest, and most honorable sort of men should erre in discussinge the veritie of a facte, I saie not of a poynt in law, or anie suche subiltie as passed ther lerninges and understandinge, yt were a wonder. The other is unreverent^k to think, for no man of a thowsand not obliged to such a necessitie as they, both for discharge of ther consciences and savinge ther credittes and honour to the world, would willinglie be found so loose, false, and faythles, or soo base mynded, as wilfullie^l to cast away^m a Quene, to whom for manie respectes they might thinke themselves redevable of right

^a lawful *omitted*, Harl. MS.

^b yet, yf perchaunce they shall be able to object against, *Ibid*.

^c heard, Cott. MS.

^d and that they were not, Harl. MS.

^e judge, *Ibid*.

^f over to others, *Ibid*.

^g examine, *Ibid*.

^h no allegation, Cott. MS.; thus there is no allegation, Harl. MS.

ⁱ laid, Harl. MS.

^k disrespectful, *Ibid*.

willingly, Cott. and Harl. MSS; and so written at first in Sir T. Winnington's MS.

^m destroy, Harl. MS.

and iustice, yea of reverence next unto her Majestie, ther naturall prince and governour, beinge her neirest kynswoman, and in her lief tyme greatlie ^a revered by ^b her Majestie. Therefore no dout the sayd Ladies iudges ought not to be disabled, though they weare her Majesties vassals, and domesticall sworne servantes, or, somme of them, her nere kynsfolkes. For it is presumed that everye man's owne conscience is and ought to be deerer unto him then his prince's favor, or anie other wordlie respect. And though these ^c partes of man's frailtye, I meane ignorance and affection, be in all common tryall ^d of right exceptions allowable yenoughe, and of great force, yet in this case it ought not to be soo, because necessitie enforceth to the contrarie, in that ther is no other manner of tryall admitted by the lawes of the realme, unlesse it were for the basest ^e sort of subiectes, which in so great a cause, and concerning such a person, had bene very reprochfull, and not decent for her Majestie to work by. And in so great an assemblee, and so honorable, as was this parliament, in which none were feedd or mercenarie men, as advocates or ^f counselors, but all as ^g iudges, speakeinge in conscience and simplicitie, yt was not to be entended ^h that anie on ⁱ of them could be partiall, in a place wher the freedome of speache ^k and opinion was so ^l well allowed of, and so well warranted, as no man needed to feare ^m for speaking his mynd discretlie and reverentlie, as behoved him; ⁿ and, beside, wher he might looke to have his opinion reproved by manie wiser or as wise as him self. In which case of contradiction it is not almost to be suspected that anie man should ^o shew anie affection, or ignorance, yf he might chuse. And yf yow will take from man this parte of his credite in the highest causes, and

^a greatlie omitted, Cott. and Harl. MSS.

^b of, Cott. MS.

^c those, Cott. and Harl. MSS.

^d tryalls, Ibid.

^e baser, Harl. MS.

^f and, Cott. MS.

^g as omitted, Cott. and Harl. MSS.

^h imagined, Harl. MS.

ⁱ on omitted, Cott. and Harl. MSS.

^k of speech omitted, Ibid.

^l so omitted, Ibid.

^m warranted that no man needed not to feare, Cott. MS. ; that no man need to fear, Harl. MS.

ⁿ him omitted, Cott. and Harl. MSS.

^o would, Cott. MS.

in the highest courtes, then take awaye all ordinarie iustice from the earthe; for how should on person be trusted to sentence^a a thousand men's right, yf five hundred mindes accordinge with ther voyces shall not be allowed as indifferent^b for the like purpose? What would yow more?^c It could not be otherwise done then it was, unles yow would have had it left undon, which had bene the least reason, and iustice of both.^d As for the causes, that is to saie, the right of the facte or cryme, alack, they were so apparant, both by profe and by her owne confession, as needed no tryall at all. And they were not, as before is alleadged, bare trespasses of armes, or breach of leauge, or anie like^e matter of meane difference^f betwixt princes, but conspiracies, actes, and attemptes of the highest treason and hostilitie that could be imagined; though I speake nothinge of her ingratitude toward her Majestie, soo beyng a protectour, the most haynous offence of anie other, and for which no sufficient and worthy retribucion could be made or invented. Justice, therefore, she had, to be atteynted and executed, as she was,^g for soo the forme of the law of England beares, and not otherwise.

