THE POLITICAL WORKS OF JOHN LESLEY, BISHOP OF ROSS
(1527-96)

Margaret J. Beckett

A Thesis Submitted for the Degree of PhD
at the
University of St. Andrews

2002

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The Political Works of John Lesley, Bishop of Ross (1527-96)

Margaret J. Beckett, M. A. (St Andrews)

Thesis submitted for the degree of Ph.D.

University of St Andrews

2002
Declarations

I, Margaret Beckett, hereby certify that this thesis, which is approximately 100,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date: 26.2.02 signature of candidate: [signature]

I was admitted as a research student in October 1994 and as a candidate for the degree of PhD in October 1995; the higher study of which this is a record was carried out in the University of St Andrews between 1995 and 2002.

Date: 26.2.02 signature of candidate: [signature]

I certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of PhD in the University of St Andrews and the candidate is qualified to submit this thesis in application for that degree.

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John Lesley saw himself as a humanist, devoted to the common weal and especially to his Queen; to others he was ‘a busie man’, ‘seed-man of all treasons’. Educated in the Renaissance Scotland of James V and trained in France for a career in the law and the Church, he was ‘a great doer’ with Queen Mary and, briefly, at the heart of government in Scotland, as Lord of Session, Bishop and trusted Counsellor. In 1568 his priorities were transformed. Charged with defending Mary’s innocence at York and her interests at the court of Elizabeth, he failed to secure her rehabilitation in Scotland or her release from England. What he could not do in court by his pleading he attempted to do, covertly, by his pen, in an attempt to convince the English nobility and the Spanish King that Mary was Elizabeth’s natural heir, in no way disqualified by her own character and conduct or her gender or by English laws of succession. These three topics and Lesley’s handling of them are discussed in Chapters Two to Four. Chapter One uses his own, often mutually contradictory, accounts of these years to indicate the circumstances in which his polemic, and the Histories discussed in Chapter Six, were composed. Chapter Five argues that A Treatise of Treasons should not be ascribed to him. In the past century, Lesley has attracted little notice, usually overshadowed by stronger or more flamboyant characters; from his writings, Mary’s ‘learned and most faithful servant’ can appear to have the consistency of a chameleon. This study is concerned with his political works, in Latin, Scots and English; it tries to explain those discrepancies which it cannot reconcile, and to examine Lesley’s ideas, and their influence, on political issues which included resistance, union with England and the rights of women.
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ACKNOWLEDGEMENTS

On Founders and Benefactors Day it seems especially appropriate to thank those in St Andrews, and beyond, who have made this study possible. My first thanks should go to Roger Mason. I have learnt much from his linguistic sensitivity and the clarity of his insights into the political culture of sixteenth century Scotland. Few can make a point so incisively; fewer who can would have been so patient with the presentational problems of a novice on the word processor. But my debt to St Andrews goes much further back. One of the pleasures of returning to the academic community was that Ronald Cant and Robin Adam showed as much interest in my postgraduate studies as they had fifty years earlier; the former was an inexhaustible source of information on Lesley’s Scottish roots, and the latter of notes with archival references concerning Lesley’s lands in Ross. I owe much to each – and to a later generation of St Andrews scholars. A year in the Institute of Reformation Studies was an education in the possibilities of co-operation and inter-action between students and scholars of all ages and geographical backgrounds, from Eastern Europe to America. Stephen Alford generously introduced me to the Mildmay Archive in Northampton; Lisa Ford, Christine Linton, Pamela Ritchie and Sandy Wilkinson have provided me with much food for thought over the years, as, predictably, have John Guy, Andrew Pettegree, Bruce Gordon and Nicola Royan. Christine Gascoigne has been wonderfully generous with her expertise in discussing the sixteenth-century texts in Special Collections and in searching out those which bear the often sardonic comments of Hay Fleming, their previous owner. My heartfelt thanks, too, to John Ball, and those at the I.T. helpdesk who have cheerfully given me more help than one student among thousands has any right to expect.

Furth of St Andrews, I have been the beneficiary of many kindnesses from scholars who will probably recall them less clearly than I do. Michael Lynch, Jane Dawson and Julian Goodare offered early pointers when they were most needed, as did Marie-Claude Tucker, in Bourges, who put me on the trail of David McNaught Lockie; my indebtedness to him will be evident in almost every chapter. John Durkan rightly urged me to go to
Douai, where I found well-informed help from Mlle Petit-Jean and warm hospitality from Mme Nicole Corteel and members of the William Allen society there. Mark Dilworth, Abbot of Fort Augustus, gave wise advice and photo-copies of letters in Lesley’s hand to Ninian Winzet and others. Janet Hadley Williams, in Australia, has been an unfailing source of encouragement and practical help. I am glad to acknowledge, too, advice over particular issues from Melanie Barber in Lambeth Palace Reading Room, Michael Frost in the Library of the Inner Temple, and Dr McKittrick in the Cambridge University Library.

It was a privilege beyond price to enjoy the hospitality of many friends in pleasant places within easy reach of England’s great libraries. Time and again, Jo and Bob Reid have enabled me to spend many days in the BL, the Inner Temple, and Lambeth Palace. Katy and Philip Hobson provided a hospitable base for Cambridge University Library, as did Patricia Kelly, Bennie and Roger Pierce, and Jo and James Waterfield for the Bodleian. Rory and Margaret More o’Ferrall have enabled me to take advantage of the Libraries of Trinity College and Narcissus Marsh in Dublin. In Brussels, Jim and Becky Eadie not only made possible visits to Louvain but indefatigably applied the resources of modern technology to an attempt to trace Lesley’s last resting-place. Pamela and Michael O’Hagan gave me an unforgettable introduction to the aesthetic as well as the academic delights of the Huntington Library in Pasadena.

To them all I am deeply grateful - and above all to George and Davina Huxley for not only providing a home from home, whether in Belfast, Athens or, latterly, Oxfordshire, for close on half a century, but also putting on hold their own academic projects while they read what Lesley would have termed ‘ruid and unlernit’ proofs. To them, and to David, Fran, Neil and Paul, my thanks may be less effusive than Lesley’s but they are probably more sincere - as is my gratitude to my parents, Jean and Paul Beckett, for valuing the education of their family more highly than what to-day would be considered necessities for themselves.
### List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>APS</td>
<td>T. Thomson and C. Innes (eds), <em>Acts of the Parliaments of Scotland</em> (Edinburgh, 1814-75)</td>
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<tr>
<td>BL</td>
<td>British Library</td>
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<tr>
<td>CSP</td>
<td><em>Calendar of State Papers</em></td>
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<tr>
<td>CSP Scot.</td>
<td>J. Bain et al. (eds), <em>Calendar of State Papers relating to Scotland and Mary Queen of Scots 1547-1603</em> (Edinburgh, 1898-1969)</td>
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<tr>
<td>CUL</td>
<td>Cambridge University Library</td>
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<tr>
<td>DNB</td>
<td><em>Dictionary of National Biography</em></td>
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<tr>
<td>EHR</td>
<td><em>English Historical Review</em></td>
</tr>
<tr>
<td>EUL</td>
<td>Edinburgh University Library</td>
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<tr>
<td>HLQ</td>
<td><em>Huntington Library Quarterly</em></td>
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<tr>
<td>IR</td>
<td><em>Innes Review</em></td>
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<tr>
<td>PRO</td>
<td>Public Record Office</td>
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<tr>
<td>SHR</td>
<td><em>Scottish Historical Review</em></td>
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<tr>
<td>SHS</td>
<td>Scottish History Society</td>
</tr>
<tr>
<td>STS</td>
<td>Scottish Text Society</td>
</tr>
<tr>
<td>UBHJ</td>
<td><em>University of Birmingham Historical Journal</em></td>
</tr>
<tr>
<td>Anderson, <em>Collections</em></td>
<td>J. Anderson (ed.), <em>Collections</em> I-IV (1727)</td>
</tr>
<tr>
<td>Lockie, ‘political career’</td>
<td>‘The political career of the bishop of Ross, 1568-80’ in <em>UBHJ</em> IV</td>
</tr>
</tbody>
</table>
Mason, *Kingship* *Kingship and Commonweal* (1998)

Scott

*Bibliography of works relating to Mary 1544-1700*

Southern, ERP

*Elizabethan Recusant Prose 1559-1582* (1950)

Works ascribed to John Lesley (or Leslie). Full titles can be found in Appendix I.

*Defence, Books I, II and III, 1569, A Defence of the honour of the ... princesse Marie, with a declaration as well of her right, title and interste to the succession of the crowne of Englande, as that the regiment of women ys conformable to the lawe of god and nature*- imprinted at London, by Eusebius* *Dicaeophile, 1569.* Three parts in one volume, 148 ff. continuous pagination. Unless otherwise indicated all references are to this edition.

*Defence* The composite volume of all three books

*Defence I* Book I of the above

*Defence II or Succession Treatise* Book II of the above

*Defence III or Women’s Rule* Book III of the above

*Defence, Books I, II and III 1571 A Treatise concerning the defence of the honour of the noble princesse Marie ... 1571.* Second edition of the *Defence of 1569*, also in three books, but attributed to ‘Morgan Philippes’

*RTI* *Right, Title and Interest, 1584.* A revised edition of Book II

*Copie of a Letter* *Copie of a Letter writen out of Scotland, by an English Gentleman of credit and serving ther, unto a frind and kinsman of his ... that desired to be*
informed of the truth ... of the slaunderous reports made of the Quene of Scotland

Diary

*The Diary of John Leslie ... April 11 - October 16*

1571 printed in the Bannatyne Miscellany, III, 111-57

Discourse

*A perfect accompt given by J. Lesley ... of his whole charge and proceeding ... September 1568 to the 26th of March 1572, printed in J. Anderson, Collections, III, 1727*

**Historie, 1570 -**

*The history of Scotland from 1436 to 1561. Bannatyne Club, ed. T. Thomson, 1830*

**Cody I, II,**

*The History of Scotland, 1578 ... translated in Scottis from the Latin of ‘De origine, moribus et rebus gestis’ (Rome, 1578) by J. Dalrymple, ed. Cody and Murison (STS, 1888 and 95)*

**Libri Duo**

*Piae afflicti animi meditationes divinaque remedia (1572) & Tranquilatatis animi praeservatio (1573). Original copies in Lesley’s hand, printed, with additions, in Latin (1574) and French (1590)*

**Oratio**

*J. Leslaei ... pro libertate impetranda oratio. Ad ... Elizabetham Angliae reginam, Parisiis, 1574*

**The Case**

*The case of the Bishop of Ross, Harleian Miscellany, II (1744)*

**The life, 1596**

*Life of John Lesley in Anderson, Collections, III (1727)*

**T. of T.**

*A Treatise of Treasons*
INTRODUCTION

Whiles he did rule the public state at home
He was renowned; now by his books set forth
Hath greater glory and renown in Rome.¹

Many Scots of doubtful parentage have made their way in the world through their own exertions. For some before the Reformation the path to advancement was through the broad basis of an Arts degree from Aberdeen, Glasgow or St Andrews, followed by years of further study on the continent which could fit a man for a career in the lay professions or, if he could secure a dispensation ‘notwithstanding defect of birth’, in the Church. Relatively few have combined the roles of lawyer, cleric, counsellor, conspirator, diplomat, polemicist and historian; fewer still have attracted praise and vituperation in almost equal measure when alive, and neglect when dead.

The verse above, part of the tribute to Lesley by his outspoken and by no means sycophantic friend, Ninian Winzet, distinguishes between two aspects of John Lesley’s many-sided career, between what he did, in Scotland, and what he wrote, abroad. Lesley’s early career was creditable but not unparalleled: professor of civil and canon law and Official in Aberdeen, then judge (as Lord of Session) in Edinburgh, he was admitted to the inner circle of the Queen’s counsellors only after the flight of Moray to England in 1565; the Privy Council records show that, as Bishop of Ross, he was one of its most regular attenders, and the Acts of Parliament of Scotland attest that he initiated the project to codify the Laws.² But in 1568 he entered a wider arena: summoned to England to represent Mary at her ‘trial’ that year, and thereafter at the court of Elizabeth, he became highly active on the periphery or at the heart of intrigue for the next five years; his books, directed to the same end as his diplomacy, were considered sufficiently dangerous to be banned in England and in Scotland. Impounded copies were read with keen interest and anger by the English Council, and were often mentioned in State Papers over a period of more than fifteen years. As late as 1584, Burghley seems to have

¹ The verse in Latin, over the initials N. V., precedes Lesley’s Latin History of Scotland, De origine ... (Rome, 1578). This translation is from an unsigned and unattributed manuscript in the Archives Municipales in Douai.
commissioned the Somerset Herald of the day to refute Lesley’s most reprinted work, and Walter Mildmay not only obtained a manuscript copy of the substantial ‘Answer to Ross’s Book’, but annotated it in his own hand. Clearly Lesley’s works were not negligible, and by his contemporaries they were not neglected.

Yet his books, though in some cases reprinted during his own lifetime, and, in part, by such eighteenth-century antiquarians as Anderson and Jebb, have received little notice since, despite Anderson’s comment in 1727 on the value of his writings in defence of Mary Queen of Scots: ‘The two chief as well as first antagonists in that controversy were Lesley Bishop of Ross and Buchanan, both men of great abilities, famous for their learning and ingenious works and themselves deeply engaged in the transactions of their times’. His Historie written in Scots for Queen Mary in 1570 was not printed until 1830, and his more ambitious Latin History, republished once in 1675, was not published in English until 1888 and 1895 in a two-volume translation which is marred by confusion between key concepts such as ‘state’ and ‘nobility’, and by several inaccurate statements by its first editor, Father Cody. Since T. F. Henderson’s entry in the DNB a century ago I am aware of only two articles devoted specifically to Lesley, though others touch on him, or on one of his books. First in every sense, the admirable article by D. McNaught Lockie in 1953 on ‘The political Career of the Bishop of Ross 1568-80’, based largely on State Papers and on Lesley’s correspondence, focuses, as its title promises, on the bishop’s strictly diplomatic activities. Half a century later Lockie’s article stands in little need of revision; indeed it will be shown that many of his comments on Lesley’s activities can be justified also by the tone and content of the bishop’s writings. I am immensely appreciative of David Lockie’s encouragement, and of his generosity in giving me the materials which he intended to be the basis for a second

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3 Touching the Right, Title and Interest ... of Marie Quene of Scotlande to the succession of the crowne of England had been first published anonymously in 1569.
5 J. Anderson (ed.), Collections relating to the History of Mary Queen of Scotland. 4 vols. (Edinburgh, 1727), I, iii.
6 E.G. Cody, Abbot of Fort Augustus edited, and greatly improved, a translation into Scots of Lesley’s Latin History completed by a monk of Ratisbon, Dalrymple, in 1596. Dalrymple’s manuscript is
article which would show that another of Lesley's writings, in translation, 'was to be found in all the great libraries of Europe'. That article was never written, nor has any evaluation been made of Lesley's works as a whole. Equally scholarly, though much narrower in scope, is a primarily bibliographical article by Pamela Robinson; this is concerned with two of Lesley's works written to offer Mary spiritual comfort. More relevant to a study of one of Lesley's political writings are those passages in Amanda Shephard's *Gender and Authority* which put into the context of 'The Knox Debate' Lesley's book on *Women's Right to Rule*. My debt to her will be clear from Chapter Four, as will the use I have made of those articles by Mortimer Levine, Marie Axton and Geoffrey Parmiter which touch on the *Treatise on the succession*. But there appears to have been no attempt to consider the works of Lesley in relation to each other, in the context of Scottish political ideas current in his time or of his own fluctuating political or personal fortunes. If Lesley's works had been the subject of more critical study, the misconceptions surrounding at least one of those usually attributed to him could hardly have remained current.

This study is an attempt to examine the content and the context of the political writings of one of the most versatile, ingenious and intellectually gifted Scotsmen of his age, to whom, in the opinion of Hume Brown, 'the highest place among the [Scots] Catholic writers of the period undoubtedly belongs'. A cursory reading of Lesley's works will show apparent inconsistencies and contradictions. One of the objectives of the present study is to explain those discrepancies which it is impossible to resolve. Another

marred by some grotesque faults in translation, even of dates, and he wisely made no attempt to render into Scots the tributes by, and to, Lesley which precede the *History*.

7 D. McNaught Lockie, 'The political career of the bishop of Ross, 1568-80', *University of Birmingham Historical Journal* IV (1953) 98-145.

8 P. Robinson, 'John Leslie's "Libri duo": Manuscripts belonging to Mary Queen of Scots?' in R.C. Alston (ed.), *Order and Connexion* (Cambridge, 1994.) I am grateful to Dr Priscilla Bawcutt for drawing my attention to this in advance of publication.


10 P. Hume Brown, 'Renascence and Reformation in Scots Literature', in the *Cambridge History of English Literature* (Cambridge, 1932) III, 154-5. Confidence in Hume Brown's verdict is, however, diminished by his subsequent reference to the bishop's 'natural equabity of temper', which suggests that his familiarity with Lesley's works stopped short of the prefaces to the *Negotiations* and to the *Histories*.
is to trace the intellectual influences, as well as the political pressures, on this hybrid cleric who was, intellectually at least, very much more than the ‘time-serving flatterer’ which Andrew Lang took him to have been. A third and most important aim is to examine those ideas which, whether they are original to Lesley or assimilated and adapted by him, recur in his thinking in such a way as to influence his contemporaries or their descendants. This will entail considering whether his ideas concerning politics, religion and history were in any sense ‘all of a piece’ or whether they were devised for the needs of the moment by a lawyer and man of affairs to justify or rationalise a course of action already taken, or to counter that advocated by his opponents. How radical, how consistent, and how influential, were his views on the central political issues of the day – on the nature of kingship in Scotland and the record of its most recent Queen; on relations between crown, nobility and people, and the legitimacy of subjects withdrawing their allegiance from their rightful sovereign; on relations between Scotland and her neighbours; on prospects of union with England for its own sake, as distinct from enhancing - or transforming - the political prospects of Mary Queen of Scots?

This study is restricted to Lesley’s political works. But the limitation does not drastically narrow the field. Father Cody, in the introduction to his edition of Lesley’s second Historie goes so far as to say ‘All Bishop Leslie’s writings were in object – when not also in subject – political, and his politics were summed up in the maintenance of the cause of Queen Mary and the Catholic religion in Scotland’. This broad-brush approach needs some refinement. It will be argued in Chapter Six that in this sentence Cody says both too much and too little, but it can be granted that in most cases Lesley’s books and actions were infused with one and the same purpose, though with differing priorities. His books are ‘diplomacy by other means’: most of the works intended for publication were in some sense political. (We must, however, except his devotional writings or meditations written for Mary’s private consolation, the funeral tribute to Mary sometimes attributed to him, the Oratio to Elizabeth, apparently written for personal rather than political advantage, and the prolific and often revealing
correspondence between Lesley and his friend Ninian Winzet and those in a position to help Lesley's cherished project of restoring the so-called 'Scots' monasteries in Bavaria). Some short accounts of Lesley's life and Mary's will be referred to insofar as they diverge from, or corroborate, his own statements concerning his life; such material may be crucial to an understanding of the political works which form the centre of this study.

Chapter One, though entitled 'Biography', is not intended to provide a complete account of his life. Its purpose is two-fold: to show the circumstances in which Lesley's major works were written, and secondly to examine his three biographical writings in relation not only to each other, but also to evidence which does not depend on Lesley himself. Lesley's own accounts, though frequently unreliable, are none the less valuable for that. Often the question is not whether he is telling 'the truth' but why he is suppressing it - a matter of particular interest, since he explains in his preface to his first Historie that without his contribution 'other nations could write at their pleasure, often beside the truth'. Scots historians of the post-Reformation years are not noted for a spirit of rational disinterested inquiry, but here Lesley, unlike Buchanan or Pitscottie, appears to be searching for the truth, as he sees it, rather than defending a case. But it will be clear from the dedicatory epistles which precede his Histories that he could not have endorsed the principle professed by of his younger English contemporary, Camden: 'The Love of Truth, as it hath been the only incitement to me to undertake this work; so it hath also been my only scope and aim in it'. Love of truth, it will be argued, was not Lesley's primary motivation behind the books which are the subject of Chapters Two to Four. How far Lesley's Histories were driven by a political agenda will be considered in Chapter Six.

11 Cody I Introduction xvii.
12 I am most grateful to Father Mark Dilworth for making available to me his transcripts from the Letter Book of the Dukes of Bavaria (Munich, Hauptstaadtsarchiv, HL Regensburg, 43a). They are now lodged in the Scottish Catholic Archive in Edinburgh and provide a salutary reminder that Bishop Lesley, despite the dismissive comments of his critics, was not a purely political animal.
Chapters Two to Five are concerned not with truth but with polemic. Of the four books with which they are concerned, all were, in effect, anonymous; the first three, though initially published between the same covers, justify Mary’s claim to the English succession in very different ways, and were significantly revised in successive editions; they raise the question of how far changes in tone and content are due to developments in Lesley’s thought, and how far to his changing personal and political circumstances. But it will be argued in Chapter Five that the provocative Treatise of Treasons, which internal and circumstantial evidence shows to have been written unquestionably at different times and almost certainly by different hands, ought not to be ascribed to Lesley alone, as it is by Southern and in most British libraries.

The title-page of Lesley’s proudest achievement, his Latin Historie, describes its author as Lesleaus, Scotsman (Scoto) Bishop of Ross (Episcopo Rossensi). Yet this Scot who spent just over half his life, and less than a third of his active career, in his native land, had, as an author, several identities. One can perhaps discount his claim to Cardinal Caietano: ‘this [Latin History] of mine is not so much Scottish as Roman for, though conceived before, it has grown to its birth in these last months in Rome’. In Rome he had no intention of disclaiming his identity. In France, where he spent at least twenty years of his life, he translated several of his writings into French, though making no attempt to conceal his Scottish origins. But in England he normally wrote in the character of an Englishman and went to considerable pains to disguise his authorship of the three books published, in 1569 anonymously, and two years later under the pseudonym ‘Morgan Philippes’; his friend and physician Dr Good(e) was enlisted ‘to

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15 Lesley, De origine (Rome, 1578), title page. The full title, as of all Lesley’s books, will be found in the Bibliography.

16 For example, the treatise on the succession published as Du Droict et Tiltre (1587), and the Libri Duo, also translated from Latin into French (Rouen 1590).
turn into English’ anything which might reveal Lesley’s Scots identity.\(^\text{17}\) Of the works considered below, only his first *Historie*, of 1570, is written in Scots.

The revision of his work by others, and the circumstances in which it was printed, has implications for his style. Inconsistencies in this respect were for C.S. Lewis the most striking feature of Lesley’s writing; the point is forcefully made in a passage which refers only to the Scots *Historie*: ‘Where Lesley is on his mettle, as in his dedicatory epistle to his History, he shows himself to be a writer of the new school and in that kind, very good. This manner [‘of a judicious classicist’] is, however, hardly maintained after he gets to business; his narrative is free from rhetoric and not very typical either of the medieval or the humanist style of history’.\(^\text{18}\) There were reasons why, in 1570, rhetoric was not appropriate for his ‘simple and ruid’ collection.\(^\text{19}\) His Latin history, *De origine*, was consistently more mannered and more polished than the vernacular one which preceded it, just as the 1584 edition of his *Right and Title* was more finished, as regards style, than the original version first published in 1569; the first edition was preceded, probably at Lesley’s insistence, by a printer’s apology for ‘little light faults against orthography’ and other imperfections. The differences have implications for the attribution of works to Lesley on grounds of style and, as will be demonstrated in Chapter Five, undermine claims made in Southern’s invaluable *Elizabethan Recusant Prose* for the *Treatise of Treasons*.\(^\text{20}\)

There seems little merit in quoting Lesley’s words as they were printed where they differ markedly from the form in which they were written; through no fault of the author’s, the same word may be spelled in three different ways in one sentence. Therefore quotations from the three books published in 1569 will be modernised. To quote the sometimes bizarre circumlocutions, additions, or mistranslations by Dalrymple seems equally unhelpful. His translation of the Latin *History*, as edited by Cody or

\(^{17}\) Lesley acknowledged Good’s assistance only in respect of his account of his *Negotiations* and *The Defence of the Honour*. But he was not always punctilious about recording his use of what would today be called the intellectual property of others.


\(^{19}\) As Lesley described it in his dedicatory epistle to Mary, in 1570.

towards the end by Murison, will be modernised and amended when necessary, and page
references to both English and Latin versions will be provided in the footnotes. But the
quotations from Lesley's Scots *Historie* will use his own words; in the 1570 narrative,
despite some textual puzzles, there has been no intermediary to distort or obscure the
author's meaning.

The name on the books considered here is variously spelled Leslaeus, Leslie, or
Lesley. All were in common use. But because the form 'Leslie' is to be found only in
those of the bishop's works which have been translated by others, it seems preferable to
use the name which he himself uses in his authentic, Scots, *Historie*. In the text he will
appear as Lesley, although references to him by others will be rendered as they were
written.
CHAPTER ONE

Biography of John Lesley (1527-96).

Even the most careful accounts of Lesley’s life contain unexplained discrepancies for which he himself is largely responsible. The primary sources, his own writings, official records, and material in the works of his contemporaries, are often mutually contradictory, for reasons which are not always immediately apparent. Of his books, only three are in form autobiographical. Although fulsome praise of his abilities and achievements can be found in his Historie, 1 the Paralipomena 2 and the Relatio, 3 those of Lesley’s writings which are primarily biographical are, for different reasons, limited in their scope; of these, two were written in captivity in England. His Discourse conteyning a perfect accompt given to the most virtuous and excellent Princesse Marye Queen of Scotts and her nobility by John B. of Rosse Ambassador for her Highness toward the Queen of England of his whole Charge and Proceedings during the time of his Ambassade from his entry into England September 1568 to the last of March 1572 covers a period of less than four years. 4 But its opening pages provide also an illuminating account of the first forty years of Lesley’s life.

His less ambitious, but more revealing, Diary April 11- October 16 MDLXXI 5 is a brief daily record for himself alone of a period of only six months which coincides with a critical period covered in the Discourse. These complement and sometimes conflict with a more extended but superficial survey, The exact account of the life and Actions of the reverend father in God john lesley the bishop of ross in Scotland, as attested by a great

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1 J. Lesley, Historie of Scotland ed. E.G. Cody 1888.
2 J. Lesley, Paralipomena ad historiam ... Scotiae, Ioannis Leslaei, eodem auctore, 1580, translated as ‘Bishop Leslie’s Narrative’ and edited by W. Forbes-Leith in Narratives of Scottish Catholics under Mary Stuart and James VI (Edinburgh, 1885), 85-126.
3 BL MS. Yelverton liv fo. 105-8, printed by D.M. Lockie as Appendix to ‘The Political Career of the Bishop of Ross, 1568-80: The Background to a Contemporary Life of Mary Stuart’, University of Birmingham Historical Journal, IV, 1953-4, 138-145.
4 Lansdowne 231 fo. 322; also, with slight variations, printed in J. Anderson (ed.) Collections relating to the history of Mary Queen of Scotland III (Edinburgh, 1727), hereafter Discourse, using Anderson’s pagination: Preface i-xxvi; Discourse 1-252. (The last page is misprinted as 225).
5 BL Cot. Caligula C III, printed in D. Laing, Bannatyne Miscellany III (Edinburgh, 1855), 117-56 [hereafter Diary].
many prelates, nobles and others, first digested in order at Rouen, and sent to our Holy
Father Pope Clement VIII in the year 1593, afterwards renewed. 6 This short work,
unlike the Discourse and the Diary, is written in the third person, and the statement ‘he
has continued to reside in Guiitenburg to this day (1593)’ is followed by a brief
paragraph concerning the bishop’s death in 1596. But this Life is preceded by a fulsome
letter of congratulation from Lesley, who was then living in Brussels, to Cardinal Albert
who had been made Governor of the Spanish Netherlands, and everything suggests that
the material was supplied by the bishop himself: the statement that in his (uncorroborated)
capacity as president of the College of Justice ‘he did justice to everyone and
endeavoured to discharge himself as a person of Worth and Honour in all public matters
relating to the State’ goes beyond a formal summary of his career. Although in effect a
curriculum vitae of an impoverished prelate in search of a pension, and more concerned
with achievement than with aspirations, it contains much of interest, especially when
considered in conjunction with its author’s other writings. It seems likely that the
unsubstantiated claims which it puts forward have their origins in Lesley’s desire to
impress potential Catholic patrons with his past services to their church, and it provides a
chronological framework which can be amplified, illuminated, and sometimes modified by
his more reflective reminiscences.

Throughout this chapter The exact account of the life which was clearly designed,
in 1593, to attract Catholic patronage or pensions will be referred to as the Life; the
Discourse denotes the far longer treatise (250 pages compared with 20 in the Life) which
had very different readers in mind, ranging from Queen Mary, to whom he sought to
justify himself, to the Scots nobility, and, crucially, those members of the English Council
who by 1572 viewed him with the deepest suspicion and could be expected to take a keen
interest in his version of his activities and particularly in his account of very recent events.
In writing the Discourse its author could never forget that to acknowledge actions, and
attitudes, which would be acceptable to one Queen could result in retribution from her

6 J. Anderson (ed.), Collections, III (1727-8), vii-xx, translated from the Latin version printed in
Collections I, [hereafter Life].
cousin and the English Council. But if Lesley's own writings must be approached with scepticism, it does not follow that the aspersions of his enemies, whether James Maitland of Lethington or the authors of many of the English or Scottish State Papers, can be taken at face value. On the milestones in Lesley’s career recourse can be had to registers, such as those later printed by Bishop Keith, whose records of ordination and dispensations, as of parliamentary and judicial sessions, can be of great value when set against Lesley’s more extravagant claims; although not always accurate, they were not designed to deceive.

Despite the inconsistencies which obscure some contemporary accounts, and the pedigree of error which is evident in later ones, Lesley’s own attitudes and outlook and the circumstances in which he wrote or radically revised his most controversial works are of fundamental importance. They explain, for example, the dramatic change of tone in his references to Elizabeth in a period of only two years, in successive editions of the Defence of the Queen’s Honour and the very marked contrast between his cursory handling of the reasons for the overthrow of the Catholic Church in Scotland in his first, vernacular, Historie and the far more searching analysis offered in De origine, moribus et rebus gestis Scotorum which was published only eight years later. But none of the works of this most political of bishops can be divorced from the context in which they were written.

Birth and education

Possibly in response to Knox’s description of him as ‘a priest’s gett’, Lesley opens the 1593 Life with a proud claim to be ‘descended of the nobility and ancient Earls and Barons of the family of Lesley, born of creditable and honourable parents’. He makes no reference to the ‘defect of his birth’ which made necessary the dispensation on 9 July 1537 ‘to John Lesly Scholar in Moray (notwithstanding the defect of his birth) for being a clergyman’, and the further dispensation when he was confirmed as Bishop of Coutances

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7 James Maitland, to justify his father, William Maitland of Lidington wrote The Apologie for William Maitland of Lethington ...1610, ed. A. Lang, (SHS Miscellany II, 1904), 133-228.
8 These changes will be examined in Chapters Two and Six, below. The full titles of these, and of all his books, can be found in Appendix I.
9 John Knox, History of Reformation of Religion (Edinburgh, 1739), 262.
on 16 December 1592. There seems little doubt that he was the illegitimate son of Gavin Lesley, parson of Kingussie and by some accounts also Official of the diocese of Moray; there is a possible reference to a Kingussie connection in Lesley’s vernacular Historie of Scotland, which states that James IV in August 1508 ‘reposit him on ane hard burd ane certane space of the nycht in mr Thomas Leslies hous, than parsoun of Kinguissie’. There is no equivalent in Kingussie of the early sixteenth-century stone cross at Campbeltown put up by a parish priest and the son who succeeded him, but this ‘defect of birth’ was by no means unusual. In 1559 the canons of the cathedral chapter of Aberdeen, who included Lesley himself, in a letter to their bishop, Gordon, urged him to set an example of reform by ‘removing and discharging himself of cumpany of the gentilwoman be quhom he is gretlie sclanderit’. Several men who were to be described in Lesley’s histories as staunch supporters of Catholicism after 1560, such as Patrick Myrton, the treasurer who kept up the exercise of the old religion until 1574, and Alexander Anderson, principal of King’s College, who maintained the case for Catholicism in debate with Knox and Goodman in Edinburgh, had offspring who were in many cases legitimised and themselves provided with benefices. Lesley himself is alleged in ‘an old manuscript history of the Lesley family’ to have had three daughters of whom the first, Janet, was married to Andrew Lesly of New Lesly. If she was old enough to be married by 1571 she may well have been born before her father took holy orders in 1558. Two other daughters are said by James Maitland to have married Richard Irvine of Aberdeen and Cruikshank of Tillymorgan respectively. On 21 May, 1585 Elizabeth Lesley, natural daughter of John, bishop of Ross, wife of Mr Richard Irving, burgess of Aberdeen, was

11 J. Lesley, Historie of Scotland, 1570, ed. T. Thomson, (Bannatyne Club, 1830), 76.
13 J. Milne, Aberdeen: Topographical, Antiquarian and Historical Papers (Aberdeen, 1911), 171.
15 Probably the Andrew Lesly to whom Lesley wrote from prison, e.g. his Diary for 31 August 1571 refers to two letters, one in cipher, to Andrew Lesly, and to a gift of ‘four auld angell nobilis to be gevin to Janet lesly of new lesly’.
legitimated. But Lesley himself makes no reference to his daughters or his marriage in his writings, or, apparently, to his Queen, for the Earl of Shrewsbury, her custodian from 1569-85, wrote to Walsingham on 12 July, 1574: ‘this Queen said she knew of no answer to make touching Leslie’s wife, for that she had never heard of his marriage, and therefore would nor could deal in that matter, nor have dealing with her’. The nature of the dealing which had been requested can only be a matter for conjecture. In the Discourse Lesley acknowledges ‘being always by my parents sufficiently furnished of such things as are necessary without the which it is hard to come to honour or knowledge’, while making it clear that guidance on his career was given by the great and the good:

my good lords and loving friends, specially the Earl of Huntley then great Chancellor, Robert Bishop of Orkney president of the Senate, the earls of Athol and Rothes and the dean of Glasgow, who espied in me that my nature was most fitt to exercise an active life in the common wealth therfore counselled me to follow the study of the Lawes whereby I might be able to take upon me and use such place in government as they should prepare for me.

As Allan White has shown, it was accepted that in the close-knit world of north-eastern dynastic relationships ‘patronage of kinsmen was a legitimate way of ensuring effective government’. On Lesley’s education the Life tells only that he applied himself ‘very early to the study of letters, and went through a course of Philosophy in the famous University of Aberdeen, where he took his degree of Master of Arts’. No date is given and nowhere does he write of his early education but a short but vivid description in his vernacular Historie of a royal visit to Aberdeen in 1540, when Lesley would be thirteen, suggests that he witnessed and probably participated in the entertainment: ‘diverse triumphes and playes made in the town and be the university and scules thereof ...with diverse orations made in greek, latin and uther languages quilk wes mickell commendit be the King and Quene.

The Discourse is more informative on his later studies: it portrays Lesley as he would like to be remembered. When it was written, in 1572, he had failed either to clear

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17 RSS. i.ii. 129.
18 BL Cotton Caligula C 5 fo. 271.
19 Discourse, 5-6.
Queen Mary’s name or to secure her liberty, and was aware that his competence or commitment was likely to be called in question; at one point in 1571 it seemed that the privilege due to an ambassador might well be withdrawn from him. His introduction is therefore designed to impress potential critics with his learning, to extol the calling of ambassadors and stress the respect traditionally due to them, and initially to show that his advancement, which owed much to the patronage of his Aberdeenshire kinsmen, had been achieved not only through friends in high places, in an age when what has been described as ‘a little prudential nepotism’ was commonplace, but through ‘paynefull labour’. As in the preface to his Historie of 1570 he established his humanist credentials at the outset, endorsing the view of Plato and the Stoics that man was created not to satisfy his own ambition but for the weal of country, parents, friends; he justified his calling as ambassador by Cicero’s dictum ‘those men are most to be praised who employ their whole cure and study for the service of their country and administration of the common weal which is to be preferred to all other things’. As a means to this end he praised education in theology, ‘most worthy and excellent of all others’, and jurisprudence ‘for keeping the civil society of man in peace, quietness and justice’. He did not go so far as the sixteenth-century jurists who claimed that civil law was the true ‘queen of sciences’ but he may well have been familiar with the claims made by the French jurist Casseneux in 1529, ‘in pursuit of human perfection one could do no better than ascend the ladder of learning through the liberal arts to the height of civil science, certified and exalted by the degree of doctor of laws’, and influenced by the verse current as early as the 13th century,

civil law rode richly
and canon law proudly
before all the other arts.