The premisses considered, how can yt be imputed to her Majesties dishonour (for that is one principall matter wherupon they seame to relye) that she hath refused all manner of reasonable^h and good accord which had bene offred to her Majestie, wher, in troth, no reason was ever offred her, nor could be, to satisfie so great an iniustice to God, the world, the realme, and also her Majestie, who had more interest in the case then anie one earthlie creatureⁱ besides. Also, yf her Majestie yelded not to the intreatyes of great princes, her neighbours, alies, or whatsoever they were, who^k for not being touched with the greif, nor duly^l informed of the

^a to sentence, Cott. MS. ; in the rights of, Harl. MS.

^b accounted impartial, Harl. MS.

^c have, Ibid.

^d the least reasonable and least just of all the rest, Ibid.

^e like omitted, Cott. MS.

^f different, Cott. MS. ; differences, Harl. MS.

^g as she was omitted, Harl. MS.

^h reasonable appointment, Cott. MS.

ⁱ creature omitted, Ibid.

^k for has been subsequently inserted here, in Sir T. Winnington's MS.

^l daily, Ibid.

right, could not comprehend her Majesties danger^a and iniurie, and therefore might, without anie offence, be denied ther unreasonable requestes, and not without her Majesties extreme perill have bene graunted them, espetiallie yf anie of them, or of theirs, might lawfullie be suspected for anie sinister working or intelligence in the said affaire. Yf yt be soo, then^b more is her Majestie to be excused, and the greater is her wronge.

But yf anie of that syde, not yet well satisfied with this, would haplie alleadge that no Christian prince in the worlde ought to be so immesurable^c tender of^d them selves as for savetie of their owne lives they should^e neglect every other^f bodyes, and to be so precise in ther covenauentes as to refuse all such reasonable and ordinarie assurances as vertuous princes in all honour and integritie ought to be content^g to accept for ther securitye, beyng offered in simplicitie and trouthe, sence to inioyne a man to more then his habilitie or mans witt by anie provision can possiblie compas, were utterlie unreasonable, and a matter of much extremitie. Those persons I answer in this sort, that two ways they mistake the matter, one^h in not perceivinge that this case betwene her Majestie and the Scottish Quene touched not onlie her self but her people and realme, who had the greater interest, and over whose welfare she can not be saidⁱ too tender and carefull, thother way for that it is not trew (as before remembred) that the Scottish Quene, or anie of her frendes, ever offered such^k assuraunce to her Majestic as might be thought reasonable, and much lesse that which might by mans witt have bene devised, for that nether they did offer, nor yf they had offered it her Majestie would^l seme to have received it. For who doubteth but she might stand in more suertie of her person

^a her danger, Harl. MS.

^b the, Cott. MS.

^d over, Cott. MS.

^e For "they should," Harl. MS. reads "to,"

^f other omitted, Ibid.

^h first, Ibid.

^k any such, Cott. MS.

^c immeasurably, Harl. MS.

^g willing, Ibid.

ⁱ said omitted, Ibid.

^l could, Harl. MS.

and state to have the said ladie imprisoned then at libertie, dead then imprisoned, and, besides her self, her cheifest favourers to be suppress with her for companie, because ther malice by survivour^a might happellie supplie the others death. And, perchaunce, exact pollicie might yet be stretched somewhat further, and that her Majestie cannot be saied to live in perfect securitie, soo longe as the younge Kinge of Scottes, her sonne, remaines^b alive, aspiring to the same estates his mother did, and having ether power or desire to revenge her death, and soo to have him likewise made suer one waies or an other, which after anie ungodlie sort her Majestie would not sett her mynd upon for millions of gould. But, as a most Christian and vertuous Princes, utterlie detesteth all such manner of pollicie, and houldeth it in great horror and abhominacion, and all those that would presume to give her anie such advise. But, contrariwise, (as she hath alway done hetherto,) soo intendeth she still, to doo the sayd younge King all the good she can, and to be in stead of a mother to him, and a meane to make him (yf his merites correspond^c) capeable for^d greater fortunes then anie of all his auncestors, Scottish Kynges, have bene, soo as he will be wise, and beare him self moderatelie in this discomforte of his, and not be willfull or ill advised against her Majestie.

And yct, peradventure, such desire were well to be warranted by worldlie pollicye, and yow have good authoritie, and also examples therof; for Alexander the Great (as the historie reportes) never thought him self sewer of Asia so longe as Ocus,^e younge sonne to^f Daryus, lived; nor Octavian^g the Emperour soo longe as Cesarius, his uncles sonne, lived; and manie other which it were pittie to remember, that have bene made away by that perswasion. And for autho-

^a surviving, Harl. MS.

^b is, Ibid.

^c correspondent, Cott. MS.

^d of, which was the original reading of Sir T. Winnington's MS. is that of the Harl. MS.

^e Ocius, Cott. MS.; as the younge sonne, Harl. MS.

^f of, Harl. MS.

^g Octavius, Ibid.

ritie yow have the sayinge of Sophocles, which the Prince of Polinices^a usurpeth,^b *Stultus qui natos occiso patre reliquit*; thinking it necessarie that the childrens authoritie and reputacion^c in a common welth should be abased, whose parentes had ether byn put to death or greatlie iniured by the state, namelie, a great follie to kill the parent first, and lett the child live for a revenge.^d These prophaine and ungodlie advises be not meet for^e good and godlie princes, nor be not here recited to that end that they should be followed,^f but to answeere ther obiections who saie that her Majestie had offred her that assurance^g which mans witt could possible by anie provision devise for her securitie, for they nether offred her Majestie the sayd Laydies younge sonne for an hostage, nor anie other thinge of suertie equivalent to her Majesties danger, as before hath bene debated at large.

For the rest of^h that is objected against her Majestie, that she should seme to entend by this accion of hers anie foyle or blemishe to the sovereigntie of forreine princes, or theⁱ defacing of principallitie, or that she hath opened anie gapp or passage to the contempt and preiudice therof in anie mans estimacion, or to the perill of ther^k persons, no man maie be so bould so to thinke of her entent, or iudg of her acte, but rather that she hath ment and wrought the contrarie, as honour, estimacion, credite, and assurance of^l all princelie maiestie, by reason she hath used her lawfull power and authoritie over one infortunate Princes, givinge a president to all others of the same degree, both to deale honorable and^m iustly with their peeres

^a In Sir T. Winnington's MS. this word was originally written "Policiens," and afterwards altered as indicated above. The Harl. MS. reads "Politicians."

^b useth, Harl. MS.

^c "should be disgraced and defamed" is here inserted in Harl. MS. and the subsequent words "should be abased" are omitted. ^d to revenge it, Harl. MS.

^e for a, Cott. and Harl. MSS.

^f recited that they may be followed, Harl. MS.

^g offered to her all the assurance, Ibid. ^h of omitted, Cott. and Harl. MSS.

ⁱ the omitted, Ibid.

^k other, Ibid.

^l to, Cott. MS.