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21 Lesley, Historie, 1570, 159.
23 Discourse, 4.
It is clear from Lesley's writings, especially the Prefaces to his Histories of 1570 and 1578, that he had absorbed the values and aspirations of a political culture based on a commitment to the ideals of citizenship and the active life. At a more practical level it is likely that he followed in the tracks of earlier Scotsmen at continental universities, some of whom sought academic qualifications which would lead to ecclesiastical preferment and professional advancement. Though short on the detail of its author's education, the Discourse indicates the context in which Lesley's activities should, in his view, be assessed; here, as elsewhere, he presents his career as an attempt to put the precepts of Plato and Cicero into practice.

Law Studies in France

His own accounts of his higher studies in France are not identical; it may be relevant that Lesley wrote the Discourse when 'destitute of all apt instruments for such a purpose, principally of my register books for information and of paper and ink so that I used lead pencil and interlined printed books for lack of other necessaries'. Although there are some discrepancies as regards dates, it seems that after graduating at the University of Aberdeen, where unfortunately no matriculation records for this period survive, Lesley was first appointed acolyte, or, according to the Discourse, canon, 'still in his 20th year'. There were powerful reasons for him to study law in France. Links between France and Scotland were still strong despite the efforts of Henry VIII and Hertford to break them; many Scots of the day, in Jenny Wormald's words, still 'shared the belief of Guillaume Budet that Paris was the new Athens and to Paris they flocked as students and teachers'. In contrast, numbers studying civil law at Aberdeen at this point appear to have been very low and a visitation of the university in 1549 singles out the teaching of

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26 In the Preface to his Historie of Scotland, 1570.
27 Discourse, 1-2.
28 Discourse, Preface, xii.
29 Keith, Scottish Bishops, 117, prints the Deed in which 'Patrick, bishop of Aberdeen promoted John Lesly Clerk of his diocese to the Character of an acolite in his cathedral Church', dated 15 June 1546. The Bull requiring his induction as a canon, with a stall in the Choir and place in the Chapter is dated, in the copy printed by Keith, August 1550. It is possible that Lesley inflated, or anticipated, his elevation from the relatively lowly position of acolyte into that of full canon, which would bring him twice as much money and perhaps prestige.
civil law and medicine for particular condemnation on the grounds that the men responsible for those disciplines were absentees. In Poitiers civil law was thriving, and there were lifelong contacts to be made. The Discourse implies that he went straight to Poitiers where he concentrated on the study of civil and canon law. The Life gilds the lily by claiming that he first spent some time at Paris, in reading Divinity and languages, especially Greek and Hebrew; if he did, it seems that it was not to a very advanced standard in view of the entry in his Diary, for 21 August 1571, more than twenty years later, 'I begouth to the repetition of the Greik and Hebrew toung, and visited the rudiments of both, as tyme mycht serve'; he was clearly an apt pupil, for entries during the next six weeks show that he was reading through the Psalms in Hebrew 'assistente et cooperante magistro Niniano Winzet illius lingue satis perito'. He was certainly highly proficient in Latin and French as well as in his native Scots tongue; only when writing two of his books in English did he seek assistance. For four years at Poitiers he studied a complete course of both civil and canon law. This was followed by 'near a whole year with the most learned doctors in the university of Toulouse', before returning 'for very near a year to Paris' where he was made a doctor of law 'as honourable reward due to virtue and knowledge'. It is characteristic of Lesley that his claims to these qualities recur in his works again and again, interspersed with protestations of his own unworthiness; the apparent inconsistency may be resolved by a curious sentence early in the Discourse: 'Which I have touched not for any vayne oppinion or conceyte that I have or mighte take of my self for myne owne phantasie. Knowing that it is not decent in the treatinge of this weightye cause, to insert any thinge that might seme to my owne praise.' This, as will be seen, is not a consideration which always weighed with him.

**Governing Scotland**

30 Wormald, Court, Kirk and Community, 71. See also Marcus Merriman, The Rough Wooings (East Linton, 2000), 108, where Lesley is described as 'perhaps the best example' of those peripatetic Scots scholars who went 'to the shulis to lere thare vertuis and sience'.

31 Lesley, Diary, 143-155.

32 The Defence of the Honour purported to be written by an Englishman. To maintain the pretence Lesley asked his physician, Dr Good(e) to translate any Scots words into English; he apparently provided the same service when Lesley wrote the Discourse, and is mentioned in the Diary.
Whilst he did rule the public state at home
He was renowned.\textsuperscript{34}

In a tribute to Lesley which precedes the Latin History, Ninian Winzet made the point
that Leslie's reputation in Scotland was second only to the 'greater glory and renown'
which he was later to enjoy in Rome. There is good reason to think that Winzet's
admiration for Lesley's achievements was not shared by all his Scots contemporaries,
but his own integrity is not in doubt and it is unlikely that he would have lavished totally
disproportionate praise on his friend's career only ten years after Mary's flight. There is
ample evidence that between 1554 and 1567, and especially after 1562, Lesley gained not
only experience, but honours and opportunities. The 1593 Life states that he was
recalled to Scotland by 'Mary of Lorrain, mother of the Queen of Scots, Regent and
Governess of that Kingdom and also by the nobles and prelates that were his relations to
assist in the administration of public affairs'. In the Discourse he was at pains to stress
that he had modestly declined the place as a senator in the College of Justice which
'noble and wise counsellors had prepared and earnestly pressed on him', on the grounds
that 'to govern the whole realm wisdom and experience is required as well as learning,
which cannot be obtained but by long time and years bestowed in continual exercise of
affairs'.\textsuperscript{35} Accordingly in 1553 he was appointed canonist of King's College Aberdeen,
and became as a result vicar, in name at least, of the Snaw Kirk which had been in 1499
united to the university and allocated to a canon lawyer who taught in it. We know little
of his tenure of the parsonage of Snaw, but the wording of the sentence of forfeiture
passed against him in 1568 shows that he must have retained it in addition to his
subsequent benefices in Oyne, Lindores and Ross consecutively,

\begin{quote}
I Adame macculloche marcemont herald ... at the command of our sourane lords
letres a laufulie and perempourlie sumond warnit and chargitt johnne bischope of ros
at his dwelling place and castell besyde the channourie of ros and also at his twa
dwelling places respective and mans within the auld toune of Abirdene perteining to
him as persone of snaw.\textsuperscript{36}
\end{quote}

\textsuperscript{33} Lesley, Discourse, 4.
\textsuperscript{34} Winzet's tribute to Lesley, in Latin verse, can be found immediately before the opening of De origine,
1578, which will be discussed in Ch.6, below.
\textsuperscript{35} Discourse, 6-7.
\textsuperscript{36} APS III, 53. See G.M. Fraser, Historical Aberdeen, 1905.
Lesley himself makes no mention of Snaw, nor of the teaching which was linked with it. But he writes in the *Discourse* that he accepted ‘the office judicative of the diocese of Aberdeen wherein I travelled [laboured] ten years’. Keith cites a commission by the Bishop of Aberdeen in favour of ‘Mr John Lesley parson at Oyne [presumably parson-designate in view of the date], prebend and Canon of the cathedral Church of Aberdeen to be Official of the Bishopric of Aberdeen’, dated 18 April 1558. To his offices ‘in the parsonage, Canonry and Prebendary of Oyne, and stall in the Choir and Place in the Chapter’, he was not formally inducted until 2 July 1559, after taking orders in 1558. Up to this point it appears that Lesley prospered precisely at the rate of his own wishes; in the *Discourse* he claims that he ‘would have been most contented to have lived in that calling and estate all my days’ surrounded by friends, with the satisfaction that he ‘enabled them to live in better quietness, wealth and policy [civilisation]’ and ‘compounded differences between parties proceeding either of deadly feuds or other debates of lands or goods. Which is the right office of a judge’. Remarkably, the *Discourse* makes no mention of the coming of the Reformation, although his Latin *History*, written with potential, Catholic, patrons in mind, credits him with a heroic role in saving the Kirk of Aberdeen from destruction, ‘with such fervour [Lesley] by his public preaching, [ensured] that long after the catholic religion was put from all bounds of Scotland, it was long kept inviolate in that place’.

There are varying estimates of his effectiveness in religious disputation. The Latin *History* published in Rome in 1578 describes a summons to Edinburgh (in Dalrymple’s translation) to ‘speciallie sum of pietie and lerning or cunning with whom war of the maist notabel Johone Lesley Doctor both the laws first estemet Juge of the diosise, primat als of the same, callit official, schortlie after Senatour of the hie Court, secretar [member of the

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38 *Registrum Secreti Sigili Regis Scotorum*, V.
40 *Discourse*, 7-8.
41 Cody, II, 430 (adapted); cf. *De origine*, 564. When Lesley’s words are his own, as in the 1570, Scots, *Historie*, they are quoted verbatim, but when Dalrymple, who attempted to translate the Latin *History* in 1596, produced a version which is unsatisfactory or seriously misleading, I have adapted it to retain Lesley’s meaning. In this case Dalrymple, unaware of the difference between ‘the former’ and ‘the latter’ confused the role of Lesley with that of Huntly.
Council] to the Quene, eftir maid Bischop of Rose'. His Life credits him with stoutly opposing the sectaries and heretics, 'whereby many Catholic noblemen and other who had been wavering were confirmed in the faith'. This account of the disputation in Edinburgh was flatly contradicted by John Knox who claimed that Lesley and Alexander Anderson, the Principal of Kings College and professor of theology at Aberdeen, were unable to make any defence of their beliefs, and that, contrary to Lesley's claims, they were not in any way molest ed. Even Lesley himself in his vernacular Historie of 1570 takes a more sober view of the outcome than in the Life of 1593; he writes simply that when they were questioned by Goodman, Willox (sic) and Knox himself

thair was very sharpe and hard disputations amangis thame, speciallie concerning the veritie of the body and blood of Christ in the sacrament and sacrifice of the mass. But nothing was concluddit, for that every ane of them remanit constant in thair awin professione; and thairfore these clerkis of Aberdene war commandit to waird in edinburgh a lang space thairefter.

Lesley, who in 1593 had everything to gain by exaggerating his sufferings for the Catholic faith, states in the Life that with his colleague Alexander Anderson he was put in the prison of Edinburgh 'for some time' before finding sureties for their release.

His account of his activities during Mary's active reign in Scotland is frustratingly condensed, though a very partial account of the turbulent events at the Scottish court between 1562 and 1567 is deposited in the Vatican. Its inaccuracies, notably on the fall of the earl of Huntly, were savagely exposed by Hay Fleming. Lesley is rarely mentioned by name, though he does indicate how he entered the inner circle of power and influence.

When Moray, who had hitherto managed all the affairs of government, remained at St Andrews and though often summoned by the Queen, refused to attend Court ... the Queen, deprived of her usual councillors, was compelled to choose new ones ... She summoned to the palace from the high court of justice John Lesley and James Balfour, men of approved political wisdom and knowledge of public business.

42 Ibid., 449.
43 Life, viii.
44 Lesley, Historie, 1570, 293.
45 Arch. Vat. Politicorum Var. xvi., Paralipomena. Part of it is translated by W. Forbes-Leith, as 'Bishop Leslie's narrative of the progress of events in Scotland 1562-1571', in Narratives of Scottish Catholics, 1885, 84-126. The manuscript is undated but internal evidence, on the last page, shows that it was written in 1580 when 'the quene has now been kept a prisoner twelve years'.
Later, according to this account, Mary took privately took into her confidence John Lesley, Bishop of Ross, Alexander Erskine, and David Chalmer of Ormond who were Catholics; she also left in writing a list of her jewels and other articles of value and entrusted them all to the Bishop of Ross. This underlines, or over-states, her faith in Lesley, as does part of the Relatio. But both these accounts are so demonstrably partisan and unreliable that, as sources on his life (as distinct from his character), they are manifestly inferior to his rather more rigorous, or cautious, accounts, at least some points in which can be verified.

His role in the royal service seems to have been first, briefly, as a diplomat, later as a member of the Court of Session and trusted advisor. The Life claims that before Mary was widowed, Lesley was sent by her mother to France 'not without great peril of his life ... to solicit from King Francis and Mary Queen of Scots his spouse auxiliary forces for subduing the heretics and sectaries in Scotland'. Characteristically, he stresses the ‘confidence they [the Guises] had in his fidelity and diligence and experience in Affairs ... and ever afterward he continued in that trust and firm in her [Mary’s] interest till her death’. His next mission to France is more fully documented in his Historie; but insofar as it was intended to align Mary with her Catholic subjects in the north east rather than with her Protestant half-brother Moray it completely failed in its object; it was a mission which had little chance of success. The Discourse merely states that after the death of Francis ‘I attended her majesties homecoming’. His Life, designed for the approval of the Pope, is more expansive: ‘he attended his royal Mistress into Scotland in hopes of the Catholic religion being restored in that kingdom, by her authority and diligence, and that she would chiefly make use of her prelates and nobles who were Catholic’.

If such was his objective he was, at least initially, disappointed. No mention was made of Moray in either of these accounts of this period; in the Discourse he first appears at the conference at York in 1568, as a 'minister of Sathan, to entertaine discorde

47 Also known as David Chamber(s), or, in French, Chambre.
49 Although independent corroboration of Lesley's involvement is lacking, I am grateful to Dr. Pamela Ritchie for confirmation that there was such a mission and that it occurred between January and June 1560.
betwixt our sovereign princes and her subjects', although he is clearly the villain of the piece in the Historie, especially in 1578, and even more markedly in the Paralipomena and the Relatio, where he is introduced as James the Bastard. But if Lesley had less political power than he had hoped for, he still received high office during the alienation of Moray and his influence outlasted 'Queen Mary's Catholic interlude' in which it began. His own view of his influence after Darnley's murder received some confirmation from English envoys. Randolph wrote to Cecil 19/20 September 1565 that Lesley, with David Chamber and James Balfour, was 'no small doer with this Queen', and by 24 June 1566 Henry Killigrew was writing to Cecil in that the Bishop of Ross managed all affairs of state. But we know little of what his role entailed. On 17 January 1564, already professor of canon law at Aberdeen, he became an ordinary judge in the Court of Session; on 18 October 1565 he is recorded as being present at his first session of the Privy Council, and attended almost all eighteen meetings between April 1566 and May 1567. Early in 1566 he was made Commendator of the rich abbey of Lindores and when the death of Henry Sinclair opened the way for Lesley's appointment to the see of Ross, he was put in possession of the temporality in April 1566 and of the spirituality in January 1566/7.

Lesley's status in the College of Justice is difficult to document: a revealing discrepancy between his own accounts is typical of many. In the Life, which was primarily designed to demonstrate the losses he had suffered in his queen's service, Lesley makes a claim which in the words of David Irving 'is not born out by the records':

upon her arrival [in 1561] he was chosen into the Number of Senators in the supreme Court of Parliament, and was afterwards made President, wherein he did justice to every one, and also endeavoured to discharge himself as a person of Worth and Honour in all public matters relating to the State; and got the Monastery of Lindores, a very considerable Benefice, as a suitable maintenance to his State and Dignity.

Lesley, Life, ix.

Discourse, 13.
CSP Scot. II, 1563-9 nos. 261 and 400.
He obtained formal provision to Ross from the Pope only in 1575.
David Irving, Lives of Scotish Writers, I (Edinburgh, 1839), 126.
Lesley, Life, ix.
This can hardly be a case of ‘old men forget’, and Lesley’s role in the College of Justice appears to be remembered ‘with advantages’ which are emphasised a few lines later in the *Life* when he was ‘deprived of his office of chief President which he had long discharged in the parliament and council of State because he refused, with those in Scotland to profess the Calvinian heresy’. It is possible that there is some genuine confusion with the alleged private meeting between Mary and four trusted advisors described in the *Narratives of Scottish Catholics*, when she ‘gave directions that during the time of her confinement, meetings to deliberate upon the administration of the realm should be held within the city of Edinburgh, which were to be presided over by the Bishop of Ross and the Earls of Huntly and Bothwell’.\(^{57}\) But it seems more probable that Lesley succumbed to the temptation not so much to be economical with the truth as to embroider it.\(^{58}\)

Lesley makes no reference to one project which he undoubtedly did initiate, an attempt ‘to restore [the ancient laws of the Realm] to a state of purity and authenticity; and ultimately to reduce the whole into a systematic form’.\(^{59}\) The idea was not original. In 1507 printing had been introduced into Scotland avowedly for the purpose of ‘imprenting within our realm the Bukes of our lawis and Actis of Parliament’. In 1541 a selection of Acts of several Parliaments of James V was printed and in 1565 this was followed by the publication of the Acts passed by Parliament in 1563. There is good reason to credit Lesley with initiating a more ambitious enterprise, the compilation of the Statutes. Its scope is indicated in the terms of commission issued under the Great Seal, to named nobles, bishops and lawyers, (of whom only Lesley appears to have been a Lord of Session) that ‘certain lernit wyse and expert men quhilkes best knowis the lawis suld be chosen to see and examinat the bukes of the law and set thame furth to the knowlege of her subjectes’. Of the nominated members any six were authorised to proceed to the printing of the revised Law; the list

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58 The fact that Lesley’s predecessor as Bishop of Ross, Henry Sinclair, had been President could possibly cause confusion, but he was normally referred to as ‘Henry, Bishop of Ros’, as in the entry for the Parliamentary session of 1563 in *APS* II, 536. More probably, later writers were misled by Lesley himself.
59 *APS*, Editor’s Preface to Volume I, 21, on which this paragraph is based.
included the earls of Moray, Huntly, Atholl, Mar and Bothwell, with Lethington, John Bellenden, Balfour of Pittendreich, Edward Henryson 'doctour in law', and Lesley himself, described as Bishop of Ross and commendator of Lindores. These 'persouns of quhais science and experience in the lawis of the Realme Her Majesty specially does confide and is assured of thair industrie and thair diligence and executing and perfecting of Her command and charges' were commissioned 'to sycht and correct the laws of the realm, made by her and her most noble progenitours be the avis of the thre estates in parliament, [beginning with] the buikes of the law called Regiam Majestatem and Quoniam Attachamentiamenta'. On parchment, this appears to represent a major achievement indeed. Henryson, who in June 1566 was given the exclusive privilege of printing and selling the results of their labours, wrote, as editor, the preface to the publication:

albeit nane of all the Lord Commissares can be praysed enough or proportionately to thair worthines for the travel and diligence taken be thame in this present edition yet in speciall with all mens favour twa of the said Lords are to be remembrit and commendit: John Bishop of Ross, Lord of our Soverains secreit Counsaill and of the College of Justice for he suggestit to air Soverane of the notabell purpos, eirnestful performing of the said commission and cure in convening of Lordis Commissars his collegges, an liberalitie in the furthsetting of this imprenting.

The second was Sir James Balfour, Clerk Register, whose role is presented as a subordinate one; he is commend for his 'sincere and glaid concurrence' to perfect the work 'to the common weil of the realme'.

But however enthusiastic the spin which Henryson as editor could be expected to provide, the performance seems to have fallen short of the promise, and of the charge. In most histories of the law of Scotland Lesley has no place at all. The Victorian editor of the APS explains why: 60

Although the plan was limited to that portion of the proceedings of Parliament which consisted of general Statutes and Ordinances [as opposed to those which could more appropriately be classed as municipal regulations], yet the execution of the whole was found to be a task of serious difficulty, and in the Preface to their edition of the Statutes it is stated that 'in the undertaking of this charge and work the saide Lordis thocht it maist expedient for the present to begin at the emending and furthsetting of the Actes of Parliament halden be kingis james first, seccct, thrid, feird and fyft and be her Majestic'... [And even] in the execution of that part of their task to which the Commissioners confined themselves they appear to have proceeded with a degree of despatch which precludes the

60 Ibid., 23.
supposition that proper care could have been bestowed on the minute detail of correction.

True, a volume containing the Acts of Parliament from 1424 - 1564 was printed within six months of the date of the Commission, the first edition appearing on 16 October 1566, and the second six weeks later, dated 28 November, 1566. The second, larger, edition cancelled the pages with Acts in favour of the Catholic religion. However there are no grounds for challenging the opinion of the Editor of the successive Acts of Parliament: 'it is impossible to deny that it bears abundant marks of the precipitation with which it was thrust upon the public. To the more arduous part of their task the emendation of more Ancient Law it does not appear that the Commission ever afterward proceeded'. It seems that this project was realised only in part; in the words of David Irving 'the only apparent fruit of their labours was a publication of the acts of parliament, from the reign of James the first'. Even so, Dr Goodare has described the publication, in 1566, as 'a crucial event which encouraged the use of statute law'.

However, Lesley's role in this limited enterprise was significant enough to be praised in the preface for his 'suggestions to our Souerane of this notabill purpose, eirstfull performing of the said commission, and cure in convening of my Lordis Commissaris his colligis, and liberalitie in the furthsetting of this imprentin'. Although Lesley makes much use of his knowledge of the law, and of relevant Acts of Parliament, when writing his Historie (as will be demonstrated in a later chapter), he wrote no treatise on the law nor did he produce anything comparable to the Practicks associated with Balfour. In 1574 Balfour embarked on a compilation which differed very significantly from that proposed in 1566: his object was to reduce the laws into a smaller digest. Lesley's influence on the later development of the law is hard to estimate. But the fact that he makes no mention of a project which attracted notice in legal circles is perhaps an indication that he may well have engaged in other activities of which no records survive.

62 Ibid., 24.
63 David Irving, Scotish Writers, [sic] 127.
64 J. Goodare, State and Society in early Modern Scotland (Oxford, 1999), 72.
65 Actis and Constitutionis of the Realm of Scotland, 1566, Preface.
We know little of his short tenure of the diocese of Ross. The Life says only ‘being afterwards named by the Queen to the bishopric of Ross he was elected in the year 1565 and having obtained proper instrument from the court of Rome, he was put in peaceable possession of his Bishopric and received the income and profits thereof so long as it was safe for him to stay in Scotland’. In the Discourse his only, problematic, reference to Ross is almost incidental. On ‘some sudden change whereby hande was laid upon the prince herself who was put in Loch Leven and sequestrate from her authority, all being full of tumult I withdrew myself into my country and there did privately employ my time in contemplation and study’. By this account he was summoned by the Queen before she left Scotland, when ‘by special providence of god she was relieved of her prison and sent for me to be employed in the service of the commonwealth as I was wont’. The less trustworthy Life of 1593 states that Mary

enticed by the deceitful and deluding letters of Queen Elizabeth who promised to aid her against her rebellious subjects, was detained as a prisoner in England. Upon which she sent for bishop Lesley who was then residing in his church and see of Ross, to come forthwith to England in order to defend her honour and to procure her liberty as if she granted all her hopes upon his vigilance, faithful concerns and vigorous endeavours. In his account of his motives in obeying, he harks back to the motif of civil duty, ‘not only for satisfying my bounden duty to my sovereign, but also (as God is my judge) for the zeal which I did bear to the common quietness of my native country that by the conference [at York in October 1568] all the subjects of Scotland would be brought to a perfect union and concord’. This theme recurs in almost all his later writings.

Champion of Church and Queen? Lesley’s objectives in 1568.

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66 Life, 9. Even the phrase ‘my country’ is ambiguous. It could perhaps denote the bishop’s seat at Rosemarkie, or even Moray where he was born, but also Aberdeen where he was still, in name at least, the Official until 1568.
67 Lesley, Discourse, 9.
68 Lesley, Life, x. This is the only reference to Lesley ever living in Ross.
69 Discourse, 12.
His claim in the 1593 *Life* that the maintenance of the Catholic religion was his primary objective receives little support from the *Discourse*. Even of the trial, which could be expected to polarise differences, Donaldson comments that 'opinion against Mary had not divided upon religious lines'.

Religion could not, of course, be separated from politics and Cecil certainly shared Throckmorton's view that the 'general design' of the Catholic powers 'ys to exterminate all nations dyssentynge with them yn relygion'.

Stephen Alford has provided powerful evidence that the Pope and the Catholic rulers of France and Spain were the 'authors and workars' and Mary the instrument whereby 'Matters [which included the recovery of papal in all Christian realms and the replacement of Elizabeth by Mary] be attempted against the Queen [of England]'.

Cecil undoubtedly took an apocalyptic view of events on the continent. But the writings of Lesley in this period provide no evidence that he was in any sense a dévot, or pre-occupied with confessional differences, despite the impression which he tried to create ten, and twenty, years later in his attempts to win friends and fortune in Rome and in Madrid.

It is true that he must have realised that the *Discourse* could well be read by the English Council, and would modify his language accordingly. But even in Scotland, in an attempt to allay Cecil’s obvious distrust of him, he seems to have told Knollys that 'he had always been quiet in religion'; although Knollys was certainly deluded, or at least misled, in believing that Lesley seemed 'almost a Protestant' in 1566. Such a misunderstanding could hardly have arisen if, before 1568, Lesley had championed the Catholic cause as unflinchingly and assertively as he later claimed to have done.

*Proceedings at York and Westminster.*

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72 Ibid., 184.
73 Cecil indeed not only read the *Discourse* but kept the original; a copy was sent to Mary.
74 CSP Scot. II, 540.
Lesley ‘was probably the only one of the commissioners of York to write an account of the early proceedings against the Queen of Scots and work some of them into printed form’. The points made will be examined in the next chapter, on the *Defence of the Honour*. But in the *Discourse* Lesley is concerned to establish that he bore no responsibility for the unsatisfactory outcome of the proceedings at York and Westminster. His options were certainly limited: in the last resort Mary depended entirely on Elizabeth’s goodwill, and when for political reasons Sussex announced by proclamation on 10 October 1568, only three days after the full proceedings had started, that the next session would begin on 22 November because ‘proceeding by order of lawe bredeth in these partes a grownded hatred betwene the parties’, the transfer of proceedings to Westminster was entirely at Elizabeth’s initiative. Once at Westminster, Lesley and his fellow-commissioners wisely refused to convene in any room ‘deputed for any court or Judgement’. But in any case the issues were essentially political: before the Westminster proceedings started Cecil had already expressed the opinion, on 21 November, that the best way for England was that ‘the Queen of Scots remain deprived of her crown and the state continue as it is’. In these circumstances Lesley was not, and could not be, successful; by the end of the *Discourse*, his rather pathetic attempt to claim that out of Westminster there came some potentially encouraging by-products smacks of ill-disguised desperation.

*Further Negotiations*

The next five years, 1569-74, saw the inception, or the completion, of all Lesley’s most significant books, which were in every case either precipitated by the events of 1568-72 or profoundly influenced by the conditions in which they were produced. By far the most authoritative account of the political career of the Bishop of Ross in these years can be found in the judicious article by David McNaught Lockie which, based firmly though by no means exclusively on the relevant State Papers, provides an indispensable insight into

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75 Alford, *The early Elizabethan polity*, 172.
76 Ibid., 180.
77 See note 3, above. The article covers in detail the politics of the years 1568-80.
Lesley’s circumstances in this period. Here, the concern is with his life primarily in relation to his works as a whole, rather than to the dramatic events unfolding on the continent or the indefatigable ways by which Lesley by his letters, despatches and plotting tried to influence them. His correspondence and even his shorter despatches are so voluminous that they would require a study in themselves.

In the Life only seven sentences are allotted to these crucial years 1569-74, and the picture they present of an undaunted champion of the Catholic cause, ‘for a whole year expecting daily to suffer a violent death by the hands of the public executioner’ is seriously misleading. Even in the ‘valuable but sometimes dishonest’ Discourse, in over two hundred pages, Lesley, who was already engaged on a Defence of his Queen’s honour, was seeking to defend his own. His account of these years reinforces the image he was seeking to create, but is at some points irreconcilable both with the Life and with his Diary, a series of brief but often revealing entries recorded between April and October 1571. Only the key points of these works can be given here, but the circumstances in which most of his polemic and the first of his Histories were written or revised are highly pertinent to any examination of these works.

When Lesley wrote the Discourse it was clear that his initial hopes had not been realised. The first part of his ‘good and diligent service’ was to represent the Queen in the hearings at York and later Westminster where points were raised with which Lesley was soon to take issue in the Defence of the Honour. Of these, one of the most crucial was the claim that ‘the Queen being weary of the government had of her own free will dimitted the crown and all title she had to the realm’. In the submissions which were later to be expanded into one of his most influential books, Lesley outlined not only his defence of the Queen but the duty of obedience, ‘according to the lawe of nature and all other civil and politique laws observed in all well ordered commonwealths’. The immediate result was disappointing. His ‘earnest supplication unto her [Elizabeth] to take some good and

78 Life, xi.
79 The phrase, as applied to the Discourse, is Lockie’s.
80 See Donaldson, Trial, 107-183.
81 See Chapter 2, below, where these points will be addressed.
speedy resolution in these matters' produced no satisfaction either at York or London, although he was to some extent disarmed by her telling him that 'though I was not of that religion which she professed she loved me not the worse for that cause so that I would continue to be a good and diligent servant to my mistress'. Lesley defends his decision that Mary's interests would be best served by his withdrawing from the proceedings at Westminster, 'perceiving that the conference apparently tended to some other end nor we looked for, which was in place of godly concord and charitable reconciliation to the nourishing of strife and discord and vigorous accusations'.

It was understandable that Mary would refuse to bind herself to answer accusations in documents, including the 'Casket letters', which she had not even seen. Nevertheless, after Westminster, discussion continued at intervals over the next two years and the Discourse is of particular interest on what to Mary and to Lesley was non-negotiable. In 1568, and later at Chatsworth, Mary was ready to promise that past rebels would be pardoned provided they returned to their allegiance, (an offer of clemency which is highly praised in the Defence) and that Bothwell should never return to Scotland. She would never 'trouble' Elizabeth or the heirs of her body. But she insisted, understandably but unrealistically, that a defensive and offensive alliance between England and Scotland, to be ratified by both parliaments, should also include France. One proposal not embodied in the written record of the negotiations was, indirectly, to cost Lesley his credibility at the English court, and other men their lives. The original invitation, that Mary should consider favourably marriage with the Duke of Norfolk, Lesley ascribes to Moray who is stated to have 'affirmed that marriage to be most commodious of all others for the weal and honourable contention of both the Queens and common quietness of both realmes and subjects thereof'. Alford takes the view that 'it could only have been in Moray's political interest to support a plan for a Protestant Britain, a sympathetic England and a controlled Mary'. But Moray did not initiate the project which within months was

82 Discourse, 26.
83 Ibid., 27.
84 Ibid., 32.
85 Alford, Early Elizabethan Polity, 201.
to end his alliance with the man who did. A letter from Maitland of Lethington to Norfolk, dated 16 September 1569 not only shows in Dr Loughlin’s words ‘how deeply he [Maitland] was involved with the intrigue to secure Norfolk’s marriage with Mary’ but makes clear his own antagonism to the regent, and that of ‘many noblemen and gentlemen’. 86 If there was any substance in James Melville’s account 87 of an agreement between Moray and Norfolk that they would be ‘as sworn brothers of one Religion, shooting continually at one mark ... the one to rule Scotland, the other to rule England’ it did not last long. With hindsight, Lesley claimed to have had reservations: ‘even then I suspected the earl’s [Moray’s] meaning not to be such as it seemed by his words’; 88 later, correctly, he credited the proposal to Lethington. However, while never accepting allegations, re-iterated over the next two years, 89 that he himself was the original source of the Norfolk marriage project, he was uncharacteristically consistent in maintaining his support for it. Both in the Discourse 90 and in the Defence he claimed it would have made possible Mary’s restoration to Scotland without bloodshed; there are even some indications that both he and Mary were prepared to countenance her embracing the Anglican religion as the price of recovering her Scottish crown. 91 For example, she had ‘received an English chaplain and heard him in his sermons inveigh against ... all kinds of papistry ... with attentive and contented ears’. While Cecil clearly had few hopes of Mary accepting the Scottish articles of religion, he thought it worth while to propose that Mary should ‘openly profess the form of Religion as it is established in the Church of England, according as she hath seemed to allow her being in England’. 92 Naturally Lesley makes no mention of such lapses from the propagation of the Catholic faith; indeed he shows that Philip II was hinting that the marriage would be more acceptable if, far from Mary becoming Protestant, Norfolk would become Catholic, but throughout the Discourse

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88 Lesley, Discourse, 39-40
89 The accusation published by ‘R.G.’ in the autumn of 1571 (which will be examined in relation to the Treatise of Treasons, usually ascribed to Lesley), is uniquely vitriolic.
91 28 July 1568, Cotton Caligula C.1, fo. 178r., cited by Alford, Early Elizabethan Polity, 200.
there is one constant theme, that Lesley had every reason to believe that the proposals put forward by such nobles as Pembroke, Arundel and Leicester had been seen and liked by Elizabeth, that he had been deceived by them and misjudged by her. Hence: 'I was charged later that I was over-busie and curious in some cases in travelling by diverse means for my mistresses affairs albeit my dealings hath been sometimes misconstrued ... and not taken in good part'. 93

The Discourse shows clearly that Lesley’s preoccupations and his frame of mind varied as did the degree of liberty he enjoyed and his freedom of access to his Queen and to his friends, in person or by letter. Even though some of his protestations about being misunderstood and maltreated may have been intended to convince the Council of his innocence, the author who wrote of his ‘natural equability’ must have read his writings from prison in this period very selectively. 94

If we take the Life at face value it is hardly surprising that Lesley’s dealings were not always ‘taken in good part’. By his own account,

he helped the Ambassadors [of France and Spain] with his interest, which was very considerable among the English nobility, especially such as were Catholics, having for near three years travelled both night and day with great pains and vigilance; upon which the Catholics took arms in hopes of the assistance of those Princes which they had been promised by their Ambassadors but for want of supplies, ammunition and money, the sinews of war, all their endeavours for propagating the Catholic religion at that time became vain and fruitless. 95

It is revealing that to Lesley, as to other potential leaders of a Counter-Reformation in Scotland, supplies and ammunition were prerequisites for propagating the Catholic religion. Such an analysis of the needs of the hour, if apparent in his conversation or his correspondence, would confirm the distrust with which many of the English Council regarded him even before 1571, which explains why the English, and Scottish, State Papers often provide as partial and prejudiced accounts of the bishop’s activities in this period as does Lesley himself. But there is reason to think that his claims that he was working in this period for the propagation of Catholicism are exaggerated. Lesley’s

93 Lesley, Discourse, 28.
95 Life, x.
assumption in the *Life* of responsibility for the rising of 1569 is not reflected in his *Discourse*: at this stage he was still pinning his hopes on diplomacy, and his aim was to reverse Mary’s overthrow in Scotland rather than to bring about that of Elizabeth in England. As Lockie observed, Lesley’s preoccupation with securing Mary’s freedom and his reliance on Norfolk and his friends during the summer of 1569 emerges evidently in the Scottish and Spanish Calendars, as it does in the *Discourse*. Even after the papal Bull of 1570 Lesley advised Southampton to continue to obey the Queen ‘so long as she is the strongest party’. In a vigorous refutation of Lesley’s claim in the *Life*, Lockie added with reference to the charge that Lesley was ‘altogether English’ in his political sympathies that the evidence suggests that it was ‘not groundless’. But whether Lesley was consistent in his support of any one ally, or interest, in his pursuit of Mary’s re-instatement, is debatable. His diplomacy and in due course his works provide in rapid succession grounds not for one interpretation of his political manoeuvres, but for several which are mutually contradictory. In the context of alarming developments from 1568 in Flanders, and later in France, this partly explains the mistrust with which he was regarded, and his resulting incarceration. Cecil’s perception of the dangers to England in 1569 is concisely summarised by Dr Alford:

‘by the unyversall opinion of the world’ her case seemed just, she had the support of the ‘strongest monarchoes of Christendom’, and ‘the probable opinion of a great multitud both in scotland and england’ had a ‘naturall instynction’ to join the two realms with one king or under Mary.