^m "and exactly," not "justly," was the original reading of Sir T. Winnington's MS. and is that of the Cott. and Harl. MSS.

and honorablie to use ther owne iurisdiction and soveraigntie, with like iustice, in cases that maie by fortune and the^a consequences of tyme happen unto them selves; no man of anie meane discretion doubtyng, but that such majestie is more excellent, and more princelie and honorable, wher the soveraigntie is absolute, then that which maie be appealed from, and by anie higher or superiour will or puissance comptrolled. And soo it semeth that by Godes ordinance^b the people should be punished by ther Princes, and one Prince delinquent by an other, the superiour in armes allwayes prevalinge against his inferiour by Godes permission, and to^c which ende it may dutifullie be thought that God, when it pleaseth him, lendeth both armes and superioritie to manie,^d and that the greatest falltes should be aswell punished as the smalest, and the greatest persons as well as the meanest, at one tyme or an^e other, so as no cryme, for want of convenient meane, be dispunishable, and lacke chasticement, more in this life then in the leif to come.

Besides all this, yf her Majestie should have done otherwise then she hath,^f she should have heighlie^g offended God, and done an open wronge to her people and realme, soo as necessitie also in that part^h enforced her to take the present occasion lawfullie, and with good oportunitie to establishe, beside her owne suertie, Godes glorie, and the peace of her people, whom her Majestie had brought into so dangerous tearmes, as even now she saw before her eyes her owne death, alteracion of the trewⁱ religion, which her Majestie had planted, and the totall subversion of this state, to the dissolution^k of her realme^l and all her^m posteritie; right well knowinge of what disposicion the said Scottish Quene was toward her self, the religion, and the realme, and how much disproportionedⁿ to the forme of the

^a the *omitted*, Cott. and Harl. MSS.

^b ordinances, Cott. MS.

^c "unto" instead of "and to," Harl. MS.

^d men, Cott. MS.; man, Harl. MS.

^e an *omitted*, Cott. and Harl. MSS.

^f did, Harl. MS.

^g mightily, Cott. and Harl. MSS.

^h in that part *omitted*, Harl. MS.

ⁱ the trew *omitted*, Cott. and Harl. MSS.

^k desolation, *Ibid*.

^l people, Harl. MS.

^m their, *Ibid*.

ⁿ disaffected, *Ibid*.

state. Soo as yf ever she should ^a have taken her tourne in the succession, and come to the place wherunto she egerlie aspired, her Majestie might be well assured that she would have spared no advise,^b or unmercifull feate, to have accomplished her will, in revenge of her inprisonement, persecucion of the Protestantes, transformacion of the lawes, rightes, and usages of the realme to the appetite of strangers, whose forces and advises she would have used, and alwayes hath done, to that intent; which matter could not but have bene a verye hevy burthen to her Majesties conscience to see and knowe, and not to be willinge to prevent it, when her powers well served therunto, and that she might so well avouche it by a iust and lawfull cause geven by the said Scottish Quene, and with a most marvelous occasion and good oportunitie put^c it in execution;^d soo as her sayd subjectes case was verye lamentable, beyng not ignorant that she her self had bene first author to leade her sayd people into all these dangers, whom,^e by her ordinance and authoritie, she made^f Protestantes, alteringe their^g religion which she found them in, what tyme God cast upon her the regall right and administracion of this crowne; the same beyng at that tyme reduced to the obedience of the Roman Church, from whose usurped authoritie she would needes seeme to rescue them, gevinge them the exercise of the trew doctrine of the Gospell, and restoring them to the freedome of their consciences in that behalf; which^h forme of religion, nevertheles, being repugnant to that of the greater parte of Cristiandome besides, they could not be butⁱ assured of all the hatred and malltallent of their most mightie neighbours, and others not imbracing the same religion, soo as yf they persevered in it, they were sure of man's displeasure, and yf they fledd from it of Godes wrath and indignacion. For yf

^a could, Cott. and Harl. MSS.

^c to put, Cott. MS.

^e when, Cott. and Harl. MSS.

^g the, Ibid.

ⁱ but *omitted*, Ibid.

^b devise, Ibid.

^d put it in execution *omitted*, Harl. MS.

^f made them, Ibid.

^h this, Harl. MS.

her Majesties religion were the trew, and accordinge to Godes word (as we all believe), then should it be a great stinge to her Majesties conscience to let it be abandoned, and left to abolicion, by such a successour as the Scottish Quene, who with all extremitie of sword and fyer would seeke to exterminie it quite. On thother syde, yf the same religion were not the trew, nor warraunted by the word of God, no lesse burthen to her conscience to have induced and established yt. So as it may now be demanded by her Majesties subiects, whether it could stand with her^a iustice to leave them in this plight, or how she could^b acquite her self of her oathe to God and the realme, and of the dutie of a noble governour, to shew her self carcles of their preservacion whom she alwaies had found so loyall subiectes, and havinge soo faithfullie honored and obeyed her in all respectes.

But when we have sayd all we can, and maintayned our cause by the rule of right and wordlie [*sic*] iustice, and by the honour of armes and curtesie,^c and everye other way, what avayleth our iustificacion and defence, yf by Godes law yt be not^d defended? For what can be well done by man that is not by the direccion of his commandement, or tollerable without his permission, or honorable that should anie waie redound to his dishonour? We will therefore cleave to that as unto our strongest argument and principall pillar of all her Majesties defence. He sayeth, "Thow shalt not kill," and that "Whosoever spills blood, his bloud shalbe spilt;" but the Scottish Quene hath sought to take awaye her Majesties lief, and bene cause to spill manie of her subiects bloudde, which cried upon him for ther revenge. Againe, "Thow shalt not touche myne annoynted, nor laye anie violent handes upon him;" but the Scottish Quene conspired with her Majesties subiectes to have her^e murdered in the feild, in the chamber, in her bedd, with daggers, with pistolls, with poyson, or anie other waye. Againe, "Thow

^a her Majesties, Cott. and Harl. MSS.

^b could *omitted*, Harl. MS.

^c conscience, Harl. MS.

^d cannot be, Cott. and Harl. MSS.

^e have had, *Ibid.*

shalt obey the superior power as sent by God." The Quenes Majestie was not onlie an annoynted Prince, sent by God for the government of this^a realme, but was also the said Ladyes superior in power, and soveraigne protectour whiles she remaned in this realme, whom the said infortunate Ladie not onlie disobeyed, but also by violence sought her supplantacion, and her^b death; her Majestie hath repaied her^c with death, and done her^d no wronge. It is sayd agayne, "Such measure as yow meate, such^e shalbe moten unto yow," either gevyng us warning to deale streightlie and uprightlie with our conversauntes, or after a manner dispencinge with some evell retribucion in this wourld to such as doo other wise; and yf at anie mans handes, at thers cheiffie who receive the wronge. The Scottish Quene, for her iniurious^f and bloodie attempts against her Majestie, her owne blood is spilt ageine; she hath therefore her iust reward, even by the sentence of God. And yf she her self hath bene the cause of it, no reason to make [it^g] her Majesties blame, nor scandall to the world, nor offence to God. It is said agayne, "Doo to thy neighbour as thow wouldest be done unto;" her Majestie hath done right and iustice to the sayd Quene, and never refused to have right and iustice done to her self; she hath consented to her death; so would she have bene contented to receive death at her handes yf her Majestie had bene within the dominion of Scotland, and the said Ladie her protectour and soveraigne, yf her Majestie had offred ingratitude, iniurie, and murther to the sayd Scottish Quene. "How know yow this?" saie they. Forsooth because her Majestie never yet offered anie such wrong to the said Ladie, nor to anie other creature, otherwise then^h death to such as deserved it by the iustice of her lawes, and not by violence orⁱ practize, but by forme of iustice, and to fewer by manie

^a the, Cott. and Harl. MSS.

^c it, Cott. and Harl. MSS.

with it, Harl. MS.

^g Ibid.

ⁱ and, Ibid.

^b her *omitted*, Harl. MS.

^d her *omitted*, Ibid.

^f injuries, Cott. and Harl. MSS.