The English Council knew that Lesley was a frequent visitor to the Spanish Ambassador, de Spes, no friend to England, who claimed to have received a message from Mary: ‘tell the ambassador that if his master will help me I shall be Queen of England in three months and mass shall be said all over the country’. There is in fact no evidence that Lesley had any knowledge of this message, nor any part in the initial outbreak of the Northern Rebellion, however adroitly he later tried to turn it to Mary’s advantage. Appeals

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96 Lockie, 108. Lesley’s advice to Southampton is consistent with All Souls MS cc 11 fos. 123-4, ‘An excellent piece against resistance ... by the Bishop of Ross dated 4 March 1570’.
97 Lockie, 107.
98 Alford, Early Elizabethan Polity, 189.
to Philip II for Spanish 'aid countenance and support' in November 1569 sought more than the funds to relieve the bishop's personal circumstances. But it was to the end that Mary would 'soon be free and out of this trouble', not in order to facilitate the launching of the Catholic crusade to which his thoughts would turn, however ineffectually, ten years later.

Confinement

In many of his writings, including the *Life*, the Prefaces to both his *Histories*, and the *Libri Duo* which he composed in 1572 and 1573 for Mary's spiritual consolation after the death of Norfolk, Lesley dwells on the mental and physical sufferings of his years in confinement. His first captivity, at Burton early in 1569, was far from arduous and lasted less than three months; there is no evidence that it seriously harmed his relations with Elizabeth; it did not preclude a meeting between Cecil, Mildmay, Mary and himself at Chatsworth in the following summer, and there is only a brief reference to it in the *Discourse*: 'upon some slight occasion of suspicion taken that we were practising to convey away secretly the Queen, was sequestrate from her company and commanded to remain at Burton'. The episode is of importance in relation to Lesley's writings mainly because three months of relative inactivity gave him the opportunity, and the incentive, to work on his first, vernacular, *Historie* for Queen Mary, and to revise the *Defence of the Honour* and the *Treatise concerning the Succession*. For the last two he stresses that he had won the approval of Elizabeth and her Council, while adding plaintively that on publication he sustained imprisonment and troubles and injuries 'divers ways'; characteristically he shows no signs of appreciating that for the English, as for himself, circumstances could alter cases. Even the experience of being questioned by the Council on the Norfolk marriage proposals in October 1569 is not

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101 Lockie, 'Political Career of Bishop of Ross', 107, n. 32.
102 Discourse, 43.
103 Historie, 1570, (Bannatyne Club, 1830). The Author's epistle to the Quene, 7, explains the circumstances in which it was undertaken.
104 See Discourse, 65-6, and Chapters 2 and 3 below.
dwelt upon, and a brief statement in the Discourse\(^{106}\) says simply that Moray informed the Queen that Lesley had been dealing with her rebels, and so caused him to be imprisoned for four months, from January 1570, in the house of the Bishop of London; there he had the opportunity to consult English chronicles and law-books of which he gives fuller details in his Historie of 1570. To judge by the unavailing protest of his reluctant host the experience was far more disagreeable for Grindal than it was for his involuntary guest: ‘surely I thynke it wer goode that suche as deserve to be committed should be sent ad custodias publicas. Experience declareth that none of them are reformed, which are sente to me and others and by receivinge them the punishement lighteth upon us’\(^{107}\).

Far more alarming was his incarceration in 1571. On the eve of the departure of Lord Livingstone and the bishop of Galloway for Scotland Lesley was informed of Queen Elizabeth’s opinion that there was nothing to be gained by his continuing in England. But the command from Mary that he should not depart ‘drove me into a marvellous great labyrinth and strait betwixt the two princesses’, which illustrates the tension within which he was always constrained. Permission for him to remain, as Mary’s ambassador, was in the end procured by Cecil, who may have had his own reasons for wishing to keep Lesley under supervision, but at a cost: ‘the Queen of England conceived thereby great suspicion against me’ and ‘after that time there were no further attempts at negotiation but all turned shortly to rigour’\(^{108}\). The second portion of his Discourse, the last 100 (printed) pages out of a total of 250, starting on 12 April 1571, bears a separate title in which the word ‘negotiations’ does not appear.\(^{109}\)

‘All turned to rigour’: Imprisonment and Interrogation, April 1571 - November 1573

\(^{105}\) See Chapters 2 and 3 below.
\(^{106}\) Discourse, 84.
\(^{108}\) Discourse, 147.
\(^{109}\) The heading on p.149 reads ‘Here followeth the discourse of the proceedings of the Q. of Scotts effaires in England, since the XI of April anno 1571 to the XXVI of March 1572’. Since the pagination in Anderson, Collections III, is continuous I have used the title of Discourse, rather than Negotiations, throughout. Anderson, but not Lansdowne 231, continues to use the heading Negotiations on every page.
The change of tone in some of Lesley’s writings between 1571 and 1574 is incomprehensible unless it is considered in the context of his fears for his own security and Mary’s future. He claims that Moray had already warned Elizabeth, indirectly, of the Norfolk marriage, ‘that the Duke of Norfolk by the advice of the principles of hir nobilite went about by secret practices to marry the Queen of Scotland and thereby to possess both the kingdom of England and Scotland presently’.

As a result, Norfolk was examined by the Council as to the purpose of the marriage and sent to the Tower where he remained a prisoner for almost a year while the Northern Rising and its draconian aftermath convulsed the north. When, largely due to the failure of Norfolk’s servants to obey instructions to destroy compromising correspondence, it came to light that Norfolk had broken his solemn undertaking ‘to meddle no further in that business of the marriage’, Lesley was more directly implicated as a dealer with the rebels; he himself maintained that it was Ridolfi who proposed that foreign armies should be brought in to help English Catholics to coerce Elizabeth into accepting, or at least tolerating, the Catholic faith and agreeing to the marriage between Mary and Norfolk. The story of the capture of Mary’s servant Baily, with copies of the second, more outspoken, edition of Lesley’s Defence in his possession, belongs to Chapter 2 below. Lesley’s account of tampering with packets of mail in order to substitute innocuous letters for his own can be read, together with the day by day account of his privations in the Diary of the six months 11 April - 16 October 1571 which provides a chronological framework lacking in the fuller and more formal Discourse. The Diary is written in Scots until 8 September, and from that date entirely in Latin, with some use of ciphers. The Discourse, by contrast, is in polished English, thanks to the help of the Dr Good, who had already been entrusted with the Defence of the Honour, which purported to be written by an Englishman, ‘that he might turn into English any Scottish words in it’.

It seems highly probable that this was the Dr Good whose visits to Lesley when he was smitten with fits of the ague and

110 Discourse, 72.
111 Anderson, Collections, Introduction.
112 Or Goode. Lesley in the Diary uses both spellings.
other ailments are recorded in the Diary as is Lesley’s payment to him, as to his
colleague, of twelve pounds ‘for his pains’.

The account in the Discourse of Lesley’s successive interrogations is inconsistent
and incompatible with the accounts to be found in the State Papers and again with the one he
must have sent to Queen Mary. The latter is clearly no more reliable than the Discourse.
Mary recognised at once that although Lesley had written the letter ‘yet another had led the
pen and were the cause of the writing thereof’. Her comment ‘a flayed priest, a fearful
priest’ shows that Lesley’s version of events was hardly heroic; he could not disguise the
importance of his disclosures in bringing Norfolk to judgement. Burghley may well have
been telling the truth when he reported to Lesley that ‘the q. my mistres was nothing content
with such news’, though the bishop adds ‘the council would never suffer her reply to come
into my hands’.113

The Discourse, for all its flaws, is a unique source, and like many of Lesley’s works
was concerned not merely to recount past history but to influence future events. Although it
was addressed to Mary and her nobility, the last section shows that it aimed to do more than
vindicate its author’s handling of the negotiations: it was undoubtedly intended for a wider
public and partly inspired by the hope that the duke would be spared, and the bishop himself
liberated. Probably for that reason, Lesley makes no concessions about mistakes on his part,
while his account of his treatment shows the tenacity with which the Council alternated
between stick and carrot. The Diary entry for 13 May 1571 conceals more than it reveals:
when suffering his seventh fit of the ague in a fortnight he was interrogated by Cecil,
Sussex, Mildmay and Sadler, ‘to whom I answered as seemed most reasonable and
convenient to me’. Despite, or because of, this show of bravado, his study in his lodgings
was sealed and, deprived not only of his papers and all but two of his servants, but also in
effect of his function as an ambassador, he was taken in a litter to the bishop of Ely’s house
in Holborn. There, despite physical ailments he had the opportunity to read, as he relates in
the Historie, books by English historians, such as Polydore Vergil in the first half of June,
and thereafter ‘many notable histoireis necessarie to be known’ balanced by the
Confessions of St Augustine and books by Bullinger, Peter Martyr and other reformers urged upon him by the Bishop of Ely, Cox. Although ‘straitly kept’, Lesley was not then deprived of intellectual stimulus. Having dined on 21 August with the Bishop of Ely he ‘conferred with him upon divers purposes, specially of an union to be made in religion by a General Council’. Further discussions on ‘the government of comon weillis’, revealed that his host shared his low opinion of Knox and Goodman. When in late August he was taken to the bishop’s residence near Fenny Stenton his days appear to have been filled with study of Greek and Hebrew scriptures with Ninian Winzet, reading books, some of which Winzet had procured in Cambridge, ranging from the Talmud to the newly published Ane admonition to the trew Lordis by George Buchanan. It is indicative of a relatively relaxed régime that Winzet, though never concealing his devotion to the Catholic church nor refraining from doctrinal debate, was allowed to roam Cambridge in search of the texts which might well reinforce his polemic; physical exercise included stag-hunting and archery. Not all these activities can be shown to relate directly to Lesley’s later writings although familiarity with the Psalms is especially apparent in his later works, the devotional books for Mary, the Oratio to Elizabeth and his History of 1578 (especially in the various prefaces) which also benefits from Winzet’s readiness to confront the doctrinal issues hardly mentioned in Lesley’s first, vernacular, Historie of 1570; these pages of the Discourse also show, unintentionally, how misleading was his reference in the Life to his hardships and his assertion that the isle of Ely ‘for the badness of the air is not habitable’.

But of more interest politically are the interrogations which followed in London and his response to the very public charges, (made possibly to impress the Lord Mayor, to whose custody he was entrusted before being committed to the Bloody Tower) that he was ‘the chief author of all rebellion and sedition in this land’, and ‘false traitor Scot’. Lesley’s defence reads well on paper: all he had done had been for the common quietness of both realms; he was no traitor to the Queen of England but a Scotsman, faithful and

113 Discourse, 227.
114 Diary, 143, 21 August 1571.
115 Lesley, Libri Duo: Quorum uno, Piae afflicti animi consolationes, divinaque remedia; Altero, Animi Tranquilli Munimentum & conservatio, Continentur (Paris,1574).
true to his own prince,\textsuperscript{116} he was in any case entitled to his immunity as an ambassador. In these points Lesley’s knowledge of the civil law in theory stood him in good stead,\textsuperscript{117} but the practical result of his oratory was that he was threatened with torture and instantly sent to the Tower, deprived of light, of visitors and even of paper and ink ‘which was another grief’ and of any visitors but the lieutenant of the Tower himself. Within days, there appeared to be a change of tone when Lesley was assured that his evidence would not be used against any man, ‘which moved me most of all to answer more directly’ and once convinced that ‘almost the whole principle matters that I had at any time to do with any of those that was then in prison’ had already been disclosed, ‘I would not be so obstinate as to stand manifestly against the truth confessed by them’.\textsuperscript{118} On his own role in the Ridolfi plot he again pleaded that he had been misconstrued in citing instances when a handful of noblemen had overthrown the government in Scotland under Mary, and in London under Mary Tudor; he insisted that these were but historical allusions ‘and not as a devised purpose by any of these lords to take effect’. In view of Lesley’s encyclopaedic knowledge of history classical and modern, and his tendency to argue by analogy, it is possible that he was speaking the truth, or at least that by the autumn of 1571 he believed that he was. At all events he clearly feels ill treated: ‘By this it is easy to judge how hardly I have been used, and what high points hath been laid to my charge, as if I had been chief author and inventor of all these devices. But to say the truth in that matter, I spake these purposes only by way of discourse, to assay what the Duke would do’\textsuperscript{119}. When charged with being privy to the rebellion in the north and giving its leaders encouragement by messages and promises of aid, he backtracked completely from the position taken in his \textit{Life}, maintaining he had ‘never heard the duke speake one word in all my life but that he might have spoken in presence of the Queen of England and her Counsell without offence of his duty or allegiance’.

\textsuperscript{116} The conviction that as a Scot he was no traitor to England is consistent with the view that permeates his \textit{Histories} of the relationship between Scotland and England.

\textsuperscript{117} \textit{Discourse}, 194-7.

\textsuperscript{118} Ibid., 201.

\textsuperscript{119} Ibid., 212.
Neither the Discourse nor any of his other works gives any hint of the abject surrender which followed, after he had spent only his first two nights in the Bloodie Tower, though the confessions recorded by the Council were, despite their previous assurances, used against Norfolk at his trial. One allegation, that he accused Mary of poisoning her first husband, conniving at the murder of her second, and plotting to dispose of her third, surely deserves little credence; it depends entirely on the word of the zealot Wilson who was not above lying to falsify history for political ends, and such an admission would expose the bishop himself to charges of perjury at York and Westminster, while totally undermining his position as the author of the Defence of the Honour and of much of his correspondence. If Mary herself had believed the bishop, who, as he maintains in almost all his books, had for years been her staunchest if not her wisest supporter, to be guilty of such an abject betrayal, she would hardly have continued to show such personal regard for him. Although later, in 1583, she is reported to have told Shrewsbury and Beale that she had commissioned Lesley only to ‘make her innocence known to the princes and particularly in Germany, to deal for certain abbeys which appertain to the Scottish nation’, she continued to refer to him in correspondence as a good and faithful servant; the Life claims that on the eve of her execution Mary wrote to Philip of Spain requesting him to be mindful of the faithful services of the Bishop of Ross. But more reliable evidence of her regard for him is to be found in her letters and her response to the work of spiritual consolation which he sent her in 1572-3. Further, if Wilson’s scurrilous accusation had been believed on the continent, there would have been no possibility of Lesley’s more ambitious projects on her behalf after 1575 gaining any support at all. There is no doubt that fear induced the bishop to make admissions with which he was to reproach himself for the rest of his life, and to which there are oblique references in his later devotional works, but within days he achieved his immediate objective, with Elizabeth’s assurance that she understood he was acting at the behest of others and therefore should not be blamed. There is no evidence to

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120 As he himself re-iterates e.g. in the Relatio.
121 CSP Scot. VI, 393.
corroborate Lesley’s allegation in the Life that ‘notwithstanding his privilege as an ambassador [he] was condemned to death contrary to the law of nations ... for a whole year expecting daily to suffer a violent death by the hands of the public executioner, with many other Catholic noblemen who were beheaded’. 122

He was not, however, released from the Tower until the following August, or allowed to leave the custody of the Bishop of Winchester until the end of 1573. For all his complaints of extreme hardship in the Life, even in the Tower he clearly had preferential treatment. His correspondence in the State Papers includes confident orders for partridge, pheasant, turkey and other delicacies, and when he was released from the Tower some of his complaints show that he had not been deprived of all creature comforts: ‘the lord lieutenant retained my whole furniture which I had within for my own use and my servants, as bedding, napery, silver plate and all other necessaries required for my commodity there ... the gentleman porter of the Tower retained my satin gown’. 123

But for a man by nature ‘busie’ and inquisitive, isolation was hardship indeed, and he was probably not exaggerating when he complained, after his ‘such determined’ answer to the Council, of being

so close and straitly kept, that I could have no manner of knowledge what was done in the world, further than within the four corners of my own prison, and could have no kind of release, saving that I am suffered sometimes to walk without my door half an hour’s space, by reason of some infirmity wherewith I am vexed, proceeding of the close and corrupted air, and could never have the commodity to speak with one of the Council thereafter. 124

To judge by his later works he seems to have been permanently affected by what J. H. Burns has called the ‘immense and sinister uncertainties’ which surrounded Elizabethan political prisoners. 125 It is from this point on that his conversation can be described as ‘positively garrulous’ 126 and there is more than a hint of melancholy in his later works, especially Libri Duo addressed to Mary, the various epistles which precede the Latin

122 Life, xi
123 Discourse, 247.
124 Ibid., 228.
125 J.H. Burns, ‘Catholicism in Defeat’, History To-day, XVI (1966), 793.
126 Lockie makes the point that this severely undermined his value as a co-ordinator of schemes, after 1575, to restore Catholic supremacy in Scotland.
History,\textsuperscript{127} and the introduction to the Discourse itself, where the emphasis is heavily on 'the weary peregrinations of this life during the which we are as it were exiled from God and live in misery ... full of pain and travail, anxieties, terror, miseries, that rather it is to be called a daily dying than life, being subject to so many evils ... and to all these calamities fiery death doth succeed'.\textsuperscript{128}

His physical conditions improved in August 1572 when, thanks to the intercession and money of the French ambassador, he was delivered into the custody of the Bishop of Winchester at Farnham Castle; even there he was allowed only one servant, Thomas Lesley who had been with him in the Tower, and he could speak to visitors only in the presence of Bishop Horne himself. Lesley admits that in all other things he was 'very friendly' used, probably unaware that his host, in his turn, was pleading even more importantly than Grindal before him 'to your honor [Burghley] for delivery from such a devilish sprite as my house is possessed withall'.\textsuperscript{129} But he was not to be relieved of the 'troublesome sprite' for fifteen months.

The main body of the Discourse, however, ends on 26 March 1572 when the Duke of Norfolk, though condemned, was still in the Tower, awaiting the Queen's 'clement and bountiful mercy which is expected and looked for by common opinion'. In his conclusion Lesley endeavours to put the best possible gloss on this tragedy by claims which cast doubt on his judgement and on his honesty. Mary's cause, he asserted, was in better case than at any time since her coming into England; 'her bearing in adversity hath blotted quite away the calumnies spread abroad for her dishonour'; the nobility of England and the greatest princes abroad were committed to her cause, convinced by Lesley's arguments at York that Mary's abdication, under duress, had no force in law. On opinion abroad, if on little else, he and Cecil would have agreed. In 1569, Cecil, as prone to sporadic self-doubt as was Lesley himself, had come to the conclusion that 'by the

\textsuperscript{127} Some of these are in striking contrast to the eulogy by his close friend in captivity, Ninian Winzet, admittedly in verse, to Lesley, who 'laughs at misfortune, laughs all her woes to scorn, and laughing still ...' The correspondence between both men shows Lesley at his most spontaneous.

\textsuperscript{128} Discourse, Preface, iii.

\textsuperscript{129} Ellis (ed), Original Letters III, 367. See note 107, above.
universal opinion of the world' Mary's case seemed just and that she had the support of 'the strongest monarchs of Christendom.'

The peroration of the Discourse recalls passages in the second, more militant, edition of the Defence, with the prophecy that Mary's allies at home and abroad would take up arms for her release; it also indicates the direction in which Lesley's energies would be concentrated in the future. After the somewhat muted claim that 'we have not altogether lost our pains and travail', Lesley concludes the Discourse with prayer for deliverance, and liberty and unity in mutual love and friendship, of a kind which could have been the peroration of almost any of his books. Nonetheless, it gives an unequalled insight into the tortuous workings of his mind, and into the tensions within which he had to operate. The mission with which he had been charged was beyond the powers of any diplomat, given the enduring dominance of Cecil and his conviction that 'England so standeth alone upon the gard of itself as never did at any tyme before by the memory of any records or stories' and that 'for the political settlement of Scotland Mary should stay in England'.

Further Papers from Prison

In the addenda to the Discourse Lesley makes understandably brief mention of the Oratio which had been in part the price of his release. Addressed to Elizabeth, it offered

reasons and persuasions ... that it was greatly to the advancement of her honour, and according to all kinds of laws observed in all ages and amongst all nations, that I should be set at liberty; and that her example might be followed in all time coming in all such like cases; desiring that if she would not suffer me to use the office of ambassador within her country, to grant me licence ... to depart safely into France.

130 Alford, Early Elizabethan Polity, 190.
131 See Lesley, Relatio, probably written in1578. It is appended, in the original Latin to Lockie's article; an English translation can be found in Appendix I, below.
132 Lesley, even in custody, was aware of this. His Diary for Sunday 19 August 1571, 142, describes dinner with the Bishop of Ely during which the Bishop of Lincoln, who had preached that day, 'complained that many of his diocese was favourable to the old religion, and would not come to the service'.
133 Discourse, 250-1.
134 Joannis leslaei scoti Episcopi Rossensis pro libertate impetranda oratio ad reginam Angliae, written at Farnham and dated October 1573. It was printed in Paris in 1574.
Mainly in prose, it ends with a verse more direct and less florid than most of Lesley’s Latin.

Non aurum posco, nec opes, sed carcer solvi,
Tutus et ut cedam finibus hisce tuis:
Quod si praestiteris, princeps mitissima, reddam,
Charius omni auro, grati animi obsequium.

Although the Oratio is undoubtedly learned and even dazzling in its rhetoric, its effusive praise of a queen whom Lesley was to describe in his later Historie, as in the Paralipomena, with barely disguised hostility make it puzzling that he chose to publish it in Paris, after his release. It is possible that he was again hedging his bets: even in the 1580s he was still angling for a pension from Elizabeth. But the Oratio alone would supply grounds for Andrew Lang’s harsh description of Lesley as a ‘time-serving flatterer’.  

If the Oratio gave the impression that Lesley was prepared to plumb almost any depths of servility in order to procure his freedom, two very different works enhanced his reputation among Catholics on the continent. Both were addressed to Mary, the first written from the Tower in the summer of 1572, the second from the Bishop of Winchester’s palace at Farnham in 1573, and were intended for her spiritual consolation. The manuscript copies in Lambeth Palace in Lesley’s own hand are the subject of an authoritative bibliographical article by Pamela Robinson which offers much of interest on Lesley’s circumstances at the time of writing. Lesley himself explains the purpose of Piae Afflicti Animi Consolationes, divinaque remedia in a letter to Burghley in May 1572 and also in an admonition at the end of the version which he published in Paris in 1574:

I did mark in my reading, certain passages of the scriptures, to serve my own turn, for my comfort ... And because I understand the Queen my mistress to be vexed with the like disease which cannot be so well cured as by such like godly and wholesome medicine I have thought it my duty to write to her in this kind of argument. He appears to have completed the first volume under difficulties for the writing, in his own hand, is unusually cramped, ‘as if he were trying to make the best use of his supply of

135 Lockie, Political Career of Bishop of Ross, 132-4, suggests that this is why the Relatio is restrained in its references to Elizabeth; it is difficult to think of a more plausible explanation.

136 J. Maitland, Apologie for William Maitland ... against the Calumnies of jhone Leslie. A. Lang (ed.). Editor’s introduction, 145.

Mary's response was to send Lesley French verses of her own composition, prompted by her meditations on his reflections. On 1 October 1573, shortly before Lesley's release, a further manuscript followed, *Tranquillitatis animi praeservatio et munimentum*. In 1574 they were published together in Paris, as *Libri Duo*, and in 1590 Lesley, then suffragan at Rouen, translated them into French and published them in Rouen under the title *Les dévotes consolations et divins remèdes de l'esprit affligé*, bound together with *Prières convenables à tous vrais chrétiens estns en affliction, dans le temps turbulent et calamiteux*. By that year Mary was dead, and the citizens of Rouen were indeed living in turbulent times; there survive some testimonies to Lesley's courage and leadership during the siege which ended in surrender to the Huguenots, although their provenance is not easy to establish. *Libri Duo* are timeless meditations reflecting Christian stoicism in the tradition of the 'Tower psalmists'. They provide almost the only clear exception to Cody's generalisation that 'all Bishop Leslie's works are in object, if not also in subject, political'. Alone among Lesley's printed works, as distinct from his correspondence, notably with Ninian Winzet, these writings are not in any sense political.

*Lesley's later life on the continent 1574-96*

More than three quarters of the Life is concerned with two decades after Lesley’s release, but the years after 1574 are not proportionately important in an examination of the background to Lesley's most important and enduring works, with the major exception of the Latin History published in Rome in 1578, which will be the subject of a separate chapter. The Life itself makes few pretensions to be anything more than a list of those achievements judged likely to commend him to potential Catholic patrons. When it does attribute motives to Lesley it invites scepticism; the claim that 'he chose rather to live in a very low condition and in want in the house of God, than to dwell in the tabernacles of the Wicked with Affluence' is belied a few pages later by his satisfaction that as suffragan of Rouen he lived 'in honour and esteem ... and in sufficient splendour according to his rank'. When, on the

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138 Ibid., 66.
139 Ibid., 65.
surrender of Rouen to the Protestants, he lost all his furniture, he hardly seemed indifferent to the loss of this world's goods; 'by his zeal to the Catholic faith ... he bore all with an even mind and by divine Assistance he resolves to bear the same with patience'.

Other sources for his later life are patchy, with the exception of his well-documented journey to Rome in 1575, year of Jubilee. The influence of Ninian Winzet, the scholar and Catholic controversialist who rode in his retinue to Rome, is surely to be seen in the contrast between the Latin History produced there and the earlier Scots version; on the reasons for the Reformation the 1578 version is far more searching. What he meant by a reference to 'other books both before and afterwards set forth by him' is not clear; the presumption must be that he was inflating an already full curriculum vitae even further. He did, as will be seen in the following chapters, produce more polished versions of parts of the Defence already published in 1569 and 1571, in Latin, English, French and Spanish. In Rouen he published what is stated to be his own translation of Libri Duo in French, but even by Lesley's standards the memorial sermon or Harangue Funèbre attributed to him by Scott hardly amounts to a book.

Some points in the Life, however, can be verified from other sources. Lesley certainly met in Rome William Allen, later to be associated with the College at Douai, and

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140 I am most grateful to the Rev. Mark Dilworth for making a number of his transcripts of letters between Lesley and Winzet available to me. They are now deposited in the Scottish Catholic Archive. 141 The Histories will be examined in Chapter 6, below. In view of the close friendship between Lesley and Winzet, not only in Rome but in the custody of the bishop of Ely in 1571, it seems ungenerous of James Maitland to attribute the additions and alterations of 1578 to Winzet alone. The charge of plagiarism in this instance is certainly not proven, and Maitland, as can be seen from the title of his book, note 136 above, is far from being an impartial witness. 142 Lesley, Life, xi. 143 See Chapters 3 and 4 below. 144 John Scott, Bibliography of Works relating to Mary, queen of Scots, 1544-1700. Edinburgh Bibliographical Society, no.2 (1896), 170. Scott cites 'Harangue funèbre sur la Mort de la royne d'Ecosse. traduit d'Ecossais par N.L.R.P'. The author of the original, of which there is now no trace, is described as M. I. R. which could well be Jo. Rossen; further circumstantial evidence could be his insistence that he spoke 'not as prelate or ambassador'. But if Lesley was able to translate his much longer Libri Duo from Latin into French in 1590 it is surprising that he did not choose also to translate the Scots tribute into French in 1588. There is no evidence that he had any knowledge of the Italian translations of his Relatio which were being commissioned from an Italian hack, Francesco Marcaldi, of which at least 25 manuscripts have survived. Lockie's list is reproduced, with his permission, in Appendix II. Lesley himself was capable of making a good story even more dramatic, but if had seen one version containing the curious allegation that 'Mary plotted with Rizzio to kill Darnley' he would certainly have objected. David McNaught Lockie, who has generously given me the results of his
the tradition persists, though on somewhat scanty evidence, that Lesley was jointly responsible for endowing the Scots College when it was, in its early days, in Paris.\textsuperscript{145} Lesley’s constantly repeated pleas of poverty would seem to make such beneficence improbable, unless the money involved not his personal resources but those of the Church. It seems almost certain, too, that Lesley would have included such good works in his account of his \textit{Life}, or encouraged others to do so; he was never one to hide his light under a bushel. But he can certainly be credited with a major educational achievement the preparations for which show him in a more favourable light than usual. In Rome, he applied himself to the cause of restoring the so-called ‘Scottish’ monasteries in Franconia, described in his Latin \textit{Historie}, with vigour and success. Curiously, in the \textit{Life} this endeavour is passed over in one sentence: ‘concerning some monasteries founded in Germany for the Scots, that are now in the possession of the heretics and others; that the said monasteries should have their privileges restored and given back to the Scots’.

Letters between Lesley, Winzet and the ducal family of Bavaria, transcripts of which Dr Dilworth has generously made available to me, show Lesley, who had been responsible for ensuring the election of Winzet as Abbot of Ratisbon, to be working as hard to propagate the Catholic faith in the Empire, and indirectly throughout Europe, as he claimed to do in the \textit{Life}.\textsuperscript{146} At the same time Lesley was engaged in the possibly more congenial activity of planning an invasion of Scotland, England, or both. In the \textit{Relatio} he claims he was charged by the Pope to take up residence ‘in those parts of France most adjacent to Scotland and England’ to be ready to pass into Scotland ‘there to bestow all possible care and pains to restore the Catholic religion’. The detailed negotiations in this period of Lesley’s life have been admirably summarised by Lockie; although they are central to Lesley’s political career, they have little direct relevance to his writings, in

\hspace{1em}\textsuperscript{145} See for example Edward Hughes, \textit{Three Centuries of English Presence at Douai 1568-1903} (Downside, 1998), 26, and the articles to which it refers. It traces the history of ‘the Scottish seminary ... settled successively in Paris, Pont à Mousson, Douai (1593) and Louvain, before being installed at Douai ... financed by Queen Mary Stuart (1580), Pope Gregory XIII (1581), John Leslie, Bishop of Ross (1596) ... and Hippolytus Curle (1618)’. 

\hspace{1em}\textsuperscript{146}
contrast to the period 1568-74 when most of his books were an extension of his diplomacy, as a means of convincing the world of the potency of Mary’s cause. But Lockie’s discovery that the *Relatio*, originally requested by the Emperor as an introduction to the convoluted events of Mary’s reign, was from 1578 - in translation and sometimes in a grossly inaccurate, or over-dramatised, form - in many of the major libraries of Europe, is testimony to the potential importance of Lesley’s writing in forming opinion on the continent.¹⁴⁷

The route he took from Rome to northern France was certainly circuitous, via Prague, where he ‘made some stay with the Emperor’ and some intercession on behalf of the Scottish monasteries as well as Mary’s cause. The journey was lengthened at Strasburg when he was seized by ‘an obstinate assertor of the Calvinian heresy’ and imprisoned, yet again, for two months. Although this proved to be a case of mistaken identity, his release cost a ‘pretty round sum of money’; in the *Life* more stress is laid on the financial implications than on the physical danger. By this time French clergy were observing that ‘the bishop of Ross never hears of a benefice being vacant but he asks it for himself’ and his importunity was rewarded when he was appointed suffragan of Rouen in 1579. Four years earlier he had obtained provision from the Pope to the diocese of Ross, but it was not until 13 March 1587 that he was rehabilitated in his diocese by James VI; the following year the General Assembly was protesting that the bishop had given the parsonage of Kirker in Ross to ‘Alexander Lesley a professed papist’. John Lesley himself never returned to Scotland and when on 16 December 1592 he was translated to the bishopric of Coutances, he was released from the bond which bound him to the church of Ross.¹⁴⁸ The *Life* claims that in his capacity as suffragan of Rouen, he spent fourteen years ‘with great judgement, diligence, and

¹⁴⁶ M. Dilworth, *The Scots in Franconia* (Edinburgh, 1974) gives the background which will be further explored in Chapter 6, below, on the *Histories*.

¹⁴⁷ For this unpublished material I am indebted to David McNaught Lockie who has shown that at least thirty manuscripts of Marcaldi’s translations (which were in some cases very inaccurate) were made for different patrons between 1578 and 1592. Two copies, one made in Florence and the other in Lucca in 1580, are now in Edinburgh University Library (Laing iii, 238, 5 March 1580 and 239, 24 Jan 1580); others are in Paris, London, Rome, Munich, Turin, Perugia, Vienna, Copenhagen and New York. See Appendix II, below.
discretion', during which there are some grounds for thinking that he composed, in Scots, a *Harangue Funèbre* for Mary. He certainly translated the second and third books of the *Defence* into Latin, and, in 1584, Book II, only, was turned and back into a polished version in English which had no need of the quaint printer's apology which had preceded the first edition. A translation of the treatise on the succession appeared in Spanish, and in 1587 a French edition, published in Rouen, was preceded by an urgent but unavailing plea to Henri III to intervene on Mary's behalf. Three years later Lesley translated the *Libri Duo* into French. His heroic activity in the siege of Rouen was, according to the *Life*, widely praised and 'by reason of his constancy in the faith, and his care and vigilance [he] was judged worthy by everyone of being promoted to the bishopric of Coutances'. He was in due course appointed to that bishopric, but in the event only in name; he claimed that the canons there would have acknowledged him as their bishop 'had they not been kept back from their duty by the threats of some noblemen'. At all events he never reached Coutances and in 1593 the Huguenot ascendancy in Rouen convinced him that discretion was the better part of valour. He withdrew, according to the *Life*, to Brussels, where he spent at least a year at the court of Duke Ernest who had encouraged his hopes of becoming Archbishop of Mechlin; more months were passed in cities and spas for the sake of his health. However later authorities claim that he lived, and died on 30 May 1596, in an Augustinian monastery at Guirtenburg 'about two miles from Brussels'; strangely, it

148 The papal documents are cited by Irving, *Scottish Writers*, 229.
149 Not to be confused with the *Oraison Funèbre* which is usually attributed to Adam Blackwood.
150 *On the Succession* and *on Women's Rule*.
151 'This will be examined in the next chapter.
152 Irving, *Lives of Scottish Writers* quotes Antonii Biblioteca Hispana Nova Tom ii where the Spanish translation is attributed to Lesley himself.
153 French public opinion, and the attitude of Henry III are discussed by Dr Alexander Wilkinson, 'Mary Queen of Scots in the polemical literature of the French Wars of Religion' (St Andrews University Ph.D., 2001).
154 Keith, Dowden, the Leslie Family Records; even T.F. Henderson in his dense and well documented article in the *DNB* wrote: 'he took up his residence in a monastery of Augustinian canons at Guirtenburg, near Brussels, where he died 30 May 1596'. I understand that in the *New DNB* this statement will be phrased more cautiously.
seems that no such Augustinian monastery ever existed there. But for this final obscurity, at least, Lesley himself cannot be held responsible.

I am grateful to the Librarian and the Archivist at the University of Leuven (Louvain) for the energy they devoted to establishing this point, and for producing maps of all Augustinian houses which existed in late sixteenth-century Europe. They show none near Brussels, but Dr Rosalind Marshall has pointed out that the Catholic Encyclopaedia lists an Abbey of St Gertrude at Louvain, where Thomas Harding another Catholic exile, is said to have died in 1572.

The Life makes no reference to the monastery, but states that Lesley spent about a year at court and visited spas for his health.
CHAPTER TWO

A Defence of the Honour of Mary Queen of Scotland.

In his own life time and for three centuries after it John Lesley’s literary reputation as a lawyer and polemicist rested primarily on the volume, A Defence of the Honour... published first in 1569 and, in whole or in part, in five subsequent editions which appeared within eighteen years, in English, Latin, French and Spanish. Lesley was to state in retrospect that his purpose had been essentially practical: to counter ‘a short pamphlet circulated in the city of London tending to the dishonour of the Queen my Mistress and the defeating of her title to the succession of the Crown of England and also against the heritable succession of Princes and the Government of Women’. This aim dictated the form of the composite volume; its full title comprises three distinct but related themes: A defence of the honour of the right highe mightye and noble Princesse Marie Quene of Scotlande and dowager of France, with a declaration as well of her right, title & intereste to the succession of the crowne of Englannde, as that the regimente of women ys conformable to the lawe of God and nature. Purporting to be ‘Imprinted at London in Flete strete, at the signe of Justice Royall against the Blackbell, by Eusebius Dicaeophile, 1569’, the volume eventually ascribed to Lesley is presented in three ‘Books’ which deal, respectively, with the defence of Queen Mary’s character and reputation, the Stewart claim to the English succession and the wider subject of female right of inheritance. The first two editions are each preceded by the author’s preface; the contrast between his tone in 1569 and 1571 is significant. This chapter will consider the first ‘book’ and the context in which its two successive editions were produced, together with their very different Prefaces which show more clearly than the works themselves how radically Lesley’s

1 The full title will be found in the Bibliography.
attitude, most notably to Queen Elizabeth, had developed in a period of less than two years.