^h then by, Ibid.

then deserved yt, whom she hath rescued by her princelie mercie and benignitie. Can ther be anie better profe of her Majesties will then abstinence from the fact which she might so manie tymes and so esilie have performed, yf she would? No, verilie; for wher power is, and will wantes not, ther is no impediment why the purpose should not take effect, beynge^a a trew maxime in reason:— “*Quod possumus et vellimus*^b *parum abest quin fiat;*” her Majestie had puisaunce to put her to death every hower, she had cause to move her, she did it not, because she had no will to do it. Yf she nether did it, nor for^c her noble and most mercifull nature would^d doo it^d when she might, then hath her Majestie preciselie observe^d that law, and can iustifye her self verie well. For she hath not done otherwise to the said infortunate Quene, then her Majestie would have bene contented to have had the same Quene done^e to her, in case she had bene superiour in puisaunce to her Majestie, and had so^f sore abused and offended^g her in the place of her greatest honour, soverigntie, and iurisdiction, and by so manie good tournes and gratitudes bene^h obliged to the same.ⁱ But yf her Majestie have done the Scottishe Quene to die, and were^k more then her Majestie would be contented she should have done to her (every mans owne leif is so deare to him, as all men might reasonablye be suspected of parciallitie in that behalf) yet hath her Majestie done to the Scottishe Quene as the Scottishe Quene would have done to her, and no more, nor no^l otherwise, but a great deal lesse, since the said Ladie (yf her practizes might have^m prevailed) would, without anie law or iudgment, have had her Majestie murdered, whereas her Majestie, having the power of the law civill, and also of

^a for it is, Harl. MS.

^b *volumus*, Cott. and Harl. MSS.

^c not for that, Cott. MS.

^d if she neither did it, because her noble and most merciful nature would not do it, Harl. MS.

^e do, Ibid.

^f so *omitted*, Ibid.

^g and offended *omitted*, Ibid.

^h was, Ibid.

ⁱ to the contrary, Ibid.

^k if her Majestie hath put the Scottishe Quene to death, and which were, Ibid.

^l no, Cott. and Harl. MSS.

^m had, Harl. MS.

armes, in her owne handes, would not so doo, but rather have her die by the iustice of the lawes of the realme, then by extraordinarie violence. Soo as her Majestie hath not infringed nether Godes law nor the law of nature and reason, for she hath not otherwise done then that everye other prince of the worlde would have done in the same case, and have done infynite ages before, and will not refuse to doo whiles the world contineweth,^a that is, rather to kill then to^b be killed. Which universall consent and uniformitie of mans opinion and will, though yt be not properlie a justifyinge law, nor altogether not a law, for [yet?] that which^c all men, or the wisest and most worthye, allow, is^d to be taken for honest and good, and that which^e all, or the wyser and the worthiest sort of men affirme, is taken for trew.

This generall concurrence of myndes in the thinges concerning mans conversacion, is a sure and infallible methode and rule of mens accions, because it hath bene observed in all ages, by all nations approved, in all places of the world exercised, and now^f giveth sentence on^g her Majesties syde by^h example; for Davide, the holiest of Kynges, put Kynges to death; Solomon, the wisest of Kynges, did soo too; Alexander, the most gloriouse, and seekinge by all his accions honour and fame, did the like, and feared notⁱ therby anie^k infamy; Octavian^l and Marcus, the most mercifull Emperours, did no lesse, and infinite others. So would anie Christian prince at this day have done, not exceptinge the Catholick Kinge, of all them that live most renowned for patience and moderacion, nor the French Kinge, a most benigne and honorable prince. For when his Imbassadour Marishall Deretes,^m coming into this realme to informe her Majestie of the Kinges successe in that

^a stands, Harl. MS.

^c which *omitted*, Ibid.

^e with, Ibid.

^g for, Cott. MS.; against, Harl. MS.

ⁱ not *omitted*, Harl. MS.

^l Octavius, Ibid.

^b to *omitted*, Cott. and Harl. MSS.