Each 'book' had an essential role in promoting Mary's claim to the English succession. Lesley's claim that he was answering a pamphlet circulating in London gives no indication that it was but the tip of the iceberg, or that he was faced with a spate of propaganda of almost unprecedented intensity issuing from both sides of the Border. By 1569 he was not defending a monarch of hitherto unblemished reputation, nor had he, as he claimed, by his advocacy at the tribunal at York in 1568, convinced the commissioners there of her innocence. In Scotland, the eulogies of Mary composed before her marriage had been succeeded by covert insinuations and public aspersions on her character. On 19 April 1567, two months after Darnley's murder, Mary's parliament was drawing attention to 'Placardis and Billis and Ticketts of defamatioun set up under silence of Nycht in diverse publict Places als weill within Burgh [Edinburgh] as utherwyss in the Realme, to the Sclander, reproche and infamye of the Quenis Maieste and diverse of the Nobilitie denouncing her' and imposing on the first 'sear and findar' of any such placard the obligation to 'incontinent destroy it' under pain of being punished in the same manner as those who had created and displayed it. Ominously, as Wormald points out, the man accused of responsibility for them was the brother of Mary's own Comptroller, William Murray of Tullibardine. One of the most prominent declared that Bothwell 'has murdered the husband of her that he intends to marry, whose promise he had long before the murder was done'. Even more eye-catching, especially to the semi-literate, was a crude caricature of Mary as a mermaid and Bothwell as a hare. Since in the sixteenth century a mermaid denoted a prostitute the implication was obvious. Eight months later while Mary was imprisoned on Loch Leven the Scottish Council records of December 4 refer openly if cryptically to 'privy letters written and

3 Defence of the Honour 1 (1569), 46v., 47r.
4 APS II (1814), 552.
5 J. Wormald, Mary Queen of Scots, A Study in Failure (London, 1988), 162.
subscribed with her own hand and sent to James earl of Bothwell, chief executioner of the horrible murder. Jenny Wormald has connected these defamatory hints to the imminence of the Parliament which had been summoned for 19 December to ratify both Mary’s abdication and Moray’s accession to the Regency, but the ripples soon spread far beyond Scotland, propelled by the torrent of broadside ballads, largely written by Robert Sempill in 1567 and printed by Lekprevik who was then in effect the official Protestant printer. Sempill did not pull his punches: in Ane Ballat declaring the nobil and Gude inclination of our King which was in circulation by May 1567 he associated Mary with notorious women from Greek and Babylonian mythology who had not scrupled to murder their husbands and he directly called for reprisals:

```plaintext
With Clitemnestra I do not fane to fletche
Quilk slew hir spous the greit Agamemnon:
Or with ony that Nynos wyfe dois matche-
Semiramus, qyha brocht hir gude lord down.
Quha dow abstain fra litigatioun,
Or from his paper hald aback the pen,
Except he hait our Scottis Natioun,
Or than stand vp and traitouris deidis commend?
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Sempill, unlike some of Mary’s critics in England, does not make an issue of Mary’s religion; he compares her to Jezebel but also to Clytemnestra, and he concentrates his fire on her ‘whoredom and harlotry’ and the ‘beistly bowgrie Sodome has not sene’ which he ascribes to Bothwell. However in Ane Declarationoun of the Lordis iust Quarrell which was in circulation by August 1567 Sempill through the mouth of Philandrius raises a political issue which cartoons and handbills could not:

```plaintext
Yea, thocht it war ane King for to depose,
For certaine crymis, I think the subjectis may,
O fylthy faultouris fast in prisone close
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6 The caricature is reproduced in J. E. Lewis, The Trial of Mary Queen of Scots (Boston, 1999), 50. The hare denoted Bothwell’s family.
7 J. Wormald, Mary Queen of Scots, 171.
9 Satirical Poems, I, 36, line 145.
10 Ibid., 63, Ane Declarationoun of the Lordis iust Quarrell, line 181.
Since this implies that for certain crimes even Kings—and Queens—could justly be deposed and the same poem cites examples ‘eithlie found’ of rulers imprisoned or replaced ‘for wickit life’, part of Lesley’s task was to refute aspersions on Mary’s character in order to make such precedents irrelevant, and to rehabilitate her reputation, in the council chambers of Catholic rulers throughout Europe. In 1569 Mary’s restoration still seemed a real possibility. She had, after all, been able to raise more troops than had Moray at Langside. There are signs that many Scots, whatever their views as to her connivance in Darnley’s murder, were totally opposed in principle to her deposition and to the view of the relationship between crown and subject implicit in the lines of Sempill’s Philandrius quoted above. The Bonds signed at Hamilton in May 1568 and at Dumbarton four months later show a considerable amount of support for the Queen—or opposition to Moray. But very few Scots appear to have put quill to paper in Mary’s defence, and none had achieved sufficiently wide circulation to have a significant impact on opinion at home or abroad. Even the anonymous Rhime in defence of the Queen of Scots against the earl of Murray which, like Lesley, depicts Mary as an innocent, if naive victim, was

11 Ibid., 62, lines 148-61.
12 Gordon Donaldson, All the Queen’s Men. Power and Politics in Mary Stewart’s Scotland (London, 1983), 87-9.
13 J.E. Phillips, Images of a Queen, (Berkeley, 1964), 50; 248, n.58. To Phillips’ valuable, if sometimes inaccurate, overview, subtitled Mary Stuart in Sixteenth-Century Literature, this introductory section is considerably indebted. But his statement that ‘the contents of the piece indicates that it was written before Mary’s flight to England’ is debatable. The hope ‘may the Queen such guard procure as shall his [Moray’s] force withstand’ could be expressed in December 1568 when Mary’s supporters still had hopes of her restoration, especially if the author who uses the pseudonym Tom Trowth was the optimistic if enigmatic Thomas Bishop who was imprisoned in the Tower in March 1568/9 for ‘a book wrighten against the Earl of Murray, in defence of the Scotts Q.’ See also G. Chalmers, Life of Mary Queen of Scots (London, 1818), II, 443.
current only in manuscript and, if the date ascribed to it by Cranstoun, 21 December 1568, is accurate,\textsuperscript{14} it appeared only after the main lines of Lesley’s \textit{Defence} were probably already established. The poem certainly has variations from most later accounts of Darnley’s murder: Mary was lured from Kirk o’ Field on the eve of Darnley’s murder by a message that her baby son was in danger of his life. It may well have provided the report which Lesley included, rather awkwardly, at the very end of the \textit{Defence} that four men executed for the murder, Hay, Hepburn, Powrie and Dalgleish, in the hearing of many thousands declared on the scaffold that Moray and Morton ‘and others’ were responsible. Lesley adopts, in part, the \textit{Rhime}’s depiction of Moray: ‘A Scholar sure of pregnant wit ... This traitor tyrant of our time, Sith he all others doth excell in craft and crueltie’, and the unequivocal statement in the \textit{Rhime} that Moray, with his equally shameless companions ‘Agreeing all in one, Did kill the King and lay the blame the sakeless Queen upon’.\textsuperscript{15} Religion, as such, is not an issue; there is no mention of Protestant belief or worship, although there is emphasis on the greed of plunderers. Moray’s ‘assault against his Christ’ took the form of appropriating bells and lead from the cathedrals of Elgin and Aberdeen in order to maintain his troops which caused lamentation ‘right sore, to see prophaning of each place As served God in yore’. The villainy of Moray contrasts sharply with the innocence of Mary, who, insofar as she contributed to her troubles, did so through her simplicity.\textsuperscript{16} Moray appears to have been largely successful in suppressing the Marian tracts which made necessary Sempill’s manuscript entitled \textit{Ane Answer maid to ye Sklanderaris that blasphemis ye Regent and ye rest of ye Lordis}.\textsuperscript{17} The surviving evidence indicates that by 1568 the balance of propaganda in Scotland was overwhelmingly in Moray’s favour.

In England, too, Mary’s case was in danger of going by default. Attempts to justify in theory the putative claim of Mary to succeed to the English throne and in the

\textsuperscript{14} \textit{Satirical Poems}, I, 68-81.
\textsuperscript{15} Ibid., I, 71.
\textsuperscript{16} ‘For they that have not skill of craft are soonest caught in snare’. \textit{Satirical Poems} I, 74.
\textsuperscript{17} Ibid., I, 65-7.
case of Adamson’s *Genethliacum* her imperial claims 18 had already produced a backlash in England. *Allegations against the surmised title of the Quine of Scots and the favourers of the same* was published 7 December 1565.19 While the anonymous author opposed Mary’s claim primarily on political and religious grounds, ‘to enhance his arguments he suggests a conception of Mary’s personality somewhat darker in tone than the radiant image portrayed in the epithalamic literature inspired by different political motives’. 20 This was three months before the murder of Riccio, when Mary’s most controversial action had been her marriage with Darnley. Also in 1565 the peripatetic Thomas Jeney, 21 then with Randolph22 in Edinburgh, in *Maister Randolphes Phantasy* presented Mary as sensual, wanton and irresponsible, and like her Guise Catholic cousins determined to ‘seke to subyect all to the sword, that impugned my will or resisted my worde’; she is portrayed as ‘enflamed by rigor and hate’ against Argyle and Grange but above all against Moray’s ‘constant faith and ardent zeal to truth’.

\[
\text{No reason might my Rigor reverte}
\text{but thristie of blood I did them pursewe;}
\text{from place to place I sought them of newe.}\ 23
\]

In reply to Mary’s demands that action be taken against the author (whom she mistakenly believed to be Randolph himself) Elizabeth assured her in a letter from Greenwich dated 13 June 1566:


19 Anon, *Allegations against the surmisid Title of the Quine of Scots and the favorers of the same* (1565, London, STC 17564). Phillips, *Images*, 32, indicates the political, constitutional and religious issues which it raised and which were to remain at the heart of the succession debate.


21 For a critical account of the life and work ascribed to Jeney, ‘at best a literary cockroach, stealing the sweets stored by the industry of others’, see *Satirical Poems*, I, xvii-xxv.

22 Thomas Randolph was Elizabeth’s ambassador in Scotland. One of George Buchanan’s closest friends, he ‘thanckid God not a little for myself that ever I was acquainted with him’. He was no admirer of Mary, as his letters in CSP make clear. See J.E. Phillips, ‘George Buchanan and the Sidney Circle’, *HLQ* XII (1948-9), 24-5.

23 *Satirical Poems* I, 4-29, Jeney, *Maister Randolphes Phantasy: a breffe calgulation of the procedinges in Scotlande from the first of Julie to the last of Decembre[1565] The lines quoted are 465 and 533-5.
Je vous promet que nestiez seule en cholerè. Car non seulement veul Je que
mes subiectz ne disent mal des princes, mais que moins est de n’en penser
sinon honorablement. Et sois assuree que pense tellement traicter ceste
cause, que tout le monde verra en quel estyme Je tyens votre renomee. 24

In much of this Elizabeth was, in 1566, sincere; not until after the Ridolfi conspiracy
was anti-Marian publicity officially countenanced in England although after Mary’s
arrival in England Elizabeth, while giving no encouragement to rebels, was not averse
to undermining her cousin’s credibility, or allowing others to do so. Therefore the
proclamations against importing unlawful books, many of which in 1569 were
vituperative attacks on Mary, were followed up by the requirement that all books
printed in England must be licensed by ‘authority’, usually the Privy Council. But,
surreptitiously, leading members of that same Council were doing their utmost to
secure what has been termed ‘a kind of semi-publicity to an authentic history of
Mary’s misdoings’. 25 Lesley’s *Defence* provided a very different ‘authentic history’
which may explain why even the first, 1569, edition of the *Defence*, which he claimed
had the approval of the Queen herself, was subsequently banned; almost all copies
were impounded. In the absence of any effective repudiation of the calumnies against
Mary, English men, and women, could easily be misled even by such distortions of
the truth as are presented in *A dole full Ditty or Sorrowfull Sonet of the lord Darly,
sometime King of Scots to be song to the tune of Black and Yellow*. 26 In it Darnley
‘discreet and sage, ruled Scotland vertuously’ until he was hanged from a pear-tree
by two disaffected nobles with the approval of a third. Except for an indication that, in
Moray’s view, the Queen’s mourning for her husband was ‘but fained’ this is far
from the most damaging of the ballads and broadsheets in circulation by 1568 but ‘it
illustrates some of the misconceptions and misrepresentations that had currency in
England respecting Darnley’s tragic end’. 27

26 Broadsides Henry VIII-Elizabeth 1519-1603, No. 58 in library of the Society of Antiquaries of
London, printed in *Satirical Poems*, II, 40-44.
27 *Satirical Poems*, II, 40.
Some of the earliest attempts to counter the rumours were published in German and Latin on the continent but most influentially at Louvain by Peter Frarin who had praised Mary’s personal virtues before; he was aware of the conflicts which were erupting in this decade in western Europe, and in more general terms he drew the lesson that Protestantism was a threat to royal authority, in effect a creed for rebels.

This was a line which Lesley was later to endorse emphatically. But it is not one which he developed in 1569 - perhaps because to him the most pressing need was to clear Mary’s reputation in the most forthright terms, uncomplicated by other issues.

To him, to establish Mary’s innocence was an end in itself, not a way of leading into a discourse on religious polemic or political theory.

By 1569, Leslie had already complained to Elizabeth of the circulation of books and pamphlets hostile to Mary; the accusation that she was guilty of complicity in the murder of Darnley was common to almost all. The rumours helpful to, if not originating with, Moray, Morton and Mary’s other chief accusers were certainly current in England by 1568, re-enforced by accounts of a performance of Horestes at Elizabeth’s court which pointed to parallels between Mary and Clytemnestra.

Although Mary could claim with as much justice as had Elizabeth, years earlier, ‘much suspected of me, nothing proved can be’ and although Elizabeth had hitherto kept her promise to suppress attacks on her cousin, the Queen of Scots’ reputation was tarnished; she could not necessarily count on the presumption of her innocence, especially in a year when Protestants were appalled by what they regarded as the excesses of Alba and the Council of Blood in the Low Countries, just across the Channel. Jan Vansina’s comment is pertinent here: ‘Rumor is the process by which a collective historical consciousness is built ... a tradition based on rumor tells more about the mentality of the time of the happening than about the events themselves’. The mentality of 1568, fed by reports of wars in France and atrocities in Flanders, and the febrile atmosphere of the time, certainly had a bearing on the reception of the

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28 Most explicitly in his Histories of 1570 and 1578.
'presumptions and surmises' which Lesley deplored, but it was imperative that 'the events themselves' should be presented in such a way that the impression that Mary was an adulteress and a murderess should not remain unchallenged. As Lawrence Stone has pointed out, while male honour depended on integrity and courage, sexual chastity was the sole determinant of female honour. Although Wormald and others have expressed the view that Mary's connivance in murder in the circumstances of 1567 would not necessarily have been fatal to her prospects of maintaining the status quo, her subsequent misjudgements left Mary more dependent than ever on the good opinion of those whom Lesley describes as 'indifferent' (i.e. impartial) men, and at least one woman. Even more damaging than rumour, because more specific, George Buchanan's *De Maria Scotorum Regina* may have been translated into English by its author while he was in England charged with supporting the case for the insurgents at York at the end of 1568. Before Lesley completed the *Defence* in 1569, the *Book of Articles*, strikingly similar to the translation of the *De Maria*, had already been produced at Westminster. Although the *Detectio* was not published until 1571 the accusations which Buchanan brought against Mary could well have deterred potential allies from offering the financial, military or even moral support vital to her adherents. Buchanan's most virulent indictment of Mary did not reach the public, as the *Detectio*, until the autumn of 1571, but it seems likely that some of his charges, described by Gatherer as the first direct public accusation of the Queen of Scots, were already circulating in manuscript. Gatherer, while admitting that the provenance of the various libels is hedged with conjecture, is clear on their effect: 'it

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30 *Defence*, (1569), 3r.
32 R.H. Mahon, *The Indictment of Mary Queen of Scots* (Cambridge, 1923), 17ff.
33 W.A. Gatherer (ed.), 'The Tyrannous Reign of Mary Stewart, by George Buchanan' (Edinburgh, 1958), 17, asserts that there can be little doubt that the *Detectio* had already circulated widely in manuscript. Although Macfarlane, *Buchanan*, 324, writes that the book may have been in a 'primitive state' at this point, the main substance of the charges against Mary must have been clear: they had already been produced for the 'Trial' in 1568.
was largely his [Buchanan’s] work which introduced to the world at large the formidable charges brought against Mary by her insurgent subjects. It was all the more dangerous because it drew on many themes which were already tarnishing Mary’s reputation; and it could, in due course, appeal to a wider and far more powerful readership. An equally potent antidote was imperative.

* The structure of the volume Lesley produced anonymously in 1569 was by no means accidental. The defence of Mary’s character was his first priority; as he wrote, ‘it is thought good that this book should forgo the other’, i.e. Books II and III below. If it could be demonstrated that Mary was unworthy of her title and unfit to occupy the throne of Scotland, her legal rights to the throne of England would hardly arise; if the charges against her could be refuted, it must next be proved that Mary was legally eligible to succeed, in time, to a crown which after the death of Catherine Grey in 1568 attracted fewer royal competitors. A series of claims and counterclaims had been launched in England between 1563 and 1567. Elizabeth’s determination that the succession should not be a matter for debate, and that to declare her own heir would be to sew her own winding-sheet, had inhibited open discussion, in Parliament or elsewhere. Unless Mary’s legal claims to Elizabeth’s throne, should she die without issue, could receive the oxygen of publicity at home and abroad her case could clearly go by default. The link which connects these two ‘books’ to the much shorter Book III, on Women’s right to rule, is less clear. Lesley himself admits that the third ‘book’ could be considered superfluous, and its omission was recommended by at least one of those whom he consulted about the contents of the revised edition of 1571, but the sequence of the whole, as he points out, is logical. Considerations of expediency may have played a part: Knox’s First Blast of the Trumpet against the Monstrous Regiment of Women, though aimed at a different target and demanding the deposition and death only of Mary Tudor, was a vehement and totally uncompromising condemnation of women rulers in general. In Dr Dawson’s words:

35 Gatherer, Mary Stewart, 17.
'the arguments which Knox employed were from universal principles and were universally applicable'. Lesley, still intent on ingratiating himself with Elizabeth and aware of her unconcealed hostility to the author of the First Blast, may well have decided that his own justification of women’s right to rule could, in the eyes of the English Queen, do him no harm at all. Of all three ‘books’, the third, although only half the length of either of the others and relatively neglected for the next four centuries, shows Lesley at his most original, in terms of ideas, and has probably the most resonance to-day. The second, on the Succession, was reprinted most often in his own lifetime, and the Defence of Mary’s character only once.

Although in 1569 and 1571 the author’s preface, To the Gentle Reader, covers the whole volume, its three very diverse components read not so much as chapters of the same work as three essays contributing to a common theme, the defence of Mary’s reputation and of her claims to the English succession. In 1569 the pagination is continuous from the beginning through ‘the end of the first’ [and later second] Book’ until ‘the end of the third ‘Book’. But each could be published singly or with only one other. There was an edition of Book II, only, in 1571, the year of publication of the second, composite, edition of all three books within one cover; in 1580, Books II and III were published together in Latin, each described on the title page as opera Jo Leslaei Episcopi, though, surprisingly, the spelling of the next word, Rossensis, is not identical; in 1584 Book II was published, alone, in English, and two years later, in 1586, Book II appears twice, in Spanish and in French. Although all three are bound within the covers of the second, revised, edition of 1571, two significant differences from the first edition of 1569 are immediately apparent. In the copy in St Andrews University library the title page of the Treatise on the Succession is in a different typeface from the Defence, and each ‘Treatise’ is presented and paginated separately concluding with Finis, followed in every case by an imprimatur from the church authority in Louvain. For this reason, and others, it seems best to

examine each Book, with its distinctive antecedents, separately, while recognising that, in the circumstances of 1569, each had an important role in maintaining Mary's claim to succeed to the English throne, should Elizabeth die without issue.

The disarming Printer's address to the reader which precedes the 1569 edition gives an insight into the difficulties of production and acts as a warning against over-estimating the significance of the many purely verbal changes in subsequent editions:

I Require and hartelie praye...that yf thou finde any alligation not dewly coted, or a poinct out of place, a lettre lacking, or other wise altered: as, n for, u, and suche littill light faultes against orthographiae, thou wilt neither impute the same to the author of this worthie Worke, nor yet captiouslye controule the errore: but rather of thy humanitie and gentilnes, amende that which is amisse with thy penne. For if thou diddist knowe with what difficulte the imprintting herof was atchiued, thou woldest rather curtoslye of friendlye faueur pardon many great faultes, than curiouslye withe rigorous censure to condemne one little.
Christe kepe the in his faithe and feare presentlie and perpetuallye. Amen.38

The benediction indicates that for the printer, at least, his vocation had a religious dimension. To Lesley, however, the immediate issue was not directly religious; it was the vindication of Mary Stewart and the establishment of the right heir apparent in the event of the death without issue of 'our gracious Queen'.39 Although several of Mary's critics presented the issue in religious terms, and certainly Cecil and other members of the Council in 1569 saw the struggle between Catholic and Protestant as apocalyptic, it is not until after 1574, when Lesley was safely in France, that he claims to have been working day and night for the Catholic Church.40

Not the least of the printer's difficulties would be those of printing in a language which was not his own. Despite the improbable claim on the title-page that the 1569 Defence was 'imprinted in London in Flete strete at the sign of Justice Royal against the Blackebell, by Eusebius Dicaeophile, 1569', the name and address are clearly fictitious. No author's name is given and it is evidence of the vigilance of

37 I am grateful to Christine Gascoigne for confirming this point.
38 Defence (1569) the page is not numbered but immediately precedes the first 'book'.
39 In the 1569 edition, though not in later ones, the author writes in the guise of an Englishman.
40 He stresses his credentials as a Catholic activist most stridently in his Life (1594). See previous chapter.
the Elizabethan authorities that at least one ‘fragment of a copy’, not identical with the version finally published, was impounded. Southern identifies the print as that of Jean Fogny (Foigny) of Rheims, adding that it was probably Fogny’s first attempt at printing an English book. It was fortunate for him that Lesley, writing for English readers and anxious to maintain his pretence of writing as an Englishman, had secured the help of his friend Doctor Good, to turn this first ‘Book’ into clear English. Even so, few Frenchmen would be familiar with Lesley’s correct but sometimes archaic turn of phrase.

The interrogations of Lesley and his servants in 1572 cast considerable light on the problems of distribution in England. Lesley claims, in the self-justifying Discourse of 1572, to have presented a perfect copy in advance to Elizabeth and secured her qualified approval ‘at which time the Council said unto me that it was very learnedly done’. However it seems unlikely that this version was complete, especially on the outcome of the ‘trial’, and possible that the comment ascribed to the Council referred to Book II, on the succession. Although the author remains anonymous much internal evidence points to Lesley’s role in it: he was as well equipped as anyone to defend the Queen on whose Council he had served, and he had participated in the proceedings both at York and Westminster; perhaps most tellingly he himself claimed authorship in the edition of 1580, published when he was safely in France, thus by implication claiming authorship of the earlier, almost identical editions. As he writes in the guise of an Englishman and asked his friend Dr Good to check the text for style, it is not surprising that English attitudes are apparent, particularly in the references to Elizabeth, ‘our gracious Queen’, which feature in the first, but not the second, edition. However, there are at least two contemporary

41 Probably one of eight pages now in the BL, Add. Mss. 48027, fo. 284-91. It shows some interesting variations from the published text, and a different introduction.  
42 A.C. Southern, Elizabethan Recusant Prose 1559-1582 (London, 1950), 440: ‘The printer of this first edition of the Defence was Jean Fogny of Rheimes: comparison with the known works of that printer puts this beyond doubt’.  
43 A wise precaution. Southern, Elizabethan Recusant Prose, 316 refers to ‘numerous examples’ from Lesley’s works as a whole ‘of words and expressions either earlier or later than the recorded usages in the N.E.D.’
suggestions that the writing of Book I was an exercise in collaboration. Lesley's servant, Alexander Hervey, under questioning in April 1570, stated that the book was made twelve months before by Lord Herries, Lord Boyd and the Bishop of Ross, that 'the bishop of Ross had willed that the said book should be printed' and that it had been printed 'by the direction of the said bishop of Ross, his master'. Since all three had worked closely together on Mary's behalf at York, this is not inherently improbable: it would be natural for them to discuss the most effective defence. But their appearance together in the presence of Elizabeth at Hampton Court may have been enough to have linked them together in the mind of Hervey, or of his interrogators. Secondly, although Lesley was to claim authorship of Books II and III in 1580, in his statement under interrogation he is clearly concerned to minimise his own role: 'The book of the Defence of the Queene's Honour Thomas Busshop made, by the information of the Lord Harris [Herries] before this Examine's coming into England; and that Book was reformed and encreased by Thomas Busshop, this Examine and others at the conference at Westminster'. Bishop appears to have participated unwillingly, if at all. Under interrogation on 25 February 1569 he is recorded as having registered his disapproval of a proposal involving Lord Herries to bring out a pamphlet in Latin in support of Mary in the summer of 1568: 'I told them my opinion as there were sundry book in latin against her, one or both by Mr George Buchanan; if they brought forth that book, others would come out to her slander'. Not for the last time, this raises the question of whether Lesley's polemical output would, in the final analysis, prove counter-productive.

The lack of any copy of the original draft makes it impossible to estimate the importance of Lesley's own contribution which in the circumstances of his interrogation in 1571 he would be anxious to play down. Another comparison is however possible. Much of the material of Book I is the core of the Copie of a Letter

44 Lesley, De Titulo et Jure (Rouen, 1580), title-page.
written out of England,\textsuperscript{46} often attributed to Lesley, again in the character of an English gentleman which he adopts in the Defence. Although the Copie appeared, in James Maitland’s words, ‘without anie name or author, printer, date or superscript’,\textsuperscript{47} no-one has challenged Southern’s view that it, like the Defence, was largely the work of Lesley,\textsuperscript{48} between the death of Moray in 1570 and his own departure from England in January 1574.\textsuperscript{49} Both works describe in detail events on which Lesley, who had witnessed many of the events of 1566-8, was uniquely well-informed and both argue the case for Mary’s innocence in almost identical terms. Both make repeated, if not always effective, use of the same classical analogies, and they use the same classical tags and extracts from civil law. The most significant differences arguably reflect the passage of time over two or three years:\textsuperscript{50} the later Copie sketches the events up to the death of Moray, and makes no mention at all of Elizabeth.

However, attached to the Copie of a Letter, at least by the publisher, and printed with it, is an Exhortation to the noblemen of Scotland, that remains yet maintainers and defenders of the unnatural and dishonourable practises against the

\textsuperscript{46} The Copie of a Letter writen out of Scotland, by an English Gentleman of credit and serving ther, unto a frind and kinsman of his, that desired to be informed of the truth and circumstances of the slanderous reportes made of the Querre of Scotland, at that time restraine in manner as prisoner in England, upon pretense to be culpable of the same. It is not to be confused with The copie of a letter (Huntington 59851, S.T.C. 17565) which purports to prove that ‘the letters written by the ladie marie are not counterfeit but her own’.


\textsuperscript{48} Southern, ERP, 447-8.

\textsuperscript{49} Following Southern, Allison and Rogers give the date as 1572. A reference in the text, 28r., to the Duke of Norfolk ‘abounding as he doth in wisdom, wealth, power, general love of his countrymen’ appears to have been written before Norfolk’s execution in June 1572, if not before his condemnation the previous January 1571/2. But the statement that the ‘yong Earle of Arrane fel stark mad, and so lying certain yeares, at the last he died in plain Lunacie and in very miserable case’, 50v., is not a useful pointer to accurate dating: although the quality of Arran’s life was gravely diminished for over fifty years, he did not die until 1609.

\textsuperscript{50} It was certainly written after Moray’s death which occurred in January 1570. If, as Southern suggests, it was not written until 1572, Lesley’s relations with Elizabeth had been embittered not only by her failure to release Mary but by the Northern rebellion, the Papal Bull of 1570 and above all the discovery of Lesley’s involvement with Ridolfi and his incarceration in the Tower and elsewhere, 1571-3.
It is an appeal to the nobles to see Moray’s assassination, in January 1570, as an example of ‘God’s terrible justice and righteous revenge that never faileth at one time or another to fall upon the Authors and workers of so horrible and monstrouse attemptes, how long soever they bee sometimes deferred and delayed’. To escape divine retribution in ‘a bottomlesse Hogmyre of infamous calamities’ for ignoring their duties to ‘God, Prince and Countrey’ the only hope was ‘to untwist the therede which you have holpen to spin’ and seek mercy and forgiveness from God and from the Queen. Here, rarely, Lesley presents the issue as a religious one: the rebels had forsaken not only their duty to divinely instituted authority, but also ‘the true faith of your noble progenitors for fleshly liberties and covetousness of the Church’s goods’. This materialistic explanation of the reformers’ motivation is in line with the very similar one offered by Lesley in his first Historie which he had presented to Queen Mary in 1570. But other features of the Exhortation are not to be found in Lesley’s authentic works. Nowhere does he provide such a sustained condemnation of ‘seditious conspiracies in all times and ages’ as here. The message is primarily that rebels never prosper; worse, they never attain their aims:

What hath been the event and success of all such seditious conspiracies in all times and ages ... What hath (I praiye you) ensued theron? They have kept in dede a great stur for a time, but what have the Authors and movers gained thereby, other then their owne utter ruine and infamie for ever? And what is become of that they have strived for? when they have long contended mutually emonge themselves, and when ech hath spilled much of others blood, and many an honest man dead in the quarrell: the matter for the most part remaineth as it was, and litle or nothing bring they to passe of the huge alterations that thei attempt, nor never shal, therof assure you.

It was not unusual for Lesley to conclude his works with an Exhortation, and the insertion of AN at the foot of the last page of the Copie of a Letter, below the printer’s mark, shows that the printer intended to link this page, 53v. to the next, 54r., which is entitled AN EXHORTATION (sic). But the letter itself, which ends 'And thus I bid you right hartily farewell’, gives no indication of a postscript to come.

Copie of a Letter, 56 r.

See Chapter 6, below.

In the Defence, 34 r., Lesley did charge the rebels with infringing the prerogatives of Princes, but he does not develop the point: ‘where all lawes as well Gods as mans lawe do favour and preferre Princes causes, with singular privileges and prerogatives, ye have nowe espied oute a newe lawe, Whereby princes shall have and enjoye lesse benefitts and praeminences in their owne defence, then other private persons’.
For the Maiestie of God that is ever one and the same, never prospereth the unlawful attempts of Subiects against their princes, enterprised by private authoritie. 55

If Lesley was the author of this passage, it is, with one exception, 56 the most explicit and sustained denunciation of rebellion which he ever wrote. He may well have been familiar with the theory of aristocratic resistance to ungodly tyranny which Knox had developed in the Appellation, a very different appeal to the Scottish nobility. 57 But he himself puts forward no theory of obedience, nor does he challenge that of Knox, although he refers earlier to ‘the common obedience that al subjects, both Christian and Ethnical are borne in, and bound unto’. 58 He does not, here, even quote St Paul’s immensely influential insistence on obedience in Romans 13: he simply asserts that rebels were assured of perdition. ‘Divine authoritie so promised it, and worldly experience so teacheth it, very reason also showeth, that it can be none otherwise’. 59 It is, in the last resort, on ‘worldly experience’ rather than ‘duty to God, to Prince and Countrey’ that he relies in trying to put forward the case for capitulation on largely pragmatic grounds:

al men that have learning, wit or common sense, discovering more and more the infinite calamities and the very gasping death...of their whole nation ... will wax weary (of... uprores), detest the cause and give you over in the plaine field. If stil you depend and hope upon other princes assistance that will but deceive you...al other princes abrode, abhorre and detest the perilous president that herein you give to the great multitude that are subjects borne everywhere. 60

He makes no attempt to challenge Knox or Buchanan on their own ground. To him, on this issue at least, politics was the art of the possible and salus populi suprema lex. 61 ‘This letter, like the Defence, ends with a threat, in this case directed at the Scottish nobles, should they obdurately defend evil. ‘It is humaine to fall and to erre,

55 Copie of a Letter, 62v., 63v.-64r.
56 A short manuscript in All Souls College, Oxford which will be discussed in the Conclusion.
57 See R A. Mason, Kingship and the Commonweal (East Linton, 1998), 153.
58 Copie of a Letter, 56v.
59 Copie of a Letter, 63v.
60 Ibid., 64r-v.
61 Although Lesley does not, here, use this Latin tag, he appears to be arguing that the ‘gasping death of the nation’ must be prevented, at whatever cost.
but it is divelish to persist and continue'. Like the *Defence* it stresses 'your Soveraignes clemencie among and above al other her princely vertues'.

But the *Exhortation* rests, in part, on a claim which has no parallel in the *Defence* or in any of Lesley’s known work: ‘even from her birth not Scotland alone but England, France and Ireland have seemed to contend which of them should have her for Governesse and Queene, yea, whom God himself (foreknowing by his Divine prescience what a paragon of vertue she should prove) seemeth verily to have appointed to bee Queen in time of all fower realmes’. The claim that Ireland was a separate realm would be objectionable enough to Elizabeth; still more the assumption that from the moment of Mary’s birth it could be assumed that not one of Henry’s children would leave a direct heir. But most intolerable of all, to a Queen who prized her unique relationship with her (English ) people, and was herself content to be the focus of the ‘cult of Gloriana’, was the statement that ‘the Royal nobilitie and people of England ... do with one uniform mind adore and imbrace her [Mary], and with al due devotion accompt her for their Quene in succession, when God shal so dispose’.

Even if Lesley deserved Andrew Lang’s harsh description of him as a ‘time-serving flatterer’ it was hardly in his interests, at a time when his own hopes of liberty as well as his Queen’s depended entirely on the goodwill of Elizabeth, to imply that her cousin had supplanted her in the affections of her own people.

It is possible that the author of at least part of the *Exhortation* and perhaps also the *Letter* was not Lesley himself but one or more of the exiles in Louvain who had secured a copy of the *Defence* and appropriated it to suit his purposes, adding to Lesley’s arguments embellishments of his own, including hyperbole not normally found in Lesley: pejorative references to the ‘Moorish unfaithfulness and daily violation of every mans promise’ and the exaggeration of Lesley’s tendentious statement in the *Defence* that the nobles of England were convinced of Mary’s innocence into the assertion that ‘the nobility and people of England ... do with one

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62 Ibid., 62r.
63 *Copie of a Letter*, 58r.
uniform mind adore and embrace her'. Although the evidence is inconclusive, it may at least be suggested that the attribution of the *Exhortation* to Lesley without qualification\(^6^4\) raises the same issues which will be discussed in chapters Three and Six below, in relation to the *Succession* and *A Treatise of Treasons*. It seems unlikely that Lesley, who, steeped in many of the traditions of Boece, was in 1569 working on *one Historie*\(^6^5\) which showed immense pride in his Scottish heritage and was already planning another, would, even in the character of an Englishman, write to the Scottish nobles, portraying ‘the nobility and people of England [as] your equals at least both in living, in parentage, and in all other gifts of God and of nature’.\(^6^6\)

Lesley wrote the *Defence* at least partly as a rhetorical exercise; for him, as for George Buchanan ‘the measure of its success would not be its accuracy or impartiality but its plausibility and persuasiveness’.\(^6^7\) But in comparison with the *Exhortation* its language and content is relatively measured and restrained.

*It is possible that Lesley was impelled to write in defence not only of the Queen’s honour but also of his own. George Buchanan’s reputation was already high in Scotland, particularly with Moray who may well have been influential in establishing him as Moderator of the General Assembly in 1567 and had certainly given him the principalship of St Leonard’s College in St Andrews and chosen him to put Moray’s case at York. In December 1568 his *Book of Articles*, probably derived from the Lennox MSS and drawn up jointly by Buchanan and Lennox,\(^6^8\) was presented to Elizabeth’s Commissioners, directly accusing Lesley of involvement in Bothwell’s attempts to pervert the course of justice. The substance of the charge, though

\(^{64}\) To be found for example in the reprint by the Scholar press.

\(^{65}\) The first manuscript of his Scots *Historie* is dated 1570; *De Origine* and *De Rebus Gestis* were published in Rome in 1578.

\(^{66}\) *Copie of a Letter*, 59r.

\(^{67}\) R. A. Mason, ‘George Buchanan and Mary Queen of Scots’, *RSCHS* (2001), 21.

\(^{68}\) Gatherer, *Tyrannous Reign of Mary Stewart*, 17.
developed more fully in the following passage from *Rerum Scoticarum Historia* of 1582, must have been known to Lesley by 1568.

The authors of the King’s death had provided for their own security by planning (by the advice, it is said, of John Leslie, bishop of Ross) the rape of the Queen. In Scotland it is the custom that when pardon is granted to any criminal, the most serious crime is explicitly named, and others indicated in general terms. The perpetrators of the royal murder determined therefore to ask pardon for laying hands on the sovereign, that being the offence named, with this added to the end: ‘*and other nefarious deeds*’. They persuaded themselves that this clause would include the murder of the King ... Another crime, less abominable, but equal in penalty, must therefore be invented, under cover of which the murder of the King could be indicted and pardoned. This sham rape was the only thing that occurred to them which would accommodate both the Queen’s passions and Bothwell’s security.

Although Leslie has often been described as his Mistress’s most chivalrous supporter, his own honour, in the sense of integrity, was closely linked to hers.

*The Defence of the Honour*, the first ‘book’, is a spirited defence of Mary’s honour in the widest sense but with particular reference to the charge that she was privy to her husband’s murder. Its importance for the Scottish Queen and her adherents has been indicated above. But the English court, too, was far from indifferent to the outcome. Lesley’s own perspective may have been largely personal. Certainly his stated aim is expressed in personal terms: ‘to declare her innocence to the whole world’ and to counter ‘unbridled talk without respect to private or public persons of whom no man or woman hath more cause to complain than Marie Quene of Scotland, ‘charged by many most falsely and unjustly’ with the death of her second husband. But this was not merely a personal tragedy. In July 1567, shortly before Mary’s abdication, Cecil had made clear to Throckmorton his hopes that Mary should govern her Scottish subjects under the supervision of a Scottish Great Council meeting monthly, but also with the advice of the Parliament of which Queen Elizabeth might be moved to be a ‘maintenor’. Still more recently Mary’s departure from Scotland had, in the

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69 Ibid., n.1, 128.
72 *Defence of the Honour*, (1569), I, 2. 31.
eyes of Walter Mildmay and other zealous Protestants on the English Privy Council, opened the way for Anglo-Scottish amity built on firmly Protestant foundations on either side of the Border. In the words of Stephen Alford: ‘England and Scotland seemed to have become, on a new level, part of an integrated British protestant culture’. Clearly the considerations which commended this outcome to Mildmay were likely to make it unacceptable to the Catholic powers represented with increasing menace by Alva and by Mary’s own cousins, the Guises. Rumours had persisted since 1565 of a European attempt to undermine the still precarious Protestant régime and Cecil’s papers of September 1568 show his perception of the danger of Catholic intervention on Mary’s behalf - a perception which must have been heightened by Throckmorton’s warning just before the opening of Mary’s first ‘Trial’ that the ‘general deyseyne’ of the Catholic powers ‘ys to exterminate all nations dyssenting with them in religion’. This apprehension underpins Alford’s view that Mary’s part in the murder of Darnley, ‘traditionally ... the territory of antiquarians, amateur historians and romantic biographers ... is actually a good deal more politically important than it seems’.

It also explains the intense hostility to Mary and what she was thought to represent and contributes to the bitterness of the attacks against her in England. At the most obvious level, it may well have played a part in Elizabeth’s original decision to sanction Lesley’s book, albeit with certain conditions. A show of justice, or at least impartiality, was important at a time when Mary’s enemies could command a wider audience than could her friends; any false move by Elizabeth could be twisted to become at least a contributory factor in a pretext for foreign intervention on Mary’s behalf, just as surely as it seemed to Lesley that all that was necessary for Mary’s cause to perish was for her friends to remain silent in the face of the campaign against her. Nothing better illustrates the fluidity of politics in this period than Cecil’s

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74 Ibid., 162.
75 Ibid., 174.
76 Ibid., 173.
77 Anderson, Collections, III.
possibly mistaken analysis of the strength of Mary’s position in 1569 when by the ‘universal opinion of the world’ she had a just cause and, more, the support of ‘the strongest monarchs of Christendom’. To the extent that this view of public opinion could be justified it could probably be attributed largely to Lesley’s efforts on Mary’s behalf, especially since, as Dr Wilkinson has shown, very little attempt was made in France to defend her reputation until Mary herself was dead.

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Since the first Book of the Defence is concerned largely with matters of fact and interpretation rather than with political theory some account of its content seems necessary, not with any idea of adding to the debate on Mary’s guilt, but in order to examine the validity and effectiveness of Lesley’s technique and the perturbation it caused among Elizabeth’s Council.

The preface of 1569 is deliberately emollient. With references to ‘hotte disputations in many places’ concerning the succession to Elizabeth’s throne should she die without issue ‘a matter which doth so much touch even our gracious and most noble sovereign’ Lesley, a consummate courtier, commended the book which he presented to Elizabeth. Wisely he made no mention of religion except to express regret that ‘God’s holy word were now wretchedly applied and licentiously wreathed and wrested to the maintenance of every private man’s fancy and folly’; this sentiment certainly had the approval of many in authority in England who were highly critical of Puritan emphasis on the Scriptures as the yard-stick by which more recent institutions should be assessed. In the humanist tradition, two pages of examples of monarchs, taken from the Scriptures and from ancient and modern history, who gained immortal fame in relieving the distress of other Princes are followed by a reminder that ‘this Lady and Queen desireth now to taste comfort, friendship and relief at our Queen’s hands’ and an appeal directly to Elizabeth ‘her most nigh neighbour and her sister and cousin by blood’. The plea is a practical one;

78 Alford. Elizabethan Polity, 189 summarises Cecil’s analysis of the situation in summer 1569.
79 Defence, 1, Preface iv r.
the tone is propitiatory; this Preface is a supplication and not a threat. A quarter of it expresses the hope that ‘our gracious Queen’ will take order for the restitution of Mary and relieve a sister-Queen who reveres her as if she were her daughter. When the Preface ends with hopes for ‘farther and entire amity’, ignoring or overlooking the preference of Cecil and Mildmay for amity between England and Mary’s Protestant enemies, Lesley’s claim that Elizabeth had no objection to the book seems plausible. The contrast with the preface to the second edition, written in very different circumstances two years later, could hardly be more striking; it is entirely understandable that the latter ‘gave much greater offence’.

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In the main text of the Defence Lesley makes it clear that he is writing as much as a humanist as a lawyer. Reflections on the relative importance of eyes, ears and tongue ‘wonderfully bridled and kept in with the mouth and the teeth’ lead on to a condemnation of unfounded rumour: ‘now a days’ what is perceived by eye or ear is spewed out in unbridled talk, although without any certain knowledge of the facts. Mary (whom Lesley still calls Queen), ‘had more cause to complain than any man or woman of our day’ charged most falsely and unjustly ‘with the death of her late husband in no small number of slanderous Articles’. This is a clear reference to the Book of Articles, the full-scale indictment of Mary which had been drawn up by Moray’s supporters and read to the English commissioners at Westminster on 5 December 1568, only after the Scots commissioners had departed and were in no position to challenge them. This omission Lesley now makes good; the Defence is more closely shaped to the form of the Articles than to any other document. Donaldson has demonstrated that they had a long and involved pedigree going back at least to the summer of 1568 when an investigation was first proposed, but probably to a point more than a year earlier when the confederate lords must have considered the grounds on which they could justify their revolution in the face of the criticism in
England and perhaps elsewhere. Lesley denounces them as ‘spiteful malice’, and, characteristically, introduces an Athenian analogy of doubtful relevance. The case against his Queen he condemns as being for the most part ‘foul forged lies’; for the rest, Mary’s actions have been subjected to the most unfavourable interpretation. Since to answer every allegation would require a ‘long tedious and superfluous discourse’, he addresses three points made against her which were mere surmises which had never been proven: first, that she was alienated from her husband; second, that she had written certain letters; the third charge related to her ‘pretended’ marriage to Bothwell. But all these allegations were unsupported by any proof at all; had it been otherwise, ‘we had not attempted this defence in her behalf, but their case rests on nothing else but presumptions and surmises’.

From the specious premise that all women abhor ‘butcherly practices’, which in other circumstances he would have been the first to contest using the Biblical and Greek precedents which he habitually cited, Lesley argues that Mary’s noble birth, education, prudence and other princely qualities, together with her ‘godly and virtuous’ life are enough to repel all suspicions: no man or woman would act completely out of character ‘all at one’ and there were no instances of cruelty in Mary’s former life. It was incredible that she, who had pardoned ‘double and treble treasons’, would turn upon ‘her own dear husband’. Secondly, had she the will she had no need to kill: as her subject, Darnley could have been tried and executed by due process of law for the murder of the secretary, David. Third, had she wished to rid herself of Darnley, as she had been urged to do by many of the nobles who were now her greatest adversaries, she had only to consent to a divorce. He does not remain entirely on the defensive in challenging the picture of a cruel and vicious monarch trapped in a marriage with a husband she despised. Claiming that Mary

80 Donaldson, The First Trial of Mary Queen of Scots 138; 194 ff.
81 Defence (1569), 2v.
82 The fragment in the British Library, Additional MS 48027 fo. 284-91 asserts in confident but less legal style that they will never be able to prove any thing at all.
83 Defence, 3v.
84 The grounds for this assertion are not specified; it is omitted altogether in the BL Add. 48027.
never wavered in her ‘motherly care’ and ‘affectionate love’ he implies that the brief
estrangement between husband and wife was entirely attributable to the success of her
enemies in securing Darnley’s complicity in the murder of Riccio and that in any case
queen and king were almost immediately reconciled. Whereas the Book of Articles
claimed that her subsequent hatred of Darnley was such that ‘she began to be
rigorous and extreme to the Earl of Morton and deprived him of the office of
Chancellor ... he having committed no offence’, making no mention of the fact that he
had been banished for his part in the murder, Lesley claims that Moray’s
confederates were ‘earnest suitors that if she would pardon him, they would procure a
divorce between them, whereto she would not agree’.

In almost identical terms to the Copie of a Letter Lesley casts scorn on the
provenance and authorship of the compromising letters allegedly sent through
Bothwell’s servant to Sir James Balfour, who was known to be of the faction opposed
to the Queen. Even had Mary written any of the letters, it was inconceivable that the
recipient would have neglected to burn them. In any case, they contained no proof
which would be admissible ‘even against the poorest woman or simplest wretched
creature in all Scotland’. The criminal law required the accuser to furnish good and
lawful witnesses or clear and evident proof; these letters were neither addressed,
sealed, signed, nor dated.

For almost the only time in this Defence Lesley turns briefly to the issue of
resistance:

think you now, you most ungrate and unthankful subjects, that you may
lawfully take arms against your mistress & most benign Queen, that you may
cast her into a vile prison, and spoil her of her crown and, which is more, of
her good and honourable name, fame, and estimation?

85 The copie of a Letter written out of scotland by an english gentleman of credit and worship servin
ther, unto a frind and kinsman of his that desired to be informed of the truth and circumstances of the
Slauderous and infamous reportes made of the Quene of scotland at that time resteined in maner as
prisoner in england, upon pretense to be culpable of the same. Louvain. Southern, 448, states that
‘type, initials and style of printing all point to Fowler being the publisher... although there is no
author’s name nor date there is compelling internal evidence to attribute it to Lesley’. Probable
date1572/3; certainly after the murder of Moray and before Lesley’s release in January 1573/4.
86 Defence (1569), 11r.
The question is purely rhetorical, and Lesley, the scholar and jurist, makes less effort to answer it than had the author of several of the ballads already cited. 87

Buchanan, at least, would have been in no doubt about the answer which is implicit in his *Rerum Scoticana Historia* and explicit in *De Iure Regni* which in answer to questions such as Lesley’s develops in detail the subject’s right to depose an unfit sovereign. The contrast between the two protagonists, with much in common but more to divide them, is perhaps seen most clearly in relation to such issues as this. Lesley assumes, and occasionally states, 88 that no good comes of rebellion, producing selected examples from history to illustrate his point, but neither here nor elsewhere does he think through in depth any of the questions of political theory which so exercised many of his contemporaries. In this book he is approaching a dispute as a practising lawyer, concerned with practicalities and with distinguishing fact from conjecture.

Very few Scots had seen the letters allegedly sent from Mary to Bothwell, but many had commented on her ‘little faint mourning’ for Darnley; specifically, according to the Articles, ‘the corpse without any decent order was cast into the earth without any ceremony or company of decent men’. Lesley’s riposte is that Darnley’s body was ‘embalmed and buried beside the Queen’s father, accompanied with the Lorde of Traquare and divers other gentlemen’, and that there was less ceremony ‘because the greatest part of the counsel were protestants, and had before interred their own parents, without accustomed solemnities of ceremony’. 89 This was a valid point: Calvin himself had asked to be buried in an unmarked grave, and in any case Darnley’s ambivalence in religion, though not referred to here, would have made the use of the customary rites controversial; moreover, he was not king in his own right but ‘a private man and her subject’. Harder to answer convincingly was the observation that within days of the murder Mary was playing golf at Seton. This

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87 Most notably *Ane Declaration of the Lordis just quarrell*, cited above, n.10, p.52-3.
88 Throughout his first *Historie* (1570) and at the end of the *Defence*. See also the *Exhortation*, discussed above.
89 *Defence* (1569), 14r.
could not be denied; it could only be explained by the advice of her physicians that she was 'in great and imminent danger of her health and life unless she did leave that kind of close and solitary life ... in her dumpish, doleful and desolate state and repair to some good open and wholesome air'.

This element of the Defence convinced few at the time and was rarely adopted by Mary's later champions.

But the action which cost Mary her throne was her inexplicable marriage to Bothwell. In 1580 'Bishop Leslie's Narrative' was to put her decision to marry Bothwell down to magical arts 'by what other means she could have done it I confess I cannot see'.

There is no hint in the Defence that he had acquiesced in the marriage which elsewhere 'Bishop Leslie' denounced:

At this marriage - which strictly cannot be called a marriage at all, since it was celebrated contrary to the laws of the Church - only a few nobles were present. For all the ecclesiastics ... publicly opposed such nuptials. Above all the Archbishop of St Andrews (and) the Bishops of Ross and Dunblane, (who had ever been foremost supporters of the Queen), used on this occasion their utmost efforts to oppose a proceeding which was illicit, and likely to bring great harm and shame upon her.

Nevertheless, although nowhere does Lesley say so, the records show that he was one of the few members of the Council, and one of five bishops, to be present at Mary's third wedding, on 15 May 1567, although it was a Protestant ceremony, 'without the Mass but with preaching' conducted by the maverick Bishop of Orkney who had already defected from the Catholic Church. Moreover Lesley, the Archbishop of St Andrews and the ex-bishop of Galloway were witnesses of Mary's marriage contract signed two days earlier, dated 13 May. Well aware that his own credibility had been impugned by Buchanan, in the Defence Lesley launches a robust attack on Morton, Lindsay, Sempil and other nobles who, now among 'the vehement and hot fault-

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90 Ibid., 14v.
92 Ibid.
93 Diurnal of Remarkable Occurents, 1513-75 (Edinburgh, 1835), 111-2. See also R. Keith, History of the Reformation in Scotland (Edinburgh, 1845) II, 579. Keith rightly draws attention to the clearly spurious name of Moray (who was abroad) on the list, drawn up by John Reid, George Buchanan's amanuensis, but he appears to assume that the attestation of the list of clergy by Balfour, in his capacity of Clerk of Register, is warrant for its authenticity.
94 Lord Sempil was not the ballad-maker.
finders, and most earnest reprovers of the said pretended marriage, were the principal inventors persuaders and compassers of the same'; \textsuperscript{95} they had not hesitated 'to solicit the Queen to couple herself in marriage with the said earl, as with a man most fit, apt, and mete for her present estate and case. If she would be content so to do, they promised him service, and to the Queen loyal obedience.' \textsuperscript{96}

It is possible that Lesley believed that this was true, and that the initiative was taken by the nobles, not the Queen; it is also conceivable that the 'attested' list of the bishops who associated themselves with the 'Bond' had been partly forged by the official who authenticated it: Balfour of Pittendriech was a close associate of Bothwell's. Buchanan's account is very different. \textit{Rerum Scoticarum Historia} attributes the episode to the Queen's desire to gain some sort of public consent:

Bothwell invited nobles of the highest rank to a supper and when they were reduced to a state of merriment he besought them to sign a little document which would help him to gain the king's favour and the respect of other men. The sudden and unexpected suggestion astonished them all but while they could not hide their dismay they dared not refuse what was asked ... to further, advance and set forward the marriage.\textsuperscript{97}

Most authorities state that the supper was not in Bothwell's quarters but in Ainslie's Tavern. Later, some claimed that they had signed partly because the place was surrounded by two hundred hagbutters, but also because Bothwell produced a warrant from Mary authorising them to do so.\textsuperscript{98}

Here, on one of the most crucial decisions of Mary's reign, the first two accounts are incompatible. But few would look to Buchanan for an accurate account of events, and the interest of Lesley's \textit{Defence} lies, to a considerable extent, in the way he uses his first-hand knowledge and the documentary evidence available to him to construct a case, which, though often over-stated, formed the basis of much later pro-Marian writing. It is as rare for Lesley to write anything to Mary's discredit as it is for Buchanan, after 1566, to write anything in her favour. But later Lesley uses this episode to support one of his strongest charges against the rebel lords: that they

\textsuperscript{95} \textit{Defence}, 15v.
\textsuperscript{96} Ibid., 16r.
\textsuperscript{97} Quoted in Gatherer. \textit{Tyrannous Reign of Mary Stewart}, 126, n.1.
deliberately decoyed Mary into a marriage which they intended should ruin her reputation.

Lesley must have been sensitive to a charge quoted earlier, that it was he who had suggested the 'rape' on the grounds that 'Bothwell could be later granted a pardon which would also cover the murder of Darnley'. Clearly, such a course of action would compromise Lesley's own integrity. Moreover, it would have been of doubtful benefit to Bothwell who had already been formally, if unconvincingly, cleared of involvement at a rigged hearing on 12 April. To Lesley's credit, he makes no reference here to a confidential meeting after the wedding when Mary in considerable distress 'opened the secrets of her heart to him'. This episode was described in 1580, and the account was probably intended for the eyes of the Pope alone; it is possible that Lesley was excusing his presence at a Protestant marriage by reference to the influence which he could still exert on the Queen. Certainly Lesley became considerably more indiscreet on his release from his long period of confinement in 1571-3. But in the Defence he stoutly maintains the Queen's innocence in a flourish of extended rhetoric:

Let them rage and rave against this acquittal and marriage: Let them lie to their own shame. Let them cry out upon the Earl Bothwell for that the sentence of divorce was promulgated partly by force, partly without the juste and usual order of the law, and without sufficient proof. Let them cry out upon him for his violent taking and detaining the Queen. Yet if they cannot precisely prove the Queen consent to any of his unlawful acts, as they shall never do [but in 1571 'which is the thinge they onlie seeke for'] as just occasion to suspect the Queen of this grievous act.

Having defended the Queen, if less categorically in 1571 than in 1569, he proceeds to lambaste Moray and those who were 'privy to the marriage and therefore by likelihood all other consequent devises and practices. Wherefore they do nothing but blow out, and blaze to the world with their own filthy mouths, their own shame'.

Abuse, however, was succeeded by an ironic account of the rebels' self-
justification, parts of which might have come from Buchanan himself:

It was no small harts grief to them to hear what villainy all nations thought and openly speak of them, for suffering such a tragical matter to escape unpunished..., in taking arms... to prevent the greater dangers imminent to the person of their Queen, and her dear son, to their nobility, and to the whole state of the body public... they were of very necessity compelled to sequester her, until such time, as some remedy might be found for these matters, into Loch Leven, where she having now advised with herself, and fully perceived her own disability to sustain the weight of so great a rone, freely and voluntarily by their saying, gave over the crown to her son, appointing the Earl Murray to be regent thereof. ... the victory fell on ours the righteous side, whereby God him self seemeth to have given sentence for the equity of our whole cause against our adversaries.¹⁰¹

But irony soon gives way to a hard-hitting attack on the actions and motives of the rebels, who are presented as a factious minority. Out of more than a hundred earls and lords, ‘whereof all or the more part of them should have an agreement, liking and consent, as to all other, so to their public doings also’, only ten had attended the coronation of the infant James, all of whom had laid violent hands upon the Queen. The legitimacy of Parliament was questionable, as was any legislation it purported to pass, and Lesley, in a clear bid to deprive the new regime of any shred of authority, puts some highly pertinent questions into the mouth of the ‘noble imp’, the infant King, to whom objectives are attributed which cast light on the author’s perception of the state of the (Scottish) realm. He bewails the ‘miserable and pitiful case and dolorous state of that poor ragged and rent realm, the wretched and infinite robberies... being daily more grievously oppressed’. In this way he demonstrates that, although the rebels made much of their duty not to allow the country to come to rack and ruin, they themselves precipitated outcomes which ostensibly they wanted to avoid.

But this theme is not pursued. More central to Lesley’s immediate purpose is the exposure of the inconsistency between the rebels’ first statement to the Commissioners that Queen Mary had ‘voluntarily yielded up the crown’, and the second, two months later, that the estates of the realm had deprived and deposed her. He attacks their complacent belief that God would ensure the triumph of the better

¹⁰¹ Defence, (1569), 16v.
side, by examples from the Scriptures and from Greek History. Finally he launches a
two-pronged attack by claiming that Moray and his companions were themselves
responsible for the murder of Darnley \(^\text{102}\) and that even were the Queen guilty the
actions of the rebels were utterly unlawful. Lesley, doctor in both the laws, insisted
that punishment must be by order and law. His first argument is drawn from
Aristotle. It is not enough to do a good deed unless it be well done: the end does not
justify the means. But Lesley also draws on his professional expertise:

The laws of well ordered commonwealths, especially the civil law, the principal
and mistress of all other civil policies and ordinances, do require in all
judgements to be given against the defendant, three several and distinct
persons: the judges, the accuser, and the witnesses ... each of whom may be
rejected for open enmity toward the defendant.\(^\text{103}\)

The proceedings against Mary were therefore ‘a disordered chaos’ since Moray and
his associates had assumed all three roles. Further, the Queen never read the writings
which she was forced to sign, but ‘was constrained by most vehement and just fear to
give over the crown.’\(^\text{104}\) Lesley’s point is two-fold: he establishes that such villains
would have no compunction in forging a letter to achieve their purpose; further he
makes a bid for the moral high ground by demanding what authority they had to
summon a parliament. His next point, however, though within the conventions of
rhetoric, leaves him dangerously exposed, and may perhaps explain Wormald’s
assertion that Lesley had doubts about Mary’s innocence: \(^\text{105}\) ‘whether this fact of
hers, supposing she were therein guilty, deserveth ... such extreme punishment to be
levied upon her for one simple murder’. Lesley’s challenge to the precisions to
explain their private authority to set violent hands on an anointed king was also
potentially rebarbative: ‘I find King David was both an adulterer and also a murderer
... yet find I not that he was therefore by his subjects deposed’.\(^\text{106}\) In the

\(^{102}\) Ibid., 30v.
\(^{103}\) Ibid., 31v
\(^{104}\) Ibid., 32v.
\(^{105}\) Admittedly, Lesley’s English interrogator in 1572 alleged that he expressed the view that Mary
ekilled her first husband as well as her second, adding the pious comment: ‘Lord, what a people are
these!’ But the diplomat in question, Wilson, was, as Lockie observed, not above falsifying the
evidence when it was to his advantage to do so. His evidence is clearly unreliable.
\(^{106}\) Ibid., 33v.
circumstances of 1569, for Lesley to concede for one moment that Mary was a murderess would be to negate all he had worked for throughout 1568. Certainly not all Mary’s potential subjects would agree that ‘it had been much better ... (for) the commonwealth prudently to have dissembled the matter’ - as Elizabeth would assuredly have done. The claim that it was better to dissemble than to depose was more likely to reassure foreign rulers than Mary’s own people, though it almost certainly reflects Lesley’s own political philosophy, such as it was. The idea that ‘it had been a much better policy to have reserved the punishment to God’s own rod and justice than to give such a wicked precedent’ brings him very close to the theory of non-resistance, which he, unlike many contemporaries in France and elsewhere, failed, in the Defence, to develop.

The story that Darnley determined to kill Moray is in no other of Lesley’s works. But for the most part the ‘facts’ are familiar, if not the relationship between them. Few have depicted so clearly Moray’s (problematic) plotting

intending by this mischievous policy [encouraging the marriage] the utter undoing and overthrow, as well of him the Earl Bothwell as of the Queen herself; only this would make her odious with the people ... Lucifer himself could not have fetched a finer and more mischievous and devilish fetch, then herein these men have done.\(^{107}\)

Lesley ascribes many motives to Moray, political and financial. As often, he falls back on presenting stories of other ambitious men who came to power by killing and casting suspicion on possible beneficiaries. But they do little to advance his case, though they may have been designed to win admiration for his learning. More compelling is his account of a specific statement suggesting that Moray’s designs had come to the certain knowledge of ‘no small number of men’:

\[\text{Is it unknown, think ye the Earl Murray, what the lord Herries said to your face openly, even at your own table a few days after the murder was committed? Did he not charge you with the foreknowledge of the same matter? Did not he flatly and plainly burden you, that you riding in Fife and coming with one of your most assured trusty servants the said day wherein you departed from Edinburgh, said to him among other talk, this night ere morning the lord Darnley shall lose his life?...We can tell you and so can five thousand and more of their own hearing that John Hepburn the Earl Bothwell’s servant being executed for his and your traitorous deed, did}\]

\(^{107}\) Ibid., 38.
openly say and testify as he should answer to the contrary before God, that you were principal authors, counsellors and assisters, with his master of this execrable murder, and that his Master so told him...Hay, Powrie, Douglishe and Paris all being put to death for this crime, took God to record at the time of their death, that this murder was by your counsel, invention and drifte committed.\textsuperscript{108}

The difficulty was that Herries, though a respected Scots noble, was by 1569 almost as committed to the Queen's men as Lennox was to her opponents: although 'an active insurgent in 1559, from 1565 he had tended to support Mary rather than the Protestant party';\textsuperscript{109} he had accompanied Mary on her flight from Scotland and had been chosen to be one of her commissioners at York. Nor was the evidence of those executed for Darnley's murder, that Moray and Morton had shared responsibility but that the Queen was unaware of it, necessarily unimpeachable. But up to this point Lesley had said what could be said in Mary's favour, and exposed the weaknesses of the case against her before urging the rebels to return to their accustomed obedience, secure in the certainty that Mary would 'not only forgive but forget also'.\textsuperscript{110}

His conclusion, however, is an assertion rather than an argument and attributes attitudes and actions to those nobles present at York which many would disclaim with alacrity.\textsuperscript{111}

For the nobles of England ... that were appointed by the Queen to hear and examine all such matters as the rebels should lay against the Queen [Mary], have not only found the said Queen innocent and guiltless of the death of her husband but do fully understand that her accusers were the very contrivers ... of the said murder ... now perfectly knowing her innocence they have in most earnest sort solicited the Queen of England to give her aid and strength whereby she may be restored again to her honour and crown. They have moved the Queen of Scotland that it may please her to accept and like of the most noblest man in all England[Norfolk]. Finally the noble men of this our realm, acknowledge and accept her, for the very true and right heir apparent of this realm of England, being fully minded, if God call to his mercy the Queen that now is, to receive and serve her as their undoubted Queen, mistress and sovereign.

\textsuperscript{108} Ibid., 44r.
\textsuperscript{109} Donaldson, Trial, 110.
\textsuperscript{110} Defence, 48r.
\textsuperscript{111} Anderson (ed.), Collections, Preface. Anderson probably refers to the early attempt at printing 'suppressed before eight pages could be printed'. It is unlikely that he takes at face value the surely spurious claim that the 1569 edition was printed by Eusebius Dicaeophile at the sign of Justice Royal in Flete Strete.
This was a travesty of the outcome of the ‘trial’ and it illustrates the misrepresentations which characterise much of Lesley’s polemic. Most alarmingly for Cecil, it could have jeopardised his careful plans for amity with Mary’s accusers currently in power in Scotland. Not surprisingly a note from Cecil to Sir Henry Norris dated 4 May 1570 showed his concern:

of late the Bishop of Ross caused one of his servants secretly to procure the printing of a Book in English whereof before eight leaves could be finished intelligence was had which book tends to set forth to the world that the Queen of Scots was not guilty of her Husband’s death, a Parable in many men’s opinion ... a notable untruth is there uttered, that all the Noblemen that heard her cause did judge her innocent, and therefore made suit to her majesty that she might marry with the earl of Norfolk.

James Anderson thought that the decision to publish the Defence in London was linked directly to this last point:

The chief design of publishing in London the first edition of the Defence seems to have been to answer and wipe off the aspersions cast upon her in the Discourse concerning the intended match between her and Norfolk and to take off the Impressions the world might have received from what was laid to her charge and to turn the guilt of what she was chiefly accused upon her advisers. It was first privately printed at London anonymous but care was taken to suppress it having given great offence, and particularly that it was said the Queen Elizabeth’s Commissioners and Counsellors who were at the Conferences thought Queen Mary innocent of the Crimes laid to her charge.113

What then was its contribution to the debate? Lesley exposed some of the weaknesses in the invectives of which he had complained, by Buchanan, by Sampson or others, and he countered the most scurrilous aspersions spread on Mary’s character and the impression given by the ballad-maker Sempill. He provided the sometimes shaky basis for the argument (or legend) on which others were to build and he demonstrated that ‘whatever may be the truth about Mary Queen of Scots it is not to be found in the writings of her opponents’ major apologist’.114 Lesley himself did not provide ‘the truth’ about Mary Queen of Scots, nor does his perhaps ill-considered comment that King David was never called to account for adultery or murder contribute to any coherent theory of monarchy, though it illustrates his horror

113 Anderson Collections IV, Preface.
114 Gatherer, Tyrannous Reign of Mary Stewart, 42.
of rebellion, re-iterated on the last page. This book is precisely what it claims to be: a personal vindication of Mary. It is the assertion of her innocence submitted to the world by a competent defence lawyer who had already represented her at her ‘trial’ at York. Although it shows little concern with political or religious ideas as such, its importance was considerable, particularly in the febrile atmosphere of 1569-70.

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The second edition, over the name of Morgan Philippes, was allegedly printed by Gualterum Morberium at Liège in 1571. But there are two reasons for doubting this. It ends with the official ‘Imprimatur’ from the Louvain ecclesiastical authorities, and Lesley’s servant, Charles Bailey, wrote in answer to Cecil’s questioning that, asked by the bishop to bring copies of the revised Treatise into England from Flanders, he had proceeded from Liege to Louvain because no printer’s privilege had been forthcoming from Alva for the Book, ‘for he would not give her Majestie (Elizabeth) cause to be discontent with him, or with the Queen of Scots’. The point may seem a minor one but J. E. Phillips shows its potential significance:

Bailey’s statement, if true, explains why it was necessary to print the book at the great Marian centre at Louvain but to give it a false imprint of Liège, the seat of the Spanish Catholic governor, the Duke of Alva. For, like Philip of Spain and Charles of France, Alva did not wish to antagonise the English Queen by seeming to approve officially of a book that defended her enemy and raised questions about her right to the throne; it was the same ambiguity of attitude among Catholic rulers that confronted Mary’s apologists and propagandists at every turn.\(^{115}\)

But as against Bailey, Lesley himself emphatically denied that he had personally revised the new edition to support the Ridolfi plot, insisting that ‘whether the printed Books agree with those in Writing [manuscript] he knoweth not’, he had sent no book to be printed and never saw a copy of the printed book.\(^{116}\)

A comparison of the text of the 1571 edition of Book I with that of 1569 does not immediately show why the latter, in Anderson’s words, ‘gave much greater offence’. In the fifty (folio) pages of the first Book there are few substantial changes except to correct the ‘little light faults against orthography’ for which the printer of

\(^{115}\) Phillips, Images of a Queen, 269 n.49.
the 1569 edition, probably at the author’s insistence, had accepted full responsibility. One sentence in the first edition is omitted after a list of ‘horrible rebellions’ perpetrated in scripture: ‘If Scripture only will not satisfy you, hearken to King Priam who sayeth that in War often times the good and the honest go to wracke, whereas varlets thieves and liars do escape’.\(^\text{117}\)

By 1571 Lesley was trying to convince the world, and the Scots nobles in particular, that those who defied God and their lawful monarch must expect retribution in this world as well as in the next;\(^\text{118}\) he was appealing to their fears rather than to their chivalry. A statement that Mary journeyed into England ‘for the special and singular trust she hath in her dear Sister’\(^\text{119}\) is omitted, as is a reference to ‘her dear Sister and our gracious Queen’,\(^\text{120}\) and within ten lines of the end Lesley’s confident prediction that other princes will not allow ‘so good a lady to be left destitute and desolate’ has one significant omission. In 1569 Lesley had asserted: ‘The emperor will not bear it, France will not bear it, Spain will not bear it; and especially our noble Queen of England with her worthy nobility will not suffer such outrageous dealings.’\(^\text{121}\)

In the 1571 edition, written when, at the time of the Northern rebellion, Lesley himself had been incarcerated, though in relative comfort, and had come to the conclusion that the negotiations at Chatsworth and elsewhere had produced nothing of value to his Queen or to himself, all favourable references to Elizabeth are removed. The inference is that Elizabeth could no longer be relied upon to champion the victim of oppression, and that from this point on the views of the Queen and her nobility could diverge.\(^\text{122}\) The same point is made with less subtlety in the 1571 Preface depicting the ‘intolerable bluddy’ ruin when ‘the Head, Bodie and Members...’

\(^{116}\) BL Cotton Caligula CiIII fo.76.
\(^{117}\) The tragic events of 1569-70 must, in Lesley’s eyes, have underlined the truth of this assertion.\(^{118}\) He had made this point in 1569, as the quotation identified in the next footnote shows, probably not realising that his appeal, now based on threats rather than chivalry, was undermined, not strengthened, by the claim that villains prosper.
\(^{119}\) Defence, (1569), 46r.
\(^{120}\) Defence, (1569), 45r.
\(^{121}\) Defence (1569), 51.
shall be most lamentably severed, rented and dismembered into many and divers
Partes, to the Confusion and Subversion of the whole Body politike'. But the very
significant changes in the author's introduction have no parallel in the text and this
book, unlike the two which follow, was not reprinted in its author's lifetime.

122 Defence, (1569) 49v.
123 Anderson Collections, Preface, xxiii.
Of all Lesley's writings, the Declaration of the Right, Title and Interest to the Succession of the Crown of England attracted most attention during his lifetime. It was reprinted, and revised, more often than any other of his works; there are also more manuscript copies of this treatise in British libraries than of all of the rest of Lesley's books put together. It is the one of Lesley's books which Burghley and other members of the Council made most strenuous efforts not merely to suppress but to confute; and four centuries after Burghley, in 1580, drew up in his own hand a list of 'points to be made in answer to the bishop of Ross's book' it engaged the attention of three writers on the Elizabethan succession who came to markedly different conclusions on Lesley's contribution to the treatise hitherto attributed to him. The bishop himself, never a reluctant self-publicist, showed his satisfaction with it in his account of his Negotiations as Mary's ambassador to Queen Elizabeth:

In respect therof [The book of the Title for the advancement of the Queen and prince and their succession] I believe there is noe good Scots-man but will thinke well of me and my proceedings, although there had been no other thinge procured and sett forward by me, during my charge, but that weightie cause onely, wherein I was so carefull at all times ... in all my conferences with anie Nobleman or anie other of accompte, Englishman, or of a forrein natioun, that I omitted not to informe them at large with the same, with such reasons as might confirme and establishe their judgements therin in time to come.

Even allowing for Lesley's desire to justify his otherwise somewhat unproductive activities as Mary's ambassador, this passage shows that he regarded the treatise as itself sufficient evidence that his time in England had been well spent; he cites as one practical result Elizabeth's 'reservation of the Queen of Scotts title' in the abortive negotiations at Chatsworth in October 1570. Whether the English Council endorsed Lesley's opinion is
more doubtful: by his account they shared at least his view of its importance, although for very different reasons. He is at pains to stress their admiration of the erudition he displayed in it:

I had presented a perfect copie longe before to the Q. at which time the Councell said unto me it was very learnedly collected and sett forth, soe that all the lawyers in England could say noe further in that matter, nor better to that effect, then was contayned in that treatie. 6

This does not imply that Lesley was given any help from the Council in disseminating his ideas: 'the same was kept obscure in times past, and neither suffred to be spoken nor publyshed, and notwithstanding the Q. licence given to me, I sustayned divers wayes trouble and injuries, by imprisonment of my selfe, my servants and others upon the occasioun of the publyshinge therof'. 7 But despite, or possibly because of, all efforts to suppress it, the treatise, in its various editions in English, Latin, Spanish and French, became one of the best publicised of all the works attributed to him.