^d it is, Ibid.

^f none, Harl. MS.

^h for, Cott. and Harl. MSS.

^k no, Ibid.

^m Decreet, Cott. MS.; D'Estree, Harl. MS.

blouddie massacre done at Paris against the admirall Chastillion and other the^a protestantes, beyng asked the question by the gravest counsellors of this realme, how yt could stand with his Master his honour to consent to such a cruell acte, Quod he ageine, " I praye yow tell me what the Quene your Mistress would have done, yf she had bene^b in the like case, beyng disobeyed, bearded and defaced, by her owne subiectes as my Master was? *Ad quod non fuit responsum*; for yt semes an argument impossible to be refuted, as of more force then^c the posicion^d of anie acte or law, that anie man should be reprehended for the fault which the reprehendour, beinge asked the question upon his conscience, could not denie but that he himself would have done the same, [yf the like occasion or cause had bene geven him. And so it apperes by good reason, that whatsoever we be generallie perswaded to be tollerable in our selves, and that we would doo, and that an other and an other infinitelie would doo and have done the same^e], and those not of the meanest and most ignoraunt, but of the best and wisest sort of men, that such universall accord of mans appetite and opinions apperinge in the usage of our conversacion should in all respectes reteigne the force and equitie of a law, so farre furth as anie other ordinaunce or constitution of man. And that such example growinge out of our owne willes,^f and beyng bred in our fleshe and bloud, used and tollerated by man, I^g maie in no wise thinke it straunge or horrible; for whatsoever all mens iudgmentes approve^h ought to be deemed good, and yf it should be reckoned a fault or fraieltie inⁱ man, is yet inseperable from our nature whiles we live in this tempestuous world, and beareth soo^k great a swaye over the accions of the children of men, as^l yt is found that the law of God yt self doth

^a the omitted, Harl. MS.

^c then all, Ibid.

^e the passage between brackets omitted, Cott. and Harl. MSS.

^f wittes, Cott. MS.

^h allowe, Ibid.

^k bear as, Harl. MS.

^b "yf she had bene" omitted, Harl. MS.

^d positions, Ibid.

^g we, Cott. and Harl. MSS.

ⁱ of, Ibid.

^l but, Ibid.

often tymes, and in manie cases, dispence with such manner of fraielties as tend to the universall benefite of mankynd and manteinaunce of the civill societie, using a marvelous myld, and gentell tolleracion of them, knowinge what^a we be, where our lief and conversacion is to continew at his appoyntment, what our wekenes is, and the manifould impedimentes of our perfection, and for spetiall regardes importynge the universall comfort of man. And, by the same rule, to everye severall common wealth and worthy corporation, wher the greater good is preferred before the smaller, the generall before the spetiall, and the cases of necessitie before those that be not necessarie, the future good that lasteth longe before the present of littell durabilitie, God him self suffringe some few evelles to preferre manie goodes, accordinge to the saying of Jason Thesalus, *Oportet nonnulla facere iniuste ut plurima faciamus iusta*; as, thankes be to God, in her Majesties behalfe yt is not, but yf yt had bene, were sufficientlie avouchable for the causes aforesaid.

Soo is not her Majesties conscience, nor yet her honour, anie wayes to be ympeached for this^b facte, but ar in all respectes entyrelie^c saved, and by the trouthe yt self defended.^d And all that hath bene recited of^e the said infortunate Ladies behaviour, and of her Majesties proceedinges in this affaire, is trew. What would yow more? Ether yow must believe it, or give me leave to hould my peace; for trouthe beyng the onlie iust^f measure of all thinges, with our opinion in the defence of trouthe it self ther is a certayne measure to be used.

^a that, Cott. and Harl. MSS.

^c entyrelie *omitted*, Ibid.

in, Cott. and Harl. MSS.

^b in that, Harl. MS.

^d sufficiently defended, Ibid.

^f true and just, Harl. MS.

FINIS.