Although the first edition was published anonymously, together with the Defence of the Honour, under the fictitious imprint of 'Eusebius Dicaeophile' dated 1569, Lesley does not seem to have sustained the attempt to conceal his authorship. In 1572, in an account of his Negotiations which he must have expected to be read by the Council, he alleged that his succession treatise had Queen Elizabeth's approval 'providing the same should not be publyshed in printe'; 8 if so, as Marie Axton has observed, he abused his privilege grossly. 9 His claim, quoted above, that the Council had given a favourable reception to the 'perfect copie' he had presented to the Queen probably contains an element of wishful thinking. Later editions, especially those published in English in 1571 and in Latin in 1580, certainly produced a vigorous counter-attack from Burghley and others. By Lesley's own account, in his Negotiations, and by the evidence of the State Papers, it was one of the subjects on which he and his servants were most closely questioned during his confinement in 1570 and

6 Anderson (ed.) Collections, III, 68.
7 Ibid., 68
8 Ibid., 66.
again in 1571-2. There is also indisputable evidence, not derived from him, that the prospect of a third, revised, edition in 1580, caused considerable alarm. In the Bodleian Library is a copy of a document, part of which has apparently been lost, headed ‘points to be made in answer to the Bishop of Ross’s book’; shortly afterwards these points, and others, were made forcefully in an Answer to the Bishop of Ross’s Book, probably by Robert Glover, Somerset Herald, who would certainly have the expertise to appreciate the genealogical issues involved and to produce an answer at least as substantial as the treatise which provoked it. Although the Answer was never printed, at least three manuscript copies are extant. The more legible are in the British Library and the Bodleian, but another in the Fitzwilliam (Milton) collection in Northampton is of considerable interest since it bears the annotations of Mildmay, then Chancellor of the Exchequer, in his own hand. There could be no clearer proof of the importance attached to this work than that in the beleaguered England of the 1580s it engaged so much attention.

More recently it has attracted, if only incidentally, more specialised expertise than any other of Lesley’s books, especially in relation to its provenance and its debt to a Catholic judge, Sir Anthony Browne, whose advice Lesley, using the pseudonym of Morgan Phillips, acknowledged on the title-page of the second edition, in 1571. In 1966 Mortimer Levine explored the antecedents and the content of the treatise; on the assumption that an answer to John Hales’ tract in support of the rival, Suffolk, claim, attributed to Sir Anthony Browne, appeared as early as the spring of 1565 he commented that ‘Lesley’s treatise is little more than an enlargement of Browne’s tract’. In 1974 Dr

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10 BL Cot. Calig. Ciii fo. 81; ‘The examination of the Bishop of Ross’ 17 May 1571.
11 Bodleian Eng. Hist. 117.
12 Northampton Record Office, MS Fitzwilliam (Milton) Pol. 223 among the Mildmay papers which also contain MS 226, an incomplete fair copy of about half the work. I am most grateful to Stephen Alford for authenticating Mildmay’s hand, and for drawing my attention to the annotated MS 223. The only other copies known to me are BL MS Stowe, 273 and Bod. MS Carte 105 16-92; the Bodleian has a two page list of ‘points to be made in answer to the Bishop of Ross’ which appears to have been obtained and copied by the 16th century antiquarian Cuthbert Mercer from someone with access to Burghley’s confidential papers. Much of MS 117 has been lost, but there is a fuller version, without the correspondence relating to it, in the PRO.
13 M. Levine, The Early Elizabethan Succession Question 1558-68 (Stanford, California, 1966) is by far the most detailed investigation of the subject, although only 27 out of 227 pages make any reference to Lesley.
14 Ibid., 95. Hereafter, EESQ.
Marie Axton responded to several issues raised by Levine, arguing that Browne's treatise was probably written in the early months of 1567, and that the debt Lesley acknowledged to one Elizabethan justice, Sir Anthony Browne, was ultimately due in at least equal measure to the even more eminent Edmund Plowden: 'he [Lesley] had not only drawn upon Browne's legal skills but both he and Browne had been advised by Plowden'; in more general terms Axton refers to 'Lesley's habits of plagiarism'. In 1979 Geoffrey Parmiter offered his own interpretation which could vindicate Lesley's claim, which for four centuries had hardly been in question, to what would today be described as his intellectual property. While Axton writes of 'Lesley's slavish adherence to Browne's text', Parmiter by contrast suggests that Browne never wrote any succession treatise at all: in his opinion 'it is difficult to resist the conclusion that the copies we possess of Browne's tract are in reality copies of a late draft of the second book of Leslie's volume'.

Anyone venturing into this minefield must endorse Parmiter's opening: 'So much has been written about the early Elizabethan succession tracts that it would be inappropriate to write more, were it not that some of the writers concerned have made assumptions that may or may not be well founded'. All three scholars are sufficiently familiar with the original manuscripts to appreciate the considerable difficulties of attribution which they raise, for example the fact that the name linked to one 'Browne' tract in the Bodleian is not an integral part of the document but merely a much later addition on a later cover in an eighteenth century hand; all their contributions are well-documented and closely argued. Nonetheless, each elicits from the evidence very different conclusions, which materially

15 M. Axton, 'The Influence of Edmund Plowden's Succession Treatise', 215; 218. In 1977 her seminal work, The Queen's Two Bodies, Drama and the Elizabethan Succession, considers the issue in a wider, cultural, context and has much of interest about Lesley, in 19 out of its 147 pages. If her book appears in a revised edition no doubt she will correct the statement, probably taken from Anderson, that Lesley's treatise appeared in [only] five editions between 1569 and 1587, QTB, 22. See note 2, above.
16 Ibid., 218.
17 G. Parmiter, 'Edward Plowden as advocate for Mary Queen of Scots: some remarks upon certain Elizabethan Succession Tracts', Innes Review xxx (1979), 35-53, esp. 53. It is true that in P. Bliss (ed.), Athenae Oxonienses (1813-20) I, 357, it is claimed that Lesley published Browne's work under his own name; in fact the first edition was anonymous and the title page of the second bore the name Morgan Philippes.
18 Ibid., 49.
19 Oxford, Bodleian, MS Rawlinson A124.
affect the provenance of Lesley’s *Treatise*, and its value as evidence of the development of
his thought. It should be stressed that for none of them is Lesley the main focus of interest,
though Axton and Levine touch on him more than tangentially. Although some aspects of
their work are outside the scope of this study it is considerably indebted to all three.

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One difficulty lies in the attribution of the texts involved. Manuscripts of the succession
tracts current in England in the 1560’s are not lacking, but a definitive answer to the
problems of authorship, in most cases, is. For this reason any attempt to examine the
pamphlet warfare of the 1560s runs the risk of depending on speculation as much as on
proven fact, and Lesley himself, for understandable reasons, is a notoriously unreliable
guide. But there is hard evidence to explain how the succession debate arose and why in the
1560s an authoritative defence of Mary’s claim seemed necessary. Levine rightly draws
attention to its importance: ‘That the early Elizabethan succession question eventually
became no question was largely due to accident’, \(^{20}\) above all to Elizabeth’s longevity which
no-one in the early years of her reign could predict. To men whose grandfathers had fought
in the Wars of the Roses, who had themselves watched the fires of Smithfield and read with
horror of atrocities across the Channel in their own day, the succession question was not
one of arid constitutional debate, although some of the relevant evidence was necessarily
technical: on its outcome could depend England’s religious and political unity, her security
and her relations with neighbouring states who were not necessarily her friends. What was
in dispute was not, before the papal Bull of 1570, Elizabeth’s own throne: the claim implicit
in the adoption, on Mary’s behalf, of the arms of England and Ireland as well as France and
Scotland, on her marriage to Francis II, that she, not Elizabeth, was the rightful Queen of
England, won little support. By the Treaty of Edinburgh, which in July 1560 ended the
campaign known in England as ‘the War of the Insignia’ because of Mary’s use of the
royal arms, \(^{21}\) Francis and Mary, by giving up their use of the English arms, were to

\(^{20}\) Levine, *EESQ*, 1.
\(^{21}\) A. Fraser, *Mary Queen of Scots* (London, 1970), 129.
recognise Elizabeth’s title. But the children of Henry VIII were not remarkable for their longevity, and, especially after Elizabeth’s own life had been endangered by smallpox in October 1562, the claims of rivals for the succession became, despite her attempts to silence them, the subject of urgent debate.

Of the prominent candidates, Henry Hastings, Earl of Huntingdon, appeared to have the weakest claim but perhaps initially the most influential support. Cecil told the Spanish ambassador la Quadra that Huntingdon, descended through both Thomas of Woodstock and his elder brother Lionel Duke of Clarence from their father Edward III, was the real heir to England because Henry VII had usurped the realm from the house of York. The claim was spurious and could not stand comparison with that of any descendant of Elizabeth of York, the daughter of Edward IV and wife of Henry VII, but Cecil’s support, if genuine, could be significant. So could that of Robert Dudley, Huntingdon’s brother-in-law and like him a patron of those ‘forward in religion’ soon to be known as Puritans. In 1563 there were reports that many of the Commons, probably under Dudley’s influence, favoured Huntingdon, who had the additional recommendation of being the only possible male heir. If this was as important as la Quadra suggests and the cry really was that ‘they did not want any more women rulers’, it could explain why Lesley, against the advice of Edmund Plowden, Thomas Bishop and others, later wrote in defence of the ‘regiment’ of women. Huntingdon’s claim was not a strong one, and seems to have lost ground after 1563; it is not put forward in the pamphlets of the 1560s but he was potentially a beneficiary of one of 1565 known, somewhat misleadingly, as ‘An answer to the Allegations against Mary’ which was largely concerned with undermining the claim of Catherine Grey to whom many of Huntingdon’s supporters had drifted. Another outsider was Margaret Douglas, daughter of...

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22 Mary later refused to ratify the treaty, for reasons which she explained in a letter to Elizabeth in January 1562, in A. Labanoff (ed.). *Recueil des Lettres de Marie Stuart*, 7 vols. (London, 1852) I, 123-7.
23 Elizabeth consistently refused ‘in my own life to set my winding sheet before mine eye’. In a letter to Maitland of Lethington she explained her reason: ‘I know the inconstancy of the people of England, how they ever mislike the present government and have their eyes upon that person that is next to succeed’.
25 *CSP Span Eliz.1563*, 296-7 and *Burghley Papers*, I, 412.
Margaret Tudor by her second marriage and so grand-daughter of Henry VII, although of
doubtful legitimacy since her father claimed and obtained a divorce from her mother on the
grounds of a pre-contract. Her English birth, and that of her son by Matthew Earl of
Lennox, Darnley, commended her claim to many English Catholics, until Mary’s marriage
in 1565 united her claim with that of the Lennox Stewarts.

The real contest was between the champions of Lady Catherine Grey, sister of Lady
Jane Grey, and those of Mary Stewart. Mary, as the grand-daughter of Henry VII’s elder
daughter was ‘his only living descendant whose lineage could not be challenged with a
charge of bastardy’; 27 Catherine Grey was the grand-daughter of his younger daughter
Mary and her second husband, Charles Brandon, Duke of Suffolk. 28 But the Suffolk claim
was complex and resilient enough to be taken very seriously until Catherine’s death in
1568, particularly after her clandestine marriage to the Earl of Hertford ‘between 1
November and 25 December 1560’ and the birth of her sons, Edward and Thomas. 29
Carefully fostered in Gorboduc, by Norton and Sackville performed at Whitehall on 18
January 1562 and secretly published in 1565, 30 it could not be ignored by Lesley or by any
of those upon whose works he drew.

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Not until he wrote his Discourse in 1572 did Lesley accept responsibility for the
anonymous books Touching the right, title and interest of the foresaid Ladie Marie
Queen of Scotland to the Succession of the Crown of England which appeared with
slightly different titles in 1569 and 1571. The first edition claims to be published by
the clearly fictitious ‘Eusebius Dicaeophile’, the second uses the pseudonym
‘Morgan Philippes’; the content, though not the tone, is so similar that any advice
which the author acknowledges when discussing the publication of 1571 must have

27 Ibid., 11.
28 After the death of of her first husband, Louis XIIf of France, Mary had married Charles Brandon Duke of
Suffolk. Catherine Grey, was their grand-daughter. The strength of her claim is exhaustively, if
inconclusively, analysed by Levine, EESQ, 126-146. It is a major theme in the succession tracts.
29 The marriage and Elizabeth’s insistence that it be declared void are examined fully in Levine,
EESQ, 15-29.
30 The message was that a rightful heir was one ‘upon whose name the people rest by mean of native
line’. Catherine Grey, but not Mary Stewart, was born in England.
been equally influential in that of 1569. The second edition but not the first acknowledges on the title page ‘the advice of Anthonie Browne Knight, one of the Justices of the Common Pleas 1567’. Browne was a lawyer who, after a chequered career in which he had attracted attention by his persecution of Protestants under Mary, sought a lower profile under Elizabeth, reputedly was offered but refused Nicholas Bacon’s position as Lord Keeper early in Elizabeth’s reign, and certainly died on 16 May 1567. His interest in the succession question would appear to be attested by the disputation attributed to him and to Sergeant Fairfax in what purports to be a dialogue on the Statute of Edward III on children born beyond the sea; some of the key points in his argument will be considered later. Lesley’s account of the composition of his treatise presents some problems, not least of timing. He claims that, after the proposal for the Norfolk marriage had been put to the kings of France and Spain, and Lord Boyd had left England for Scotland (in February 1568/9),

Sathan ... stirred up a certain faction whose pretended title to the succession of the Crowne against the law of nature, she [Mary] being come of the eldest sister, and ... to persuade the Duke to leave that purpose [of marriage with Mary] and therefore they collected their arguments in a shorte pamphlett, wherof they set forth divers copies in the city of London, tendinge to the Dishonour of the Queen my Mistres, and the defeating of her title to the succession of the Crowne, and also against the heritable succession of Government of Women. And as soone as one of the copies thereof was brought to my hands I presented the same to the Q. of England desiring that it might be lesum to anie of her subjects who was skilful in the laws to make answer therto, principally for the defence of the Q. my Mistres Title, considering there was a tretie set forth against the same, in time of the last Parliament holden in England 1565 by some evill advised persons ... albeit they would not putt their hands thereto.

No Parliament was held in 1565, but it is probable that Lesley was referring to an anonymous printed tract dated 7 December 1565, Allegation Against the Surmised Title of the Queen of Scots and the Favorers of the Same, one of many written, though rarely printed, since 1563 when Norton, the joint author of Gorboduc, had presented a petition in the Commons asking the Queen to clarify the succession. Its warning of ‘the great malice of your foreign enemies which even in your lifetime have sought to transfer the dignity

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31 This story seems to depend on a later account by the Jesuit, Persons.  
32 Edinburgh University Library, MS Laing III 392 fos. 50-100. It is headed ‘Dialogue between Sgts Brown and Fairfax on the purpose of the ... succession’, with no indication of its provenance.
and right of your crown to a stranger' [i.e. foreigner], was echoed by Sir Ralph Sadler's admission of a 'great misliking to be subject to a foreign prince ... even if the Queen of Scots were indeed next heir in blood she cannot inherit in England ... our common people and the stones in the streets would rebel against it'. 34 Although the 1563 Parliament was prorogued, M.P.s were not silenced. It is probable that the tract once attributed to Sir Nicholas Bacon, *A Declaration of the Succession of the Crown Imperial of England*, was written, during the 1563 session, 35 by John Hales, member for Lancaster and once a Marian exile in Frankfort, lampooned as 'the hottest' of radicals. In essentials it was a defence of the validity of Catherine Grey's marriage, backed by the claim that two of her competitors, Mary Queen of Scots and Lady Margaret Lennox, were barred from the succession by the common law prohibition of inheritance by aliens. Who, if any, were his backers has never been conclusively established, but it was Hales himself who was put under house arrest until at least 1568. 36 Levine concludes his examination of the *Tempestas Halesiana* with a succinct summary: 'when all is said and done, only one thing remained that was to influence the events of the next few years: John Hales had written a succession tract'. 37

The ripples were far-reaching. The printed *Allegations against the Surmised Title of the Queen of Scots*, dated 7 December 1565, as the title indicates, is concerned solely with negative campaigning against Mary and her compatriots, condemned, not for the last time, as 'a people by custom and almost nature our enemies, thirsty of our blood, poor and miserable by their country and envious of our welfare'. 38 It raises issues with which Lesley's treatise was to grapple: the intolerable consequences of rule by an alien through which the English would be 'bound and subject to a foreign nation', and the possibility that there was an 'other person that hath better title by statute or else by the will of Henry VIII',

33 Anderson, *Collections*, III, 64-5.
34 Quoted by Levine, *EESQ* 50, who stresses that Sadler objected not to Mary's Catholic religion but to her foreign birth.
36 One result of Elizabeth's intervention was that Mary, according to Randolph, 'thinks much kindness in the Queen'. *CSP For. 1564-1565* 137. Randolph to Cecil, May 22, 1564.
38 London, B.L. MS Harl. 4627, no.2, p.4.
apparently a reference to Catherine Grey who is never mentioned by name; for good measure the anonymous author, unlike any of those mentioned above, adds that Mary should be excluded on account of her ‘corrupt religion’. The first attempt at a counter-blast, An Answer to the Former Allegations against the Queen of Scots’ Title to the Crown of England, was distinctly muted. Its anonymous author admitted that he lacked the legal knowledge to ‘go about to confute’ the Allegations against Mary but he found them ‘full of lying slander and malice: the author discourseth upon the title of the Queen of Scots by conjectures what may fall ... Of his conjectures he maketh no proof but uttereth that which his malice persuadeth him’. He himself made no attempt to answer the points made by Hales, that Catherine’s marriage was valid and her children legitimate, that the Suffolk line had been nominated in the will of Henry VIII should the Tudor line fail, and that Mary’s birth in Scotland, out of the allegiance of England, disqualified her from succeeding. Much more effective was a manuscript Proving ... the Queen of Scots by Her Birth in Scotland is not Disabled by the Law of England to Receive the Crown of England by Descent - by far the most authoritative contribution to the debate to date. Its author’s prologue shows that his purpose was to undermine Hales and to shore up the somewhat feeble arguments of the Answer to the Allegations:

Ther cam to my handes, a printed boke [Allegations Against the Surmised Title of the Queen of Scots] containing certeigne ... reasons supposed to be the common lawe made in disabilitie of the quene of Scottes to receive the crowne of Inglande ... if our Sovereign Ladie the Quene ... die without issue: by reason that the quene of Scottes is a straunger born out of the allegiance of the quene of Inglande ... There cam also to mine handes, and that very lately, the boke of master Hales in which boke amongest other thinges he treated of this same matter ... When I had read I could not but marvel at the audacitie of their authors who seemed to be very insufficient in learning of the laws of this realm. And albeit to the learned their ignorance is well perceived, yet to the unlearned (to whose handes also the said bokes come) it is not so ... And as I was thinking upon this matter there was delyvered to me a written treatise [Answer to Allegations Against Mary ] made in confutacion of the printed book, upon the reading wherof I conceived that the man that made it was furnished with mutch learning in other sciences howbeit he seemed to me to lacke sufficient knowledge in our temporall law. And therefore I thought it nedfull, if the said boke should be throughly confuted, that it were taken in

39 Cambridge MS Gg iii 34, 107-17, with the title ‘An Answer to the Former Allegations against the Queen of Scots’ Title to the Crown in England; a copy in Bodleian MS Ashmolean, 829, fos. 31-6, has the title A Copy of an Answer to a Little Book Herein Mentioned. 40 MS Ashmolean 829, fo.31. 41 MS B.L. Harl. 4627, no.2.
hand by some temporall lawyer, sithence the matter is a pointe of the lawe of the Realme.\textsuperscript{42}

It may perhaps be doubted whether many of the ‘said books [did] also come to the unlearned’, unless perhaps to those educated in the liberal arts but outside the charmed circle of those ‘learned in the law’. In Levine’s words, ‘to understand them required no little knowledge of history and law, and the ability to follow rather complicated arguments’.\textsuperscript{43} But it is clear from this prologue that the writing of such a tracts called not only for expertise but courage:

> You knowe right well that in dealing in tytles of kyngdomes there is mutche danger, and especially to the sujecte. And in these cases I thinke the surest waie is to be sylent, for in silence there is saufftie but in speache there is perill, and in wryting more. Therfore I wilbe silent in wordes and wryting unless I be urged and ought to utter.\textsuperscript{44}

The writer may have had in mind not only the imprisonment of John Hales but the even more recent retribution which had befallen William Thornton, a bencher of Lincoln’s Inn who had been imprisoned for participating in a moot in October 1566 where the succession had been discussed.\textsuperscript{45} He reveals that he is writing early in 1566/7, after the ending, on 2 January, of the Parliament which had repeatedly but unavailingly implored the Queen to take steps to settle the succession, but he does not specify whom he is addressing when he refers to

> your earnest request ... earnestly moving me to shewe unto you myn opinion in the said pointe that my knowledge might helpe you (highly learned) to conceive the right way in this dark myste ... and that I woulde wryte to you the causes of the lawe approving thopinion I shoulde conceive. Your request being so earnest, your friendshipp so great, and your leisure to study the point so lytle ... I resolved to put [them] in wryting not to thintent to publishe the same but to satisfy myself and you ... to bothe whom many will resorte for

\textsuperscript{42} Bodleian MS Rawlinson A 124, fo.1-47. There is a contemporary complete copy in B.L. MS Harl. 849, 1 and 2 fos.1-38. B.L. Cotton Caligula does not contain a later section on the will of Henry VIII. Axton uses Harley, listed as ‘A treatise of the two Bodies of the king, vis. natural and politic ... the whole tending to prove the title of Mary Quene of Scotts to the succession of the crown of England and that the Scots are not out of the allegiance of England’.

\textsuperscript{43} Levine, \textit{EESQ}, 90.

\textsuperscript{44} See note 42, above.

\textsuperscript{45} \textit{Burghley Papers} ii, 762, and Levine \textit{EESQ}, 170, links Thornton’s imprisonment to a protest from Mary when she was informed that the law students’ finding was that ‘by all the laws and customs of England ... as a foreigner, born outside the realm, Mary Queen of Scots could not succeed to the crown, even if she were the nearest in birth and the ablest’. Edinburgh University Library, MS Laing III 392 has a note on the cover in a later hand stating that an anonymous treaty which is now believed to be Hales’ is ‘supposed to be Thornton’s’.
thintelligence of the lawe in the pointe if our soveraigne ladie the quene should fail without issue, which God prohibit.

This would not be written to Lesley who could not have been a close friend of the author. But it was clearly intended for a man with little leisure but with enough of a reputation to lead him to expect to be consulted should the Tudor dynasty fail.

The author of this 1567 Treatise proving ... the Queen of Scots ... Not Disabled ... to Receive the Crown of England was not positively identified for more than four centuries; only in 1974 did Dr Axton publish the article which fully substantiated the ‘highly likely identification’ made by Levine in 1966.46 There are three anonymous sixteenth-century manuscript copies of this tract, of which one in the Bodleian47 is clearly attributed to Sir Anthony Browne, but by a much later hand. Browne was the common lawyer whose assistance Lesley acknowledges on the title page of the 1571 edition of Book Two of the Defence ... of the Right Title and Interest of Mary Quene of Scots. However, the rediscovery of a fourth copy of the treatise, prepared by Francis Plowden early in the seventeenth century to be presented to the new king, James I, established the provenance of the other three copies beyond doubt.48 Apart from some changes in the prologue the text is very similar to its predecessors, but unlike them it claims to be ‘Written by Edmonde Plowden of the Middle Temple Apprentice in the lawe’, the father of the Francis Plowden responsible for making the presentation copy. But the identity of the author is now more clearly established than that of the friend at whose request he was writing: Levine’s assertion that he was Browne does not survive examination.

Before we consider the content and importance of this Plowden treatise, and the significance of his prologue to it, the links between Plowden and Browne are worth examining. First impressions could suggest that Plowden was writing for his ‘highly learned’ friend, especially as in one manuscript beside this phrase there is a marginal note, ‘Sr: Anth: Browne Justic’.49 But the note, in an italic hand unlike the body of the

47 Bodleian MS Rawl. A 124.
48 Bodleian MS Rawl. A 124 is wrongly attributed to Browne. The others are B.L .Harl. 849, fos. 1-38 and B.L. Cotton Caligula B !V, fos 1-94 entitled The Two Bodies of the King.
49 MS Harl. 849, opposite line 29 of the Prologue.
manuscript, could well be no more accurate an attribution than the one which erroneously credits MS Rawl. A 124 not to Plowden but to Browne. It seems clear that Plowden and Browne were not only colleagues but friends. Both were common lawyers, benchers of the Inner Temple and both had prospered in the reign of Mary Tudor when Browne was chief justice of the Court of Common Pleas. Though demoted to the lower rank of puisne judge on the accession of Elizabeth, he continued his judicial duties until his death; he was credited later by the Jesuit Parsons with having refused the office of Lord Keeper ‘for that he was of a different religion from the state’ although ‘my Lord of Leicester earnestly exhorted him to take it’. 50 Plowden, unlike some of his Catholic colleagues,51 was never made a judge but was highly respected as a bencher and author, particularly of the Commentaries, a text-book for students, for which he was celebrated in legal circles and beyond. The proverb with which he was associated, often to indicate change of identity, ‘the case is altered’, became a catchphrase reputedly used even by Queen Elizabeth on her deathbed and certainly the title of a comedy by Ben Jonson. 53 His reports of cases decided in the higher courts under Edward VI, Mary and Elizabeth include not only a number of arguments used by Anthony Browne but also an elegy in his memory which is evidence of the cordiality of their relationship.

But the evidence that Plowden wrote his treatise for Browne, at his ‘earnest request’, is not conclusive insofar as it depends on the ambiguous internal evidence in the Prologue and one marginal note. Plowden states that he is writing early in 1566/7 after the ending of the Parliament on 2 January. We know that Browne died within four

51 The perception that Catholics continued to hold an unduly high proportion of the senior judicial legal offices was illustrated by a letter to Cecil from Hales, still in March 1566 in prison, urging that the dying Catholic, Carell, Attorney of the Duchy of Lancaster, be replaced by one who ‘for his religion and knowledge of the law ought above many to be preferred ... You shall therby, I know, win the hearts of a great many protestants who, now discouraged, will take some hope if they may hear a protestant lawyer beareth some authority at Westminster Hall’.
52 Plowden conformed to the established Church until 1570, although in 1569 he is on record as refusing to state that he accepted the liturgy and communion of the established Church and was required to provide bonds for good behaviour, SP 12/60/47. After Pius V issued the Bull Regnans in Excelsis Plowden ceased to worship in the Church of England, and he was known to the officials as a recusant by 1578. On 2 December 1580 an article was exhibited to the Privy Council alleging: ‘since the Bull he hath utterly refused both service and sacrament’.
months and had already withdrawn from a major trial in which he had been participating. The contention that he had asked for Plowden's opinion, which when completed stretched to a closely argued and copiously annotated treatise of 44,000 words, and then had time to digest it and transform or incorporate it during his last illness into a manuscript of his own which Lesley somehow, two years later, appropriated, presents obvious practical problems which are not resolved by the fact that the tract attributed rightly or wrongly to Browne is in no sense a reproduction of Plowden's. The wording of the prologue does not necessarily show that Browne was the intended recipient. The reference to 'your friendship so great' is not persuasive; if Browne was the friend in question, Plowden should have been aware of his friend's familiarity with many of the arguments which he proceeded to employ in a long and, for Browne, unnecessary dissertation on the king's two bodies with which Browne had already shown himself familiar in 1562; moreover a statement 'I a lawyer rested upon lawe (to knowe which belongethe to men of my science)' suggests, though it does not prove, that Plowden was writing to a layman, not a fellow-lawyer senior to himself.

Lesley's links with Browne are harder to establish and more problematic than the title-page of the 1571 edition of the Right, Title, and Interest might suggest. It stated that the work, which purported to be written by Morgan Philippes, a Catholic exile who had died in 1570, was made 'with the advice of Sir Anthony Browne, knight, one of the Justices of the Common Pleas 1567'. But this is not the only debt which he acknowledges: at different times he is reported as associating at least four named individuals with the publication, and others described as 'best learned in the civil and common law'. Undoubtedly, Lesley would need assistance in unravelling the intricacies of the English Common Law. Although his legal studies had been in France, not in Scotland, he had always practised in his native land. His qualifications

53 Axton, The Queen's Two Bodies, 28-30.
54 Edinburgh University Library MS Laing II 392 has on the fly-leaf of the 1569 succession treatise 'by Morgan Philips and Sir Anthony Brown', [sic] a note 'the true author was the great Plowden'. It has since been crossed through.
55 See Parmiter, 'Edmund Plowden', 49.
in 'both the laws' covered civil and canon law which could not have equipped him, unaided, to master the Common Law, which was unique to England, highly technical and largely based on precedent. His first months in England, beginning in September 1568, were dominated by the need to defend the Queen's character, at York and Westminster, and probably to complete the first of the books known as the Defence of the Honour; it is highly unlikely that he spent them in the study of the English Common Law. If, as seems probable, Lesley is correct in claiming that he embarked on The Right, Title and Interest only after Lord Boyd's departure for Scotland in February 1569, he could not possibly have consulted Anthony Browne, who had died in May 1567. Levine's premise that Browne had completed his book two years earlier might seem to indicate how Lesley came by his 'advice' but it is surely invalidated by Plowden's statement in his Prologue, dated 1567, that it seemed to him there was a need for the opinion of someone with a knowledge of the law. But some help he must have had: it is possible that, as Axton has suggested, he attributed it to one Catholic lawyer (Browne), who was beyond the reach of Burghley's intelligence, in order to protect the identity of another (Plowden) who was not. What seems certain is that unless Lesley began his work on Mary's claim to the English throne very much earlier than he admits, while he was still engaged in politics and law at the highest level in Scotland, he could have had no direct contact with Browne, who had died sixteen months before Lesley's arrival in England in September 1568. If he had read any contribution which Browne had made to the subject before the latter's death there is no obvious reason why he should acknowledge it on the title page of the Treatise in 1571 but not in 1569, unless he was attempting to divert attention from Plowden. The wording of his acknowledgement in the Negotiations written in prison in 1572 shows some significant discrepancies from his title page of the previous year:

56 Or two: in the passage from the Discourse quoted below he also acknowledged the help of a Mr Carrell, probably the Attorney of the Duchy of Lancaster who had died in 1566.
57 Axton, 'The Influence of Edmund Plowden's Succession Treatise', 213.
58 Since, arguably, Mary was more interested in the throne of England than of Scotland it is possible that she instructed Lesley to make this his main priority, but there is no proof whatever that she did. And the practical difficulties would remain.
I travelled with some that was best learned and most expert, as well in the civil lawe as in the common lawe of the realme of England, to whom I delivered all treatises or pamphletts, which had bin sett forth against the Q. my Mistres title inanie times past, which I had recovered divers waies by diligent meanes, soe that they were all come to my hands, together with some other breife treatises and collectious drawne for defence of the Q. my Sovereignes title, specially by one of the best learned judges that was in England, called Justice Browne, and by another as well learned and experimented, called Mr Carrell, which altogether theise learned men did well consider, and after good advisement and deliberation sett forth a treatie for defence of the Q. my mistres title, provinge it to be the first and onely title that should succeed to the crowne of England, and that she is just and right heire apparant to the realme of England, failinge of Q. Elizabeth nowe presentlie regnant, and the heirs of her bodye lawfullie to be begotten.

Here Lesley makes no claim to have consulted Browne personally; this passage suggests that he had consulted the writings, not their author, although he gives no indication that Browne’s ‘breif treati[es]’ was almost as substantial as his own. Lesley’s evidence here is probably more reliable than that provided, under interrogation, by William Barker, one of Norfolk’s confidential secretaries, who testified in October 1571 that Lesley had told him ‘that Sir Anthony Browne, late one of the justices, was a principall doer in the makyinge of the two bokes mentioned in this article and that he [Lesley] had the advice of mr Plowden, and of mr Harpsfield, whome, as he thinkethe, did see and reade the bokes ... The Bysshop did say he had used the advice of divers in those Bokes, as well lerned in the Temporall [Common] lawe as in the Civil Lawe; and then said these Words, or to this effect, That mr Plowden was his frend touchinge the Temporall Lawe’. Barker’s evidence is at second-hand and it was given in one of the twenty-two interrogations to which he was subjected when the discovery of the Ridolfi plot had probably intensified interest in Plowden, and Harpsfield, both of whom were prominent Catholics; it is possible that the names were put into the mouth of a frightened man whose evidence was to do more than any other to bring Norfolk to the block and who was in 1574 rewarded

59 Carell, Attorney of the Duchy of Lancaster, another Catholic, had died some months before Browne, in 1566.
60 Anderson Collections III, 66-8.
61 Murdin, Burghley Papers, (London, 1759), 121, 122. Nicholas Harpsfield, like Lesley a civil and canon lawyer by training, and like his brother, John, an archdeacon under Mary, had been committed to the Fleet in August 1559 and was still described as ‘prisoner in the Flete’ in 1571.
62 Plowden had conformed until 1570 but ceased to do so after the papal Bull of that year.
with a free pardon. But Barker's testimony raises the vexed question of the relationship between the works on the succession variously attributed to Plowden, Browne and Lesley.

It is very much easier to identify possible weaknesses in the evidence painstakingly assembled and ingeniously argued by Axton and Parmiter than it is to defend an alternative pedigree for the material in Book II of Lesley's *Defence*. What follows owes much to both, and especially to Axton's examination of the content and importance of the four manuscripts of Edmund Plowden's succession treatise 63 and to Parmiter's alternative hypothesis which is the starting point for what follows. But some problems remain: because all writers on the succession knew, even before the statute of 1571, that 'in speech there is peril and in writing more', 64 few of their manuscripts bear a contemporary name or date. Posthumous attributions frequently prove to be inaccurate; of two anonymous but almost identical manuscripts in the BL and the Bodleian one is attributed to Browne and the other to Plowden. 65 Of the tracts of the later 1560s, that claimed by Lesley would appear to be the most identifiable: although the treatise of 1569 was anonymous, allegedly published by the clearly fictitious 'Eusebius Dicaephile', and that of 1571 appeared under the name of the recently deceased Morgan Philippes. Only in 1580 did Lesley openly acknowledge authorship of an edition which, though more elegantly expressed (even when translated from the Latin of 1580 into English and subsequently into Spanish and French) and harsher in tone in its references to Elizabeth, was in most of the content identical with the two earlier editions. It was not a change of heart but altered circumstances which enabled Lesley, by 1579 safely established on the continent and drawing revenues from a French benefice in Rouen, to lay claim to authorship which he had acknowledged only in his *Discourse ... of his Negotiation and Charge*,

64 Quoted from Plowden's *Prologue* of January 1566/7. 13 Eliz. I, c.i (1571) provided that whosoever should during the lifetime of Queen Elizabeth by any book or written or printed work, expressly affirm that any one person was heir and successor to the Queen should be imprisoned for a year, and for a second offence should incur the penalty of Praemunire.
65 B.L. MS Harley 849 and Bodleian MS Rawl. A 124 respectively.
intended primarily for his Queen to whom he held himself accountable. Whether Lesley was entitled to assume all the credit which he claimed for the treatise is another question, and one on which Parmiter, while applauding much of Axton's research, draws from it, as regards Browne's treatise, rather different conclusions.

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The one printed book to be attributed to Browne, published only in 1723, the Right of Succession to the Crown of England in the family of the Stuarts asserted and defended by Sr N. Bacon against Sr A. Browne, indicates the problems which can arise. It is unlikely that Nicholas Bacon would assert or defend the rights of the Stewarts which he was widely, though not universally, believed to have encouraged John Hales to undermine; indisputably, the tract here attributed to Browne whom Lesley clearly regarded as a champion of the Stewart succession is identical with that of John Hales, who, as Cecil had pointed out, had written the book 'so precisely against the Queen of Scotland's title'. This mistake was noted by both Neale and Levine, and Axton in 1974 drew attention to its effects for the attribution of the manuscripts from which the book was composed. Confusion is compounded when it emerges that the other printed tract, attributed in the title to Bacon, is in fact identical with, and presumably printed from, BLHarl.555, fos. 11-47, undated, attributed in the BL to Browne, and that this in turn is virtually identical to the first fifty folios of the anonymous Declaration of the Right, Title and Interest to the Succession printed by 'Eusebius Dicaeophile' which was later acknowledged by Lesley. In 1974 Dr Axton pointed out that 'all the specific, datable information which actually designates

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66 His account of the making of the book which William Barker described to his interrogators in 1571, even if correctly reported, does not affect the issue here: whatever Lesley divulged to the confidential secretary of the Duke, whom he still regarded as Mary's future husband, was not intended to be published.
67 Most succinctly in the Discourse of 1572.
68 Nathaniel Booth, The Right of Succession to the Crown of England in the family of the Stuarts ... asserted and defended by Sr N. Bacon against Sr A. Browne (London, 1723), listed by Conyers Read, Bibliography of British History 1485-1693 (Oxford, 1959).
69 Levine, EESQ, 69. Cecil is referring to Hales's tract A Declaration of the Succession of the Crown Imperial of England. The question of Bacon's involvement with Hales's support of the Suffolk succession is discussed by Levine, 76-78.
70 Ibid., 220, n.56.
Browne as Hales’s polemic adversary appears after the death of the justice, and this is equally true of all Lesley’s references to Browne. What at first appears to be a pointer to a further treatise by Browne soon leads in a different direction; Bodl. Rawl. MS A 124 has, in a later hand, opposite fo. 1: ‘This book is supposed to be written by Sir Anthony Brown in the year 1566; he was one of the judges of Queen Elizabeth’s reign’. But, as we have seen, there is strong evidence that the treatise which follows is not by Browne but by Plowden. No doubt the obscurity was, originally, intentional: there was an urgent desire to settle the issue but it was not in the interests of the writer of any succession tract to acknowledge authorship in Elizabeth’s lifetime.

While Levine drew attention to the remarkable similarity between the treatise published by Lesley and the manuscript attributed to Browne, Axton, while referring to Lesley’s ‘slavish adherence to Browne’s text’, inclined to a hypothesis that Plowden’s treatise was written for Browne, that ‘Plowden and Browne supplied the paper work as their plan for a popular polemic took shape’ and that after Browne’s death it reached Lesley, ‘probably through Norfolk’. What Lesley did not ‘slavishly copy’ he signally failed to understand or at least to convey to his readers. This summary does scant justice to the subtlety of some of Dr Axton’s arguments; her main theme in her article, as its title indicates, was the influence and survival of Plowden’s theory of the king’s two bodies. But it is at least arguable that her scathing reference to ‘Lesley’s habits of plagiarism’ is unnecessarily harsh. Of all Lesley’s works, this treatise is the one in which he is most exposed to the charge of plagiarism, although it must be remembered that using the available sources in the sixteenth century did not carry the connotations that the word plagiarism does today, and that any argument which relies largely on precedent and case-law will draw on evidence from existing texts and commentaries. True, in the first seven books of De Origine,

\footnote{The differences, which are relatively insignificant though not negligible, will be considered below.}

\footnote{Axton, ‘Influence of Plowden’s Succession Treatise’, 212 n.6, helpfully noted ‘There is a another copy of Browne’s treatise in the BM; MS Harley 555 contains two succession tracts. The pagination seems confusing because the MS has been re-assembled after having been separated and contains six pages from MS Harley 537. The second tract, supporting the claim of Mary Stuart is identical with Browne’s treatise in Lansdowne 254. fos 185-198v’.
which deal with the history of Scotland before 1436, Lesley relied heavily on Boece. But, as will be seen in Chapter Six, he did not reproduce Boece uncritically and his treatment of the Scotland of James V and of Mary showed that he was perfectly capable of striking out on his own. The charge that the closing pages on his Latin history, on the Reformation, were the work of Ninian Winzet was first made by James Maitland of Lethington, whose purpose in writing was to discredit Lesley, and others, for what he took to be their slandering of his father's memory; it tells us more about Maitland’s prejudices than about Lesley’s scholarship. All historians of the law, or of legal disputes, rely by definition on their predecessors, and it is natural that they will use the same authorities and the same precedents. In the preface to his vernacular, Scottish, history Lesley claims merely to have ‘collectit’ the material from which it was composed; in the Discourse of his Negotiations, quoted on the first page of this chapter, he describes his treatise on the Queen’s Title as 'procured and sett forward by me’; Barker testified ‘the Bysshop did say he had used the advice of divers’. If there is any doubt whether Lesley was in fact guilty of copying Browne’s treatise word for word, the evidence to support the charge of habitual plagiarism, in the pejorative sense in which the word is used to-day, is seriously undermined. In this investigation Parmiter’s hypothesis could be of crucial importance, not so much for his ‘tentative’ proposal as for some of the evidence on which it is based. Again, some of the points he makes have been noticed by Marie Axton, but he extracts from them different conclusions: that Plowden’s prologue to his treatise shows that it was not written for Browne, that Lesley was preparing his book independently and, on the advice of the Catholic Nicholas Throckmorton, sent it to Plowden who ‘made some comments on it’, including the suggestion that the third ‘book’ (on women’s right to rule) be omitted. Crucially for Lesley’s reputation, this interpretation would clear him of the charge of wholesale plagiarism.

73 Ibid., 220.
75 J. Anderson (ed.) Collections III, 69.
76 Parmiter, ‘Edmund Plowden’, 53.
Axton's claim that Lesley simply appropriated a treatise written by Browne which was in turn substantially indebted to Plowden's treatise on *The King's Two Bodies* depends upon two premises both of which are unproven and one of which seems improbable: that the anonymous treatise first attributed on very doubtful authority to Browne, was in fact written by him, and that Plowden's prologue, and therefore his treatise, was written in answer to a request from Browne early in 1567, less than four months before the latter's death. It has already been observed that Lesley's work, in form and substance, shows no signs of being directly derived from Plowden, and that the evidence that Browne wrote the book which has been attributed to him is by no means conclusive. There is persuasive circumstantial evidence to support Parmiter's suggestion that that the recipient of his treatise was more probably Norfolk than Browne. It seems clear from the prologue that Plowden would not have entrusted his deliberations in writing to anyone he did not know or trust, and those in public life who had been deeply disturbed by Elizabeth's obdurate refusal in 1566-7 to take any action on the succession could have included many of his friends. But the assertion of Frances Plowden nearly forty years later that his father wrote it for the Duke of Norfolk cannot be discounted and there is persuasive evidence to support Parmiter's suggestion that he did. Although there was no question of marriage between Norfolk and Mary for two years after Plowden's treatise was written, the Duke, like many of the Council, had already shown keen interest in the succession. According to the Spanish ambassador, in 1562, when Elizabeth was critically ill with small-pox, Norfolk, with Bedford, Dudley and Pembroke, supported Huntingdon’s claim. None of the Council then supported Mary Queen of Scots, but the proposal of the Lord Treasurer, Winchester, to refer the question to the jurists, though not taken up, may have influenced Norfolk’s reaction when in 1566 it became clear that Elizabeth had no more intention of satisfying the concerns of M.P.s in 1566 than when she had last met them in 1563. The result was 'long argument and confused cries' in the Commons: the Spanish ambassador reported that they came to blows.  

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77 As early as January 1563 Dean Nowell had used his sermon to express the fears of M.P.s: 'Alas what
Also in October appeared a pamphlet purporting to be a ‘common cry of Englishmen’ to Queen and Parliament, probably written by the Thomas Sampson who had been deprived of his position as Dean of Christ Church. Although in form deferential, it urged the Commons on to a collision course with the Queen:

Deal for it [the succession] with the Queen dutifully ... good princes, because they have their authority not without their parliaments and states, are counted not to rule without them but with them. Yea, oftentimes to be ruled by them ... to the Queen. It is uncertain whether you shall marry; it is uncertain whether your issue shall live to succeed you ... But this is most certain, that unless the succession after you be, and that in time, appointed and ordered, England runneth to most certain ruin and destruction. And this is what we most humbly beg for England’s sake, without verily it may be doubted whether England will long be England; that is, that you with your High Court of Parliament do both appoint your next successors and also set the succession and the inheritance in safe and sure order.

It is hardly surprising that the Lords sent a deputation to the Queen. After the Lord Treasurer, Norfolk, as England’s premier Duke, was the first to speak, and by Neale’s account incurred her especial displeasure when, rounding on him as chief culprit ‘in the family life of the court she vented her wrath on him’. Her reply to the deputation was unequivocal: ‘I shall do no otherwise than pleases me. The matter is too important to be dealt in by so light witted a body’. In this impasse it would surely be natural for Norfolk to seek counsel of one of the most renowned of English jurists, especially when the Queen added that she would ‘choose half a dozen of the ablest lawyers in the kingdom, and after hearing their advice would tell them her decision’. Whether or not there was any truth in the Spanish ambassador’s report that she went almost as far as calling him a traitor and conspirator, it is not hard to believe that Norfolk would seek advice which could clarify the issues in his own mind, and perhaps enable him to judge how selectively the Queen might use the legal opinions she had undertaken to seek.

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82 Ibid., 142.
83 Ibid., 143.
Earlier we considered the negative arguments against Browne being the recipient of Plowden's treatise; it is now time to examine the internal evidence which could point to Norfolk. In the circumstances just outlined he was at least as likely as Browne to be the person 'whom it behoveth to be resolved in opinion in the point, and armed with the righte reasons thereof, to whom many will resorte for the intelligence of the lawe in the pointe if ... our soveraigne Ladie the Quene shoulde faile without yssue in our tyme, which God prohibit'. Moreover, as we have seen, no-one knew better than Norfolk that 'in dealing with tytles of Kyngdomes there is mutche danger and especially to the subjecte'. Parmiter draws attention to Plowden's statement:

> whether the crown had been barred to Mary by the will of Henry VIII resteth upon matter in dede [fact] and not matter of lawe, and I a lawyer rested upon lawe. But matters in dede belongethe to witnesse and other circumstances, and therefore I meante to referr that to you to trye, that is matter in dede as you could by others, and not to deal therin my selfe.\(^{84}\)

He would hardly have written this to Browne but the suggestion that witnesses be sought could appropriately be made to Norfolk. In Parmiter's words 'he seems to suggest that the person for whom he was writing was better qualified to deal with such questions [of fact] than a common lawyer; in so doing he appears to have drawn a distinction between himself, who was a lawyer, and the person for whom he was writing, who was not'.\(^{85}\) But Parmiter's next sentence, 'if that be the true interpretation of Plowden's words' is a salutary reminder that part of the argument hinges, if not on conjecture, on the interpretation of sometimes ambiguous evidence. This applies also to the contention that 'The Bishop of Ross's Book' was in fact written by the bishop himself and not, as Levine and Axton imply, by Browne. Lesley, despite all his bravado in claiming diplomatic immunity, was in 1571 a very frightened man; it would be unwise to read too much into the thoroughly confused accounts attributed to him when under, or anticipating, interrogation. Nevertheless, his account in the *Discourse* of

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\(^{84}\) Parmiter, 'Edmund Plowden', 40.

\(^{85}\) Ibid., 45. Even the reference to his correspondent being 'so greatly occupied in judicial causes 'could be an allusion to the fact that Norfolk, as Earl Marshall, presided over the High Court of Chivalry which would, in the context of genealogical disputes, be relevant. It was probably by design that the man deputed to 'answer the Bishop of Ross's book' was Somerset Herald.
working with experts in the civil and common law of England, for whom he produced all treatises or pamphlets set forth against Mary’s title in the past, together with other brief treatises and collections for defence of her title, may well have been no more than the truth. The fact that he was careful to name no living author of any of the latter, and perhaps to refer to two lawyers who were beyond the risk of reprisals in order to head off investigations into those who were not, does not mean that his whole testimony is necessarily false. In 1571 not only was Lesley in prison but all his associates were suspect; many Catholics had suffered for their part in the Northern Rebellion and Plowden, with others whose hands had been forced by the Papal Bull, had recently become a recusant. Lesley was a pragmatist and in the circumstances of 1571 he could well have concluded that Catholic interests would be best served not merely by economy with the truth, but by supplying names which could only throw the authorities off the scent. If, as Parmiter suggests, Norfolk, the original recipient, conveyed some account of Plowden’s vindication of Mary’s right to succeed despite her foreign birth, to Lesley, with whom he was undoubtedly in personal contact by the end of 1568, some of Lesley’s assertions would be vindicated. If we accept that he may have been deliberately shielding Plowden who was to live for 15 years after the appearance of the 1569 edition, by implicating Browne and Carrell both of whom were safely in the grave, Parmiter’s ‘tentative’ answer seems more plausible than the one it undermined. It would follow that Browne did not write the undated succession treatise which was only posthumously attributed to him. In the absence of more conclusive evidence to the contrary than has so far come to light Parmiter’s conclusion seems, if anything, understated: ‘It seems very unlikely that Sir Anthony Browne ever wrote a succession tract, and the tract attributed to him is, probably, a draft of the second ‘book’ of Leslie’s work’.  

There is a further consideration. In view of the very close verbal similarity between the work of Lesley and the manuscript attributed to Browne, it seems

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86 Parmiter, ‘Edward Plowden’, 53. The second ‘book’ of Lesley’s work was his treatise on the succession.
doubtful if the bishop would have the effrontery simply to copy the work of another lawyer and pass it off as his own, especially since his claims to have consulted many of the most learned lawyers in the field, if false, could easily have been exposed by the time later editions were published. Had he gone through the motions of consulting learned authorities on a subject of keen topical interest and subsequently merely reproduced one text which, if written by Browne, must have been completed by May, 1567, the risks of exposure would have increased. It was admittedly more important that a jurist’s opinion should be correct in law, which after all was largely based on precedent, than that it should be original, but Lesley made such high claims for his treatise that it would be surprising if a man with his active mind, legal training, and personal commitment to the work of convincing others of the strength of Mary’s claims, should be content to take, at least for the first fifty pages, or seventy per cent of the work, the role of a scribe.

Whatever the relationship between the ‘Browne’ text and Lesley’s, it is important to stress that Lesley’s treatise is not in any sense a copy of Plowden’s; although it does present in a more accessible if less scholarly form some of the evidence and authorities which Plowden had cited to show that the Queen, in her body politic, could not be barred from the succession by restrictions which could be applied by common law to her subjects, Parmiter observes that ‘these were largely the common stock of all the writers of tracts on the succession, and no valid conclusion can be drawn from the co-incidence’. But it is surely no co-incidence that Lesley’s is the first printed volume to correct the misconceptions which marred Hales’ Declaration and the Allegations against the surmised title of the Quine of Scots; no previous writer on the succession, except Plowden, had had the expertise to do so. The similarities and the differences between the texts attributed to Lesley, Browne and Plowden on such issues as the right of foreigners to succeed, the exemptions which may apply to ‘enfants du roi’, the role of common law in matters pertaining to the royal inheritance, and the will of Henry VIII, will be considered below. Unless otherwise stated, Lesley’s
text of 1569 is identical with that attributed to Browne; apart from Lesley's concluding section on the will,\textsuperscript{88} which extends 'Browne's' by twenty folio pages, there are far more differences between Lesley's texts of 1569 and 1584 than there are between Lesley and Browne. The most important distinctions between Lesley's first and second editions, of 1569 and 1571, lie in the progressively less cordial references to Elizabeth; most of these are concentrated in the Author to the Reader which was considered in the previous chapter on the Defence and for which there is no equivalent in 'Browne'.

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\textsuperscript{87} Ibid., 49.

\textsuperscript{88} Beginning at p.95 of the composite Defence of the Honour, i.e. fo. 45 of the Right, Title and Interest (1569).
Whatever the provenance of the Right Title and Interest it certainly represents the case with which Lesley was proud to associate his name. Undoubtedly he was the first to put in print the material in the manuscript attributed to Browne, and thus to present the case for the Stewart succession in the form in which it was to reach most of the courts of Europe. Further, many features in the seventy folio pages of the main text of the 1569 edition, of which the first forty-five and the conclusion are virtually identical with the Browne manuscript, appear to point to Lesley’s authorship of both. It will be argued that the common ground between Lesley and Plowden, far from being coincidental, as Parmiter claimed, exists because of the success with which Plowden’s learning was very deliberately passed down.

The first, anonymous, edition of Lesley’s succession treatise consists of seventy folio pages of which forty-five are concerned with the will of Henry VIII; only the last twenty-four of these are not in the manuscript attributed to Browne. A comparison of the two texts shows that the variations in style and content are slight enough to justify Levine’s decision to consider them as one. There are, indeed, far more significant differences between the first and second editions of Lesley’s treatise, mainly in the tone of references to Queen Elizabeth, than there are between the first edition and the ‘Browne’ manuscript.

The links between Lesley and Plowden are less clear; although both treatises are concerned to establish that Mary was not barred from the succession to the English crown, they differ markedly in structure and in scope. Plowden’s original text is concerned only to refute the arguments proposed by Hales. Essentially his treatise is an

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100 Bodleian MS Eng. His. b.117, 3-4, The principall thinges to be considered in the aunswer to the Bishop of Rosse’s booke, a contemporary copy of a paper in possession of Burghley instructing the writer of the refutation, on the line he was to take. The Answer was never printed but there is one complete MS among the NRO Fitzwilliam (Milton) papers, apparently written after the publication of Lesley’s Latin edition (1580) and a slightly revised one in the BL written after the publication of the English version in 1584. The most probable author is Glover, Somerset Herald.

111 Levine, EESQ, 95.
exposition of the idea of the King’s Two Bodies which had been used to establish the continuity of the monarchy in 1561 and had enabled the judges to ‘affirm their allegiance by exalting the Queen’s body politic while at the same time they frustrated the wishes of her body natural’. 112

The King has in him two bodies, viz a Body natural and a Body politic. His Body natural is a Body mortal, subject to all Infirmities that come by Nature or Accident ... but his Body politic is utterly void of infancy and old age and other natural defects and imbecilities which the Body natural is subject to...

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This concept enables Plowden to insist that what would be a liability in an ordinary man is washed away when he comes to wear a crown and in particular that Mary’s birth in Scotland is no bar to her inheriting the crown in England. Lesley never mentions the theory of the Two Bodies but he uses for his own very similar purposes many of the examples which Plowden cited. These are effectively deployed as precedents, most importantly for the right of aliens to inherit the crown. Insofar as he has a theory equivalent to Plowden’s, it is asserted in his statement that the king is a corporation, but his case depends upon three contentions: that Mary’s ancestry gave her a pre-eminent claim, that she suffered from no impediments by English law, and that the alleged will by which Henry VIII settled the succession on the Suffolk line was invalid. In the examination of the successive editions of the treatise on the succession which follows no attempt will be made to draw attention to the similarities between Lesley’s text and the MS attributed to Browne: except where otherwise indicated they are in substance, and usually in wording, identical; variations in spelling may be explained by the apology in The Printer to the Reader which preceded the first ‘book’ of the Defence of the Honour for the ‘little light faults against orthographie’ which abound in the printed text of 1569.

112 M. Axton, The Queen’s Two Bodies, 16.
Only the Latin edition of 1580, and the English and French translations of 1584 and 1587 respectively, have a detailed genealogy of English rulers since the Conquest; this does not appear in Browne. Of this it need only be said that those individuals omitted from it are those whose existence was inconvenient for Lesley’s case. In the words of Robert Glover, Somerset Herald, ‘The pedigree which he setteth down though it be true as much as is sett downe yet is Rosse to be accused of great falseshood in not declaring the wholl trothe but concealing all that maketh against himself’.  

The significance of the absence of Henry Beaumont, great-grandson of Edmund Crouchback son of Henry III, and of Philippa, Edward’s granddaughter, emerges when Lesley, considering the rights of aliens to inherit, claims that the crown can pass to all descendants of English kings, not merely their own children; if this were true there would have been no need for special dispensations which removed legal disabilities from these two aliens only. A misleading reference to Edmund Crouchback was condemned in the strongest terms by Glover in a stinging attack on ‘that most ungrateful person’:

Rosse’s cunning is not so great in concealing a truth here as is his impudence intolerable in publishing for a truth a most manifest lie hereafter. Wherein he betraith either his ignorance, and is to be condemned for dealing with a matter he knoweth not, or of great malice and falsehood in corrupting our Histories if he knows them or at the least of a great want of judgement, in not being able to make a choice of the best and most worthie written by those that either lived in the time or nearest to the time that they treat of.

The ‘manifest lie’ concerns Edmund, whom Lesley ‘most boldlie and constantlie affirmed to be the elder brother of Edward I, but disinherited by the king his father [Henry III] because he was better affected to the younger brother than to the

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114 Northampton Record Office, MS Fitzwilliam (Milton) Pol. 223, *An Answeare to the bishhop of Rosse his book*, 7. Strype *Annals of the Reformation...and other occurrences*, vol II, book i (London, 1725), 54, prints the opening and concluding sentences, and comments ‘Whether there were any thing in this book, that made it advisable not to publish it, let others inquire’.

115 Philippa was made denizen by letters patent in order to remove the disability of her foreign birth; Henry of Beaumond gained his entitlement through Statute of 25 EIII.

116 Ibid., 4.
elder'. Glover adds copious references to show that the 'fable' was contrary to 'a general consent of all the best histories'. In the later, BL, manuscript, Glover admits that the error was confined to the Latin discourse of 1580: 'his English translation[1584] hath reformed it'; the omissions, however, were not remedied. This exchange is evidence that neither Lesley nor his most explicit critic was concerned with disinterested enquiry. They were searching the records for any material which could be used, or twisted, to reinforce their briefs or to discredit their opponents. Axton develops this point further in a passage which is applicable to other discrepancies between the arguments of the polemicists:

The lawyers ... re-interpreted both history and myth in the light of contemporary legal theories: to enlist these revered authorities they argued by analogy. From its very outset the succession debate churned up controversial exempla ... Catholic and protestant contestants were supported by totally different theories which inspired conflicting versions of the same classical stories, historical events, legal cases which offer radically distinct interpretations of incidents crucial to the succession settlement.\(^{117}\)

Whereas Plowden was writing for a man learned in the law with a special interest in the succession, Lesley is writing more discursively for the general, lay, reader with a view to impressing on public opinion the dangers of uncertainty, and the justice of Mary's cause. The introductory section of his text, which is differentiated from the argument proper only in the edition of 1584, opens in the humanist style characteristic of Lesley with God's gift to all creation of self-preservation 'to preserve eche his owne kinde'. Man alone was endowed with wit and reason not only to provide for present safety (like all beasts), but also to foresee and 'by diligence and carefull provision forestall dangerous perils which may happen either to himself or to hys countrey'.\(^{118}\) The duties of the subject, diplomatically touched on before those of the ruler, are prescribed in phrases reminiscent of those of humanist teachers, and earlier of St Paul:

\(^{117}\) M. Axton, The Queen's Two Bodies, 23.

\(^{118}\) (Lesley) The Right, Title and Interest of the Ladie Marie Quene of Scotla nde, to the Succession of the Crowne of England (1569), 51. Unless otherwise stated all quotations will be from this first edition published anonymously; the difficulties described in the printer's preface before Book I still apply and no doubt account for inconsistencies in spelling.
Eche man that hathe oportunitie [must] do good to hys prince, hys country and the common weale and good quiet of the countrey, for the continuance and happie preservation of the same. ¹¹⁹

This precept was common ground among many sixteenth-century writers but its implications are expanded in such a way as to advance Lesley's purpose. His assertion that the subject must 'reverentlie honour and serve the sovereigne that chauncethe presentlie to rule' suggests a distinction between rule *de facto* and *de iure* which is to be accentuated in 1584 when the subject's obligation to the sovereign 'who chaunceth presentlie to rule' is changed to 'who rules for the time'. There are echoes here of the formula devised to accommodate those subjects of Henry VII who had previously sworn allegiance to Richard III; Lesley's phraseology implies, though it does not state, that possession of power was more than nine tenths of the law, but that authority would count for little without the power to enforce it. It is not surprising that by 1571 the English Council suspected that should Elizabeth be effectively challenged Lesley's views would be expressed in action rather than words, and that he had done everything in his power to weaken Elizabeth's hold over her subjects, both in encouraging the rebellion of 1569 and in propagating if not implementing the Bull *Regnans in Excelsis* of 1570. Although in his *History* of 1570 Lesley identified resistance, together with heresy, as the root of almost all evil, his actions at this time suggest that circumstances altered cases.

If the subject's first duty was allegiance, Lesley made the idiosyncratic claim that the second was to know the heir apparent, not out of idle curiosity but to avoid faction, danger and the overthrow of the whole state. Having established the duties of the subject, Lesley then inferred that there was a corresponding obligation on the ruler:

> Politike princes which have had no children of their owne to succeed them without issue have had ever a special care and foresight therof for

¹¹⁹ Ibid., 51.
avoidance of civil dissension so that the people might always knowe the
trewe and certaine heire apparente.\textsuperscript{120}

It was the duty of the ruler to make known that heir for, as has been indicated earlier in this chapter, Mary’s claim was not self-evident and had been challenged by Hales’ Declaration and by the Allegations against the surmised Title of the Queen of Scots and the Favorers of the same. Here Lesley was disregarding Elizabeth’s reluctance to name her successor: mindful of having been the unwitting focus of the plots woven round her in her sister’s reign, she had declared as recently as 1566 ‘so shall never be my successor’. Lesley then, as in his History of 1578, identified factors which had in times past determined the succession:

albeit at the beginning princes reigned not by discente of bloude and succession, but by choice and election of the worthiest, the worlde was for the most parte constrained to repudiate election and take the offsprung of some one person thoughge otherwise perchance not so mete. Which defect ys so supplied partelie by the greate benefitte of universall rest and quietness tha the people enjoy therby, and partelie by the grave and sage counsellors assisting to princes that the whole world in a manner theis manie thousande yeares hathe embraced succession by blood rather than election.\textsuperscript{121}

This was a view of the origins of kingship which Lesley shared with George Buchanan, though it was to be repudiated by James VI; like his father, Charles I insisted at his trial that England was never an elective kingdom.\textsuperscript{122} Buchanan wrote that the first Scottish king Fergus was elected by the people; his pupil James VI, argued that ‘Scotland and divers other monarchies had their beginning in a far contrary fashion’.\textsuperscript{123} Fergus had come to the throne by conquest seizing control of a country where ‘he made himself Kinge and Lorde as well of the whole landes as of the whole inhabitants within the same ... it follows of necessitie that the Kinges were the authors and makers of the lawes and not the laws of the Kings’.\textsuperscript{124} But in other

\textsuperscript{120} Ibid., 51v-52r.
\textsuperscript{121} Ibid., 51v.
\textsuperscript{122} C.V. Wedgwood, The Trial of Charles I (London, 1964), 132, gives Charles’ riposte to John Cook’s assertion that as elected king he ‘was trusted with a limited power to govern by the laws of the land and not otherwise’.
\textsuperscript{123} J. Craigie (ed.), Minor Prose Works of King James VI and I (STS, 1982), 70.
\textsuperscript{124} Ibid., 70. See R.A. Mason, Kingship and the Commonweal (East Linton, 1998), 229.
respects Lesley’s view diverged radically from Buchanan’s. In the 1584 edition, dedicated to James as well as to his mother, Lesley inserted an addition likely to be more congenial to James than it would have been to his tutor: ‘the care which ought principally to be employed of every man to this end [was] that therby the Authoritie of the Prince may be kept whole and sound.’ Soon, Lesley, who is concerned only incidentally with the origins of kingship, was to be under English fire for appearing to exalt the office of king into what could be presented as tyranny:

I will saye and also prove, that they neither have shewed, nor can shew any one rule general or special, of the common lawe of that realme, that hath bene taken, by any just construction, to extend unto or bind the King or his Crowne. I will not denie, but that (to declare and set forth the prerogative and jurisdiction of the King) they may shewe many rules of the lawe: but to binde hym (as I have sayde) they can shewe none.

This passage, or others very like it, would be echoed often in the next fifty years: just as there were no clear constitutional guidelines to settle the questions at issue between the first two Stuart kings and their English subjects, so there were none by which the Stuart claims to the succession could be established beyond doubt or argument. The following passage anticipates the views to be expressed in the reign of James I in England:

it is a more general rule that no Maxime or rule of the lawe can extend, to binde the king or the Crowne, unless the same be specially mentioned therein, as may appeare by diverse principles and rules of the law; and yet neither the King nor the Crowne is by any of them bound.

It is clear from the context that Lesley is writing of limitations on the succession only, as his next sentence shows:

As for example: it is very plain, that the rule of tenant by the curtesie is general without any exception at all. And yet the same bindeth not the Crowne, neither doth extende to geve any benefite to him that shall marie the Queene of England ... Likewise it is a general rule that the wife after the decease of her husband shall be endowed and have the third part of the best possessions of her

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125 Lesley, *A Treatise touching the Right, Title and interest as well of the most excellent Princesse, Marye Queene of Scotland, as of the most noble Kyng James her Graces sonne, to the succession of the Crowne of England* (1584), 10.
126 Ibid., 22r.
127 Ibid., 23r.
128 This entitled a man to the life tenancy of the lands of a wife who predeceased him.
husband. And yet it is very clear that a Queene shall not have the thirde parte of
the landes belonging to the crown as appeareth in 28H6 and divers others
bookes.

These reasons and authorities may for this time suffice to prove that the
Croune of the realme is not subject to the rules and the Principles of the
common lawe, neither can be ruled and tried by the same. 129

The last sentence, which echoes the opinion of Plowden who had included all the
above examples, was controversial. Although it may have contributed to the
development of the ‘royalist’ ideology which was in the seventeenth century to
play so large a part in political controversy and conflict, 130 and more immediately
influenced the view expressed in Cowell’s Interpreter that ‘the king is above the
law by his absolute power’. But it hardly provides grounds for convicting Lesley
of a general tendency to tyranny or of upholding in Glover’s words ‘a stranger
prince, solutus legibus that is a meere and merciless tyrant governing by his liking
and not by lawes ... who will never grounde his government upon the lawes of this
noble realme, by the way our kinges have ever ruled like good and just princes
acknowledging themselves to be subject and bound by their lawes’. 131 Glover
shows no signs of appreciating that the sentence to which he took strongest
exception was taken from Plowden, nor that the bishop stops short of the view of
the prerogative asserted by Browne in the dialogue with Fairfax; 132 his diatribe
shows that Lesley was not the only polemicist of the period to misrepresent his
opponents or to have mastered the art of spin; and it is noticeable that the,
admittedly sparse, marginal notes in Mildmay’s italic in the manuscript copy of
the Answer to the Bishop of Rosse’s Book in the Fitzwilliam /Milton papers, note
the weaknesses in Lesley’s argument rather than any of the excesses in Glover’s.

Glover’s treatise is of interest precisely because he was clearly the mouth-piece of

129 Ibid., 23v., 26v.
1996), 1.
131 An Answer to the bishop of Rosse his book, Northampton MS Fitzwilliam (Milton) Pol. 223,
10r.
those members of the Council who were most hostile to Mary. 133 They had drawn up a list of points to be refuted, and they must have shared his providentialist view that ‘Christ hath hitherto protected his chosen servant [Elizabeth] from all attempts of Antichrist’, and that ‘that most ungrateful person the Bishopp of Rosse ... a ringleader of all unquiet minds ... most openly hath proved himself a capitale enemye to our quene and quietnes’. 134

But the introductory pages are concerned only incidentally with the origins of kingship. Although Lesley claimed that Mary’s right ‘ys as open, and as cleare, as the bright sonne’, 135 the law regulating the succession was far from clear. By strict hereditary descent Mary Stewart had the strongest claim. ‘But in some quarters the ordinary line of descent was held to be reversed under the terms of the will Henry VIII made by virtue of statutes of 1536 and 1544 in which parliament authorised him to determine the succession’. 136 Lesley’s priorities were to establish the urgent need that Mary’s claim should be recognised by Elizabeth, to sweep away, as Plowden had set out to do, all the impediments based on statute and on common law which the Suffolk polemicists had urged against her, and to go further than Plowden had done in examining whether the king had in any sense the right to bequeath his crown in the way that he could bequeath private property; he may not have known of Plowden’s admission that ‘the disputation ... is nedeles if the last will [of Henry VIII] have conveid the crowne awaye’, 137 but finally on a matter of fact rather than of law he had to establish whether the will in which Henry VIII allegedly settled the succession in favour of the Suffolk line was

132 Edinburgh University Library, MS Laing III 392, 93v., ‘to be loose from laws is a royal prerogative given to all kings. Therefore the succession is not limited by law’.
133 One marginal comment is Rosse writeth repugnantia. I am grateful to Dr Stephen Alford for identifying Mildmay’s hand in the manuscript and for drawing it to my attention.
134 BL MS Stowe 273, An Answer to the Bishop of Rosse’s Booke, 2.
135 Defence, II (1569), 116v.
genuine. In the introductory section precedents which could encourage the Queen to take action, culled probably from the English lawyers whom Lesley consulted, and certainly from Polydore Vergil, are quoted from English history before as well as after the Norman Conquest: Edward the Confessor appointed Edgar the Atheling, Richard I appointed his nephew Arthur 'by consent of the nobilitie and commons' and Richard II had also fulfilled this aspect of his duty in nominating his cousin, Edmund Mortimer as his heir apparent long, before Henry VIII shewed 'his prudente and zelous care' in a will with which the second half of Lesley's treatise was to be almost exclusively concerned.

In 1569, only, the mention of Henry VIII leads into a brief eulogy of his daughter 'who doth sit in the royal seat with such peace, quietness and tranquilitie ... that we have great causes to render to God Almighty our most hartie thancks for the same and to crave of him a like continuance ... for manie years, with some happy issue from her grace (if it be his blessed will)' In 1569 the argument is not that Mary was a rival for Elizabeth's crown but that she should be designated as successor to 'our gracious Prince'. Two years later relations had deteriorated to the point where 'our gracious prince' became merely 'our present governor'. By 1584, Elizabeth is described as 'their present Queen'. By then, Lesley, no longer within the power or dominions of the English Queen, and the acknowledged author of the earlier editions, could abandon any pretence that he was writing as an Englishman. But before 1580 Lesley never drops the English alias he had adopted in order to strengthen his appeal to Elizabeth's subjects, and he never appears to doubt that it was the prerogative as well as the duty of a monarch

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137 Plowden Prologue, MS B.L. Harley 849, 31. This is the first page of Plowden’s second prologue, written in response to a request for his views on the validity of the will of Henry VIII which had excluded the Stewart line from the English succession.
138 Marginal notes on 52 r. and v. refer to Polid. Lib. 14 and 20.
139 Lesley Defence, II, (1569), 52v.
without issue to take effective steps to establish the heir-apparent. Many of Plowden's English precedents are cited with evident approval, though without acknowledging their source. The evidence is in Plowden; the compliments to Elizabeth are not, nor the rhetoric which follows.

‘Almost inevitable’ perils are described in less restrained language characteristic of Lesley, as ‘the raging and roaring waves of mutual discorde and the terrible fire of civil dissension’. Failure to quench a fire once begun could destroy and consume a whole realm, as had been shown in very recent times in Scotland and on the continent:

already in thees late years some flames therof have sparkled and flashed abrode, and some parte of the saide fluiddes have alreadie beaten upon the banckes [1584 England’s shores]. I mean the hot contention that hath bene in so manie places and among so many persons; of booke also that have been spredd abroad and dailie are spredd sounding according to the sinister opinion of everie mans private appetite.141

Although Browne’s reputation for heresy-hunting under Mary appears to have been the cause of his demotion under Elizabeth, heresy was no less obnoxious to Lesley; his History of 1571 argues that the negligence of the authorities in failing to nip heresy in the bud made possible the destruction of the old order in Scotland in both church and state. In time of crisis every man’s duty was to apply such talent as God had given him to help prevent imminent danger. As important as the dams and weirs for sea defences, or the provision made in many cities and towns to guard against dangerous fires,142 was vigilance in making known the succession, to avert not the destruction of one city only, but a universal calamity. Lesley’s immediate purpose of alerting his readers to the dangers of inaction becomes clearer with references to ‘sinister persuasions in some booke wherunto [the

140 The attribution of the 1571 edition to ‘Morgan Philippes, Bachelor of Divinitie’ was obviously fictitious. A Catholic priest of that name, a graduate of Oriel, had already died in exile in Flanders.
141 Defence, II, 53r.
142 Ibid., 53v. Lesley characteristically cites examples of precautions belatedly taken by the Emperor Augustus in Rome.
English] have too lightlie geaven credit and ben carried away from the right opinion'.

These ‘sinister persuasions’, expressed most forcefully in the Declaration by John Hales and in the Allegations against the surmised Title of the Queen of Scots and the Favorers of the same, the author pledges himself to combat. ‘I shall in this treatise do my beste endeavour to remove, not presuming upon myself that I am in anything better able than others this to do [for I know my own infirmitie]’. This last phrase, though removed in 1584, is identical in Browne and in Lesley; it surely adds weight to the argument that Lesley was the author of both, for it is highly unlikely that the bishop, after prolonged and publicised consultations with ‘some verie skilful in customes, lawes and statutes of the realme’ would plagiarise not only the content of another lawyer’s argument but his personal disclaimer which is expressed unmistakably in the first person. In the 1584 edition Lesley establishes the credentials which fit him for the task, in the two passages which follow. The first adds further personal and autobiographical material which may well be an allusion to discussions with Norfolk who could certainly be described as a ‘noble personage then of great accomplte’:

After reading and viewing such bookes, and the argumentes therof, as have bene set forth by the adversaires to the contrarie, (whiles I was in England, Ambassador for my most gratiouse Soveraigne ladye the Quene of Scotland) I attempted this work, not unrequested of some noble personages, then of great accomplte: nor without the advice, counsail and Judgement of some verie skillfull in the customes, lawes and statutes of the realme. This travaille long agoe whiles I was ambassadour in England I dyd willynglye take in hand: as well, therby to wynne the good willes of many unto you [Mary] ... at that time I had much conference with some of the most expert and skillfull Judges and best practized councilers towards the lawes of that land and after many discourses and much debating I clearly sifted out their opinions and judgements concerning this matter. And not longe after upon mature deliberation when I had well revolved

143 Bodleian MS Ashmolean 829 fos. 23-31.
144 The phrase in brackets is excised in the 1584 edition.
145 Preface Conteyning the argument of this treatise, with the causes moving the Author to wryte the same (1584) 12r.
these things in my mind I thought it every way agreeable to my duty to continue in some little volume what I had learned in so long a time.\footnote{146} Whether or not Lesley was writing at the request of Norfolk, the extracts quoted in this paragraph are surely inconsistent with Dr Axton's contention that Lesley was merely copying verbatim the work of another.

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The first sentence of the argument proper, as distinct from the lengthy introduction, illustrates the difference in tone between the edition published in 1569 and all those which follow: in 1569 the author declares Mary to be 'the right heir and successor apparent unto the crown of this realm of England, next after our Sovereign lady Quene Elizabeth and her issue'. In every edition after 1569 the words in italics are omitted, as they are when, on the following page, he claims for Mary 'her grace's title (if God call our Sovereign out of this transitorie life, havinge no issue of her maiesties body)'. But the grounds for Mary's claim are the same in every edition as 'most conformable to the law of God, of nature, and of this realm', whereas Plowden had based his argument only on the law of the realm. All three claims were to be refuted by the English Council and most explicitly by Robert Glover. First, Mary was nearest in blood, being the grand-daughter of Margaret Tudor, eldest sister of Henry VIII; Margaret Lennox was daughter to Margaret Tudor but by her second husband; the Suffolk claim, which had been strongly urged in 1565 was derived through Margaret Tudor's younger sister, Mary 'the French Queen' whose second husband had been Charles Brandon Duke of Suffolk. Mary Stewart's right and title would, in Lesley's view, be accepted in every nation, despite attempts 'by some menne artificiallie to object and caste many mistie dark clouds before men's eyes to kepe from them the cleare light of the saide juste title ... or at least blemish with some

\footnote{146} Preface to the most gracieous Quene Marie and to the most noble king James her sonne (1584), 7v.  
\footnote{147} In the editions from 1580, but not earlier, the introduction is separated off.  
\footnote{148} Defence, II, (1569), 54r.
obscure shadowe of lawwe, but in deede against the lawe, and with the shadow of parliaments: but indeed against the true meaning of the parliaments'. Here Lesley recognises the obstacles in his way, and that objections are, ostensibly, grounded upon the common law and statutes of the realm. Whereas Plowden had argued that the limitations of common law had been misconstrued, Lesley attempts to subordinates the common law, in this instance to the laws of God and nature:

Although we doubt nothing in the world of the rightfulnes of our cause: yet must we nedes confesse the manner and forme to entreat therof, to be full of difficulties and perplexitie. For such causes of princes ... it is rare and strange to finde them discussed and determined by any lawe or statute, ... neither do our laws nor the corps of the Rommaine and civill lawe meddle lightlie with the princely governemente, but with private mens causes.

As for the argument that 'by the common lawe yt muste be knowen who ought to have the crown', Lesley again claims that the title to the crown is not subject to the rules of common law as would be the inheritance of a private person:

I say there is a great difference between the kinges right and the right of others. And that the title of the crowne of this realme ys not subjecte to the rules and principles of the comon lawe of this realme as to be ruled and tried after such order and course as the inheritance of private personas ys by the same. Yt Ys verie manifeste and plaine, that the comon lawe of this realme of England ys no lawe written but grounded onlie upon a comon and general custom throughout the whole realm.

For this opinion Lesley, following Plowden, cites the authority of Ranulph Glanvil and the more recent Chancellor Fortescue. Unlike Plowden, he characteristically, if superfluously, comments 'we seem much agreeable to the old Lacedemonians who famously governed their common wealthe with law unwritten. Whereas among the Athenienses the written laws beare all the sway'. Specifically in questioning 'whether the kinges title to the crowne can be examined, tried, and ordered by this common custom' he insists that there are no records in any of the king's courts nor any precedents. He then confronts the first challenge made by Hales that 'yt ys a maxim

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149 'Perplexity' is omitted in later editions.
150 Defence, II (1569), 56r.
151 Ibid., 56v.
in our lawe that Whosoever ys borne out of England, cannot be capable to inherit any thing in England. Which rule being general must extend unto the crowne.' Lesley denies categorically that there is any such maxim in English Common law; even if there were, the Common law is subject to numerous exceptions on which he enlarges in the main body of the text. He appeals to reason: 'it were against all reason that a man born out of the allegiance of England may inherit lands within the realm but not be able to inherit the crown'. Reason is reinforced by precedent designed to demonstrate that foreign birth had been in the past no bar to the throne: Henry II and, before him, Stephen were both born overseas. To this Glover replies that Stephen 'though a stranger born had been brought up in England from his youth and was well born and well beloved here of all the state', that he had the additional advantages of being a grown man when Henry Plantagenet was only five and that he had been endorsed by Henry I who 'upon his death-bed disinherited his daughter [Matilda] and appointed Stephen to succeed him in the realm'. Naturally Lesley has glossed over the point made in the Allegations against ... Mary, that Henry came to the throne not by inheritance alone but by negotiation at Wallingford, when peace was concluded between Stephen and Matilda; moreover, following Plowden, he conveniently omits the essential qualification to these precedents: 'the Angevin Empire had made these boundary distinctions quite irrelevant at that time'. Other precedents are enlisted to ensure that the case for Mary did not go by default, while any which could weaken her case are suppressed, as the English Council were quick to point out; it must always be remembered that Lesley is writing not as a judge, still less as a historian, but as the counsel representing the interests of the Queen of Scots. His first book had been a defence of Mary’s character, his second, on her title, was almost equally partisan,

153 See also the authoritative and indispensable account of the history of the rule against alien inheritance, in Levine, EESQ, 99-125.
154 Defence, II (1569), 76v.
155 The marginal reference is Newbrig. li I Ca9.
156 Axton, QTB, 32.
although expressed in more measured and sometimes more technical terms, especially when he draws on the material presented in a more objective and academic form by Plowden. Lesley, following the justice, claims that Arthur, posthumous son of the fourth son of Henry II, had not been excluded on account of his foreign birth; had it been otherwise his uncle, John, Henry's fifth son, need not have murdered him. Glover's rejoinder was that John's succession was acclaimed by 'the whole realm rejecting Richard's chosen successor Arthur of Brettayn being then but xii years old, on account of his foreign birth'.

Read the historie of Mathew Parris and Polidore L1 15 and you shall finde a solemn oration made by the archbishop of Canterbury to moste of the nobilitie and clergie and as manie as were to be at the coronation for the benefite of the nobles to make choice of John to be their King. And thus appeareth it plainlie that defecte in the nearness of bludd have manye times in this realm withheld them from succeeding to the crown, and greate reason, for if defect in nature remove the next in bludd from private inheritances a fortiori are they to be barred from the crown and the administration of the realm.  

To Glover, therefore, though not to Plowden, proximity in blood was clearly not decisive; it could be outweighed by personal disadvantages such as being under age or of foreign birth. Lesley initially appears to be on firmer ground when he claims that Richard II had inherited, though born in Bordeaux. This claim, not original to Lesley, does not engage with the point already made by Hales: 'he [Richard II] had it justly: for he was born of father and mother English, in the King's allegiance, which is sufficient and also for advantage; for Bordeaux was then in the faith and allegiance of the King of England'. Lesley's next assertion is more convincing; Henry VII did not think that the descendants of Margaret Tudor would be incapable of inheriting the English crown; otherwise he need not

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157 Northampton MS Fitzwilliam/Milton Pol. 223, 5v.  
158 See Levine, EESQ, 102-4.  
159 Ibid., 106.
have responded to his counsellors’ anxieties that England might in the future be made subject to Scotland.\textsuperscript{160}

Both sides appreciated the crucial importance of the statute passed under Edward III in 1351. Levine stated that in reaction against privileges given to foreigners under Henry III ‘judges like Bracton must have started making the rule against alien inheritance a definite part of the common law. The rule evidently was so well established by the time Edward III and his parliament met in 1351 that it was superfluous to state it’; the obvious reason for their statute was to specify certain necessary or justifiable exceptions to the rule.\textsuperscript{161} It would follow that, by specifying exceptions to the rule against alien inheritance, the makers of the statute were proving that the rule applied in principle in the vast majority of cases: the exceptions, literally, proved the rule. The far-reaching but ambiguous exception was that ‘enfants du roi’ could inherit, wherever they were born, thus implying that those who were not enfants du roi could not. But whether ‘enfants du roi’ included only the children of the reigning king, or all of his direct descendants, was a moot point. The French term could, but need not, include children beyond the first degree. The author of the Allegations had maintained that if the makers of the statute had intended the succession to be open to all direct descendants of the crown born outside England they would have said so; their failure to do so meant that Mary was excluded. That argument was strengthened by the specific exemptions which were issued in favour of two grandchildren of Edward III.

Henry Beaumont [son of Elinor daughter of E. III and of the frenchman Jean de Beamond], not being capable of any inheritance in England as well in respect of his foraine father and of his foraine birth was by express name provided for in the Statute of 1351. All of which Ross omitteth in his pedigree for that it is the ruin of his cause for through Henry Beaumont being a descendant from the Crowne and both in degree of bludd and all other circumstances his case agreeith with the Queen of Scotts (save that his case is herin better than hers in that his mother was an Englishwoman and hers none. For which cause Ross leaveth him quite out of his Booke). The

\textsuperscript{160} See also Plowden, MS Harley 849 fo.18.
\textsuperscript{161} Levine, \textit{EESQ}, 105.
like sleight he poseth also Isabel daughter to Lord Edward the 3 who being married to Enguerram Earl of Soissons had issue by him Phillip wife to Robert de Veer earl of Oxford made denizen by the King by letter patente.\textsuperscript{162}

Glover's conclusion seems, by his criteria, justified: 'The Queen of Scots nearness to the Crowne by bludd is not sufficient proof of her right thereunto if by our laws she be found in other respects incapable'. He, on his own admission, was answering Lesley, not Plowden; there was no need for him to counter Plowden's insistence that whoever received the crown was at once freed from all impediments.\textsuperscript{163}

Lesley, having failed to achieve his objective by appeal to the law of 1351, evaded this issue posed by Statute and set out to prove that any rule concerning alien inheritance of land did not apply to the Crown. To this end, he demonstrated to his own satisfaction, in very similar terms to those used by Plowden, that the crown had its own rules of inheritance which could not be subject to common law. For example, on the death of a man leaving only daughters his land should be equally divided among them all, but in the case of the crown 'the eldest sister enjoyeth all as though she were issue male', as men of law had agreed in the reign of Edward VI; there could be no more question of his sisters sharing the throne than there could of a dowager Queen being given the third part of her late husband's lands which any other widow would have inherited. Similarly, the rule of the tenant by courtesy normally entitled a widower to the life-rent of his deceased wife's lands, but this rule did not apply to the husband of an English Queen, as had been established before the marriage of Mary Tudor to Philip of Spain. Most telling of all, the bar to an attainted felon or traitor holding land in England did not prevent him from holding the crown: Richard Duke of York and his son Edward IV were both attainted by Act of Parliament, as was Henry Tudor

\textsuperscript{162} MS Fitzwilliam (Milton) Pol.223,4v.
\textsuperscript{163} Axton, \textit{QTB}, 28.
who found attainder no bar to his succession to the crown. In these cases, the common law did not and could not apply; however, Lesley did nothing to strengthen his argument by citing rules which involved only land as if they were applicable to the succession of the crown itself.\textsuperscript{164}

Lesley had at least shown that the rule, such as it was, had been in many respects infringed, but his assertion that the `Crown is a thing incorporate it doth not descend according to the common course of private inheritance but goeth by succession as other corporations do’ was to leave him more vulnerable. The assertion that the king is always of full age in respect of his crown, as is a parson vicar or dean in respect of his office, could be taken to imply that as an alien could become a parson, so he could also become a king. Levine points out, as Glover does not, that since presentation of deans was generally by election this analogy could open the way to the interpretation that the queen or parliament might be considered capable of deciding the succession without regard for claims of blood.\textsuperscript{165} The subject is both complex and technical but Levine seems justified in claiming that Lesley fails to appreciate the implications of what he has written here, which appears to be a less subtle simplification of Plowden’s theory of the king’s two bodies: ‘The king has two bodies, the body natural and the body politic ... in his body politic his subjects are incorporate to him and he to them’. His political powers were not diminished when he was a minor, and grants of land made in his minority were not conditional on confirmation when he came of age. In England there was no counterpart of the Act of Revocation which in Scotland enabled the king or queen to recover land alienated during his or her minority. As Axton has shown,

Theorizing about the two bodies of the king never spread far beyond the Inns of Court but the stories, cases and histories used to illustrate this double vision of monarchy did ... the treatises of Browne and Leslie [sic]

\textsuperscript{164} See Levine, \textit{EESQ}, 109.
\textsuperscript{165} Ibid., 110.
illustrate its popularization. For Plowden ... the crown symbolized the
monarch's body politic ... a body not visible not tangible ... voyde of
infancy and of age ... Common law maxims could not impede the crown
which passed by succession because with it passed the invisible perfect
body politic ... a man who received the crown of England was immediately
released from his former impediments. 166

Thus even an attainted subject, or an alien, could have the 'disability of the body
natural washed away' and Lesley can cite the accession of Henry VII as a legal
precedent for Mary Stewart. Lesley closely follows Plowden in citing common law
maxims which applied to subjects but not to the crown, though he does so on the
grounds that the crown is a corporation, not subject to the rules and principles of
the common law. The most relevant was the law against alien inheritance; here,
given the lack of any clear and unambiguous guidance, it was not enough to argue
that the rule against alien inheritance did not apply to the succession; it was
necessary to prove, as Plowden had decided, that even if it applied, it did not
impinge on Mary Stewart.167

Normally those who were not themselves children of the king were not
exempt from the rule against alien inheritance which would have removed the
danger, as the Author of the Allegations against Mary put it, that 'us naturally
English should now become subject unto Scotland and be governed by Scots ... as
a people by custom and almost by nature our enemies'. Lesley, in terms identical
with Browne, using material which was already set down in Plowden, then fell back
on another, and desperate, line of defence, so out of character with the political
attitudes which permeate both his histories of Scotland that, at first sight, it appears
to be compelling evidence that the bishop himself could have had no hand in it, and
had been prepared to acknowledge authorship of a book which he had not even
read. For although the books of 1569 and 1571 were published anonymously we
have seen that even in the 1570s Lesley prided himself on their authorship, and the

166 Axton, 27-8.
167 Levine, EESQ, 116
editions of 1580, 1584, and 1587, in Latin, English and French, all indicate on the title page that the work was first produced during Lesley’s embassy in England. However, all these later editions dissociate the author entirely from the anglophilic arguments used in the first two, by inserting the passages which are shown below in italics. In 1569 Lesley tried to exploit a clause in the statute of 1351 which ruled that one born out of allegiance whose father and mother at the time of their birth were of the faith and allegiance of the king of England should have benefits as other heirs. In this passage Lesley attempted to bring Mary within the compass of this Act. The wording of the 1584 edition is significantly different:

That she was borne in Scotlande, yt must needs be graunted, but that Scotlande is owte of the allegiance of Engleande, though the said Queene of Scotlande and all her subiectes of Scotlande will stoutly affirm the same: yet there are a greate number of men in Engleand both learned and others that be not of that opinion, beinge ledd and persuaded there unto by divers histories, registers, records and instruments of homage remaining in the treasurie of this realme, wherin is mentioned that the kinges of Scotlande have acknowledged the kinge of Engleand to be the superiour lorde over the realme of Scotlande, and havinge done homage and fealtie for the same. Which thing being trewe (notwithstandinge yt be commonly denied by all Scottes men) but admit it to be trewe, though all Scotsmen denye it as justly they may for the homage was not done in any such respect as they surmise but in consideration of certain landes in Northumbria] then by the lawes of this realme, Scotlande muste nedes be accompted to be within the allegiance of Engleande though none of the kings of Scotland have done the said service unto the kings of Engleand since the time of Henry VI.168

It will be seen from the passages in italics that by 1584 Lesley had distanced himself from the view that the Scots had long been subject to English masters - a view which neither Scots nor English had held consistently but which had poisoned the relationship between Henry VIII and the Scots whom he attempted to subjugate, as Lesley demonstrated in increasingly hostile terms in his Histories. He was well aware that to almost all his compatriots Scotland was no more subject to England than was France or Flanders, that they had ‘never heard that England’s

168 *Defence, II, 66r.v.*
title to Scotland growed otherwise than by the sword’, and that in war Scots, being regarded as enemy aliens and not rebels, were accordingly used for ransom, not hanged as traitors. Even Maitland of Lethington, usually the supreme pragmatist, had shrunk from admitting that Scotland was a fief of England and wrote to Cecil that such a claim ‘is fitter for your assertion than mine’. 169 Clearly, it would be indignantly repudiated by Mary and might well backfire should she recover her Scottish crown. But there is much to suggest that, at this stage, Mary’s first priority was to succeed to the crown of England. Lesley, though normally as patriotic a Scot as Lethington, appears to have been using any argument which came to hand which could enhance his ‘English’ credentials and substantiate Mary’s ‘English’ claims. 170 He may not have anticipated the response of the English Council that, far from strengthening Mary’s claim to England, he had admitted Elizabeth’s supremacy over Scotland. By 1584, possibly aware of the likely reaction of James VI, he did not merely abandon that line of argument but explicitly dissociated himself from it, preceding it with a proclamation of Scotland’s sovereignty:

the Kynges of Scotland ... have alwayes kept and still do kepe and enjoye, with a plain profession and most just clame in their owne right, over their subjectes a supreme authoritie & power, not depending by any lawe right or custome upon any other Prince or potentate in the world. 171

Lesley’s ultimate aim, the Stewart succession, did not change; the tactics by which he attempted to achieve it did. The Exhortation to both nations to live in unity and concord which precedes the 1584 edition of his succession treatise was clearly a means to the same end.

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169 Levine, 121; J.P. Collier (ed.) Egerton Papers (London, 1840), 43.
170 See also Defence, II, fo.85r. ‘Wales was subiected to the crowne and kinge of Engalnde, as to lord and Seignour, as well as Scotlande.’
171 Lesley, Treatise touching the Right, Title and Interest (1584), 28r.
Of the seventy folio pages of the 1569 edition of Book II of the *Defence*, the twenty-four which are not in the text attributed to Browne add relatively little of significance to engage attention in a European context, being in part concerned with such hypothetical speculation as ‘What if the king had by his last will disposed this realme in to two or three partes, devidinge the governemente to three persons, to rule as sevrall kynges? … Yf the realme had bene set over to a furious, or a made man, or to an idiot, or to some forraine and mahometicall Prince or to any other incapable person?’ There are two central issues: the authenticity of the document reported to have been signed by Henry VIII on his death-bed, and the validity of the will which hinged on historical and legal questions most of which were susceptible to conflicting interpretations. Since the will favoured the Suffolk line, should Henry’s own children die without issue, it was clearly in the interests of the supporters of the Stewart succession to discredit it in any way they could. But Lesley may also have been influenced by his studies in Scotland, where Mair had insisted that the king could not dispose of his realm as he would a piece of private property for ‘the king is a public person and altogether such in this manner, that he presides over the kingdom for the common weal and greater advantage of the same’. In his *History*, Mair stated unequivocally ‘the king has not of his kingdom that full and fair possession which a private owner has of his own estate’. Other scholars had followed Gerson in regarding the king as a trustee exercising such authority as was delegated to him by his subjects: ‘he holds of his people no other right within his kingdom but as its governor’. He could act only for the common weal. Plowden and Lesley reach the same conclusion but, initially, by different reasoning: since the king in his body politic, legally, never died, Henry did not have any right to determine the succession; this point had been stressed by Plowden, although Lesley had, in his introduction commended many earlier rulers for doing so, sometimes ‘with the consent of nobility and commons’. Having insisted earlier that the succession could not be

172 *Defence*, II (1569), 116r., 107v.
limited by law, Lesley seems to modify his position with the statement that the king as
`king could not dispose of his crown by his will ... his doing must be directed and
ruled by the lawe according to the meaning of those who gave him the authoritie'. 174
That authority had been given by parliament in 1536; the difficulty was to discern
precisely what their meaning had been. `It doth appeare by the statute of 28 of king
Henrie the eight that there was authoritie given him by the same to declare, limite,
appointe and assign the succession of the crown by letters patent or by his last will
signed with his own hande'. 175 It appeared also in a later statute of 35 Henry VIII that
in default of his children and of any issue they might have the crown should revert `as
should please our Sovereigne Lorde after such manner as should be expressed,
declared, named and limited in his highnes letters patent or by his last will in writing
signed with his owne hande'. 176 Elizabeth's first Parliament endorsed the settlement:
'the limitation and declaration of the succession of the Imperial Crown of this realm
mentioned and contained in the Act ... of 1544 shall stand, be, and remain the law of
this realm forever.' It is significant that, as Levine observes, 'none of the writers of the
1560s who denied the validity of Henry's will questioned Parliament's right to give the
king the power to make a testamentary limitation of the crown'; 177 in the closing pages
of his treatise Lesley seems to accept this position, subsequently concentrating not on
Parliament's theoretical right but on how it had been implemented in practice, in
particular whether the document purporting to be the will of Henry VIII had been
expressed 'in his highnes lettres patentes, or by his last will in writinge seigned with
his owne hande'. 178 In the Suffolk camp it was alleged that Henry by his last will,
signed with his own hand, ordained that should his children die without issue the

173 R.A.Mason, *Kingship and the Commonweal*, 68 on which this paragraph is based.
174 *Defence*, II (1569), 107r.
175 Ibid., 85v. See also 96v.: whiche king by lawe had no authoritie to make any limitation of the
crowne, otherwise than the common lawe doth dispose yt.
176 Ibid., 86v.
177 Levine, *EEEQ*, 150.
178 Defence, II (1569), 86r.
throne should go to the heirs of his niece the Lady Frances daughter of Mary Duchess of Suffolk, to her heirs or failing them to the heirs of her younger sister Elenour. Since Mary was the younger sister of Margaret Tudor, Mary Stewart's grand-mother, this would have had the effect of depriving the Queen of Scots of her claim to the English succession, even though she was the only claimant whose immediate forebears had been untouched by charges of bastardy.

Against this it had been argued that Henry never signed the pretended will with his own hand as the Statute laid down that he should, that neither the will nor any record of it could be found, and that it in no way prejudiced Mary’s claim. It will be seen that the dispute now turns largely on matters of fact, as Plowden had admitted to his correspondent in 1567. Hales had claimed that there were eleven witnesses present at the signing of the will, that the will itself was recorded in Chancery, and that even if Henry had not signed it the king often supplied his consent by use of the royal stamp only. To Hales’ reference to eleven signatures below Henry’s statement on the missing will, ‘We have signed it with our own hand’, Lesley’s response was disparaging: the eleven were ‘too weak for the importance of the matter ... the law does weigh as well the credit as number the persons of the witnesses’. In marked contrast to his earlier praise of kings who ensure their succession, Lesley

plainelie denied that there was any nede or likelihood for the king to practise such devices that were likely to stur uppe a greater fier of greavous contention and wofull distruction in englande than did ever the deadly faction of the redd rose and the white ... it is not to be thought that he would abuse the great

179 Ibid., 98-99, ‘Mary [Tudor] caused the record of the said forged will remaining in the Chancery to be cancelled, defaced and abolished’. Levine, EESQ, 153 discusses Mary’s probable motives for destroying the enrolled copy in 1553.
180 MS Harley 849(173), 31v., ‘it resteth upon matter in dede and not upon matter in lawe’.
181 Right, Title and Interest, (1569) 87r., 87v.
182 This last point is now known to be true. See D. Starkey, The English Court (London, 1987), 100: ‘Increasing ill-health and tetchiness turned Henry’s aversion to signing into a phobia. To spare him a dry stamp was made ... from September 1545 all papers, whosoever had drafted them, were signed only with the Dry Stamp [which left a faint impression of a facsimile signature which was then filled in ink by a skilled clerk, William Clerk]’. But see note 195, below.
confidence put upon him by parliament and disherite the next royall bloud and think all things sure by colour of a parliament.\textsuperscript{183}

The accession of Henry VII and the reversal of his attainder had shown that what one parliament enacted another could repeal. Curiously, Lesley claims that whereas ‘before the right to the crown hung upon ordinarie and certaine course of common law,[which he had earlier declared inadmissible] and upon certaine and assuerid right of the royall and unspotted blood’,\textsuperscript{184} it now depended solely upon one statute which could easily be overthrown by another. Unlike ‘Browne’ the Lesley’s text cites ‘lamentable examples’ from Roman history of lawful wills overthrown by suborned witnesses, and from Anglo-Saxon times of names being erased from the records ; much of what Lesley has to offer here is based on speculation, surmise and dubious analogy. More pertinent is his assertion, which Levine has shown to be accurate, that there was no original copy of the will in Chancery, nor any authentic records concerning it. This enabled Lesley to claim, as Plowden had before him, that the king never signed the pretended will with his own hand:

\begin{quote}

good and able witnesses avouch of their owne certain knowledge that the Stampe onlie was put to the saide will ... when the king himself was now dead or dying and past all remembrance. The Lord Paget of hes own free will ... and for reverence of trewthe and justice did first of all disclose the matter. Sir Edward Montague also, the chief justice that was privie and present at the said doings did confess the same as well before the counsaile as before the parliament. William Clarke confessed it to be trewe and that he himself put the stamp on the said will.\textsuperscript{185}
\end{quote}

Lesley’s opinion of these three witnesses, though naturally higher than that of his opponents, is inconclusive; he denigrates the eleven witnesses who subscribed their names to the will who ‘had great legacies given them in the said will, which were paid’\textsuperscript{186}. Corroboration that Queen Mary Tudor caused the forged will to be cancelled and destroyed leads him into speculation concerning Henry’s relationships with his

\begin{footnotes}
\item[183] Defence. II (1569), 89v., 90r.
\item[184] Ibid., 93r. This is probably an allusion to the fact that Mary, whatever her other disabilities, was the only claimant not to have been tainted with aspersions of bastardy.
\item[185] Ibid., 98r.
\item[186] Ibid., 87v.
\end{footnotes}
extended family, the possible lines of action open to witnesses and the possibility that
Henry made a different will.\textsuperscript{187} This proves to be a blind alley, as Lesley himself admits
'seeing that neither the original surmised will nor the depositions of witnesses are any
where extant'.\textsuperscript{188}

After listing several pages of technical defects which could invalidate a legal
document Lesley disclaims any intention of examining the role of parliament: 'neither
do we at this time mind to debate what power and authority and how far the parliament
hath in this and like cases'.\textsuperscript{189} He then expresses views at variance with those expressed
at the beginning of his book: 'the king as king could not dispose the crown by his will
and was in this behalf but an arbiter and commissioner. Wherfore his doings must be
directed and ruled by the law, according to the good mind and meaning of those that
gave him the authority'.\textsuperscript{190} Since their mind was to remove all doubt and ambiguity
regarding the succession, should his arbitration fail to meet their expectations and leave
the succession more uncertain, 'the will cannot by any means be said to be made
according to the meaning and intent of the makers of the said statutes. And therefore the
will is insufficient in law'.\textsuperscript{191} This conclusion is reinforced by a survey of the surviving
members of the Suffolk line:

\begin{quote}
Who can with any reason thincke that ... the saide parliament did meane to
give authoritie to Henrie the eight to disherite the Quene of Scottes liniallie
descended of the bloud roiall of the realme, and to appoint the sonne of
Adrian Stokes, then a meane serving man of the duke of Suffolk to be
King and governor over this noble realme of England?\textsuperscript{192}
\end{quote}

Lesley's conclusion, at least, is unequivocal. In the absence of any original copy of
the will and of any authentic record in Chancery, 'we thincke he did never attempte
or entreprize anie such thinge. And so with all do we conclude that by reason this

\textsuperscript{187} Ibid., 10v.
\textsuperscript{188} Ibid., 102r. The will, unknown to Lesley, still exists, PRO Poyal Wills, E.23, vol.IV.
\textsuperscript{189} Ibid., 106v.
\textsuperscript{190} Ibid., 108r.
\textsuperscript{191} Ibid., 114v.
\textsuperscript{192} Ibid., 115. Lesley had on p.114 described Adrian Stokes as the 'man of verie meane estate and
vocation whom the ladie Frances to her great dishonour and abasing of herself, toke to her husband'.
surmised will was not signed with the the kinges hande, yt can not any waye hurte or hinder the just right and clayme of the Queen of scotland to the succession of the crown of england'. Should that claim be denied he predicted infinite troubles, and miseries would overwhelm the realme 'the which my penne in my hande trembleth to write therof'.

Despite the inconsistencies in Lesley's argument it is hard to see how he could have pleaded Mary’s case more effectively: there were no conclusive precedents. Four centuries later, Levine admitted that definite answers probably cannot be found. It cannot be said that Lesley convinced 'indifferent men' that Mary’s right 'ys as open, and as cleare, as the bright sonne'; yet the triumphalist conclusion of Glover's attempt to confute him contains more than an element of wishful thinking:

I plainlie proved the title to the throne of England to be examinable by the common lawes of the realm and by none other, and by the same lawes all strangers to be barred from claiming anie interest therein, and the Quene of Scottes to be a meere stranger and e arguments to allow the favorers of the Queen of Scots to accept with a clear therfore her title to be of no accompl. I have answered all Rosse's objections, I have confuted all his examples, and I trust so satisfied the world that if anie man have hereto fore been persuaded of his mistresses title to be anie thing he will now alter his mind and condemn it as nothing.

Levine adds an important, if qualified, commendation: that Lesley and those on whose work he built 'did raise sufficiently impressive arguments to allow the favorers of the Queen of Scots to accept with a clear conscience her eligibility to

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193 Lesley's account is substantially that followed by of David Starkey, The English Court, 116. Starkey concludes that the will was authenticated by Denny, Clarke and his factotum, Gates, using the Dry Stamp of the king’s signature which they controlled. Henry did not sign it and was probably dead already. But this view has been refuted by E.W. Ives 'The Will of Henry VIII:A Forensic Conundrum, Historical Journal, 35, pp. 779-804, and 'Henry VIII's Will: a Comment, HJ, 37, 901-14, on the grounds that while there is no proof of any conspiracy to distort the will, there is strong circumstantial evidence to the contrary; in particular Henry lived for three weeks after the will was stamped.
194 Ibid., 119r.
195 Levine, EESQ, 125.
196 Defence, II (1569), 116v.
197 NRO MS Fitzwilliam(Milton) Pol.223. Also in BL Stowe 273.
ascend the English throne’. The book may have contributed to the readiness of Spain to offer help to attempts, however ill-prepared, to establish Mary’s claim by force; by the same token it may, as Glover hoped, have convinced (almost) ‘all the princes of Europe that his Queene hath not one iota of right to the crown of this realm’. There is no doubt that the English Council in 1580 considered Lesley’s book to be a serious threat; in this sense it has a significant place in the political as well as the literary career of the Bishop of Ross. It also could be read as, in part, a defence of a monarchy unrestricted by law, and it could have played some part in shaping the ideas of the apologists of the early Stuart monarchy in England and of James I, to whom, with his mother, the most polished, English, edition was dedicated.

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\footnote{Levine, \textit{EESQ}, 125.}
CHAPTER FOUR

On the Regiment of Women

The Third Book [of the Defence] wherein is declared that the regiment of women Ys
conformable to the laws of God and nature.

The third book of the Defence, On the Regiment of Women, is only half the length of
either of the others but more wide-ranging.1 Its relative brevity and the fact that it was
followed by only one further edition in English, in 1571, and one in Latin in 1580,2
indicate that in Lesley’s view it was not the most important element in the composite
volume entitled the Defence. The author admits at the outset that Book II might be
thought to have made Book III superfluous: ‘having provided a convenient and
sufficient proof for the right title and claim ... we might well seem to have fully
discharged our office’.3 Despite Lesley’s view that he had established that his
mistress’s claim was stronger than that of any of her rivals, it could still be challenged
on the grounds, often assumed in past centuries and argued with unique vehemence in
the past decade, that women were, by their sex, disqualified to rule. It was to refute
this allegation that Lesley, despite the reservations of Plowden and others took up his
pen.

Circumstantial evidence suggests that the ‘infamous libel or rather a firebrand of
sedition late caste abroad’4 which precipitated Lesley’s response was Knox’s The
First Blast of the Trumpet.5 Amanda Shephard rightly observes, however, that
‘[although] Knox was probably Leslie’s target ... the internal evidence creates some
confusion’.6 Most puzzling is a sentence addressed to the anonymous author of ‘your
pretty poisoned pamphlet’ which then refers in the third person to ‘new upstart
Doctors, as Maistre Knox or some the like’:

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1 In the 1569 edition, used here, Book I has 49 pages, Book II 70 and Book III 30, (fol. 119-149); the
pagination of the composite volume is continuous. Because the printer of the 1569 edition seeks
pardon for printer’s errors and ‘little lite faults against orthography’ these have been removed.
2 Jo Leslaei, De Illustrium Foeminarum in repub. Administranda ac ferendis legibus authoritate
libellus (Rheims, 1580).
3 John Lesley, Defence (1569), III, 119v..
4 Ibid., 119v.
5 John Knox, The First Blast of the Trumpet against the Monstrous Regiment of Women (Geneva,
1558). The version used here is printed in John Knox, On Rebellion, ed. R.A. Mason (Cambridge,
1994).
As ye are in this your pretty poisoned pamphlet the first, I trowe, of all christian men (I will not except either Latin or Greek, unless it be some fantastical fond and new upstart doctors, as Master Knoxe or some the like) ... that hath thus strangely glossed and deformed this place of the holy scripture, against the ordinary succession of women Princes.  

This sentence taken in isolation would suggest that Lesley was addressing another writer who was, in his view, as misguided as Knox himself. Yet there are no known copies of such a pamphlet; although many tracts were in circulation in the 1560s which were highly critical of Mary personally, none referred directly to her right, as a woman, to rule; more positively, a comparison of Lesley’s text with *The First Blast* shows that Lesley was careful to deal directly with most of Knox’s arguments, though not necessarily in the same order. In Book I of the *Defence*, Lesley referred to ‘master Knox his own good scholars, and such of his affinity, that have set up and erected a jolie new school (as we have declared) teaching that it is not lawful for a woman prince to have civil government’. The phrase in parenthesis may indicate that Lesley had embarked upon the general vindication of women’s right to rule before starting work on the specific defence of Mary’s honour. *The First Blast*, which, though directed at Mary Tudor, contained arguments capable of a far wider application, was already well known to the women rulers of the early 1560s and Lesley may well have calculated that a defence of female succession could do his future prospects at the court of any of them nothing but good. If one accepts Knox’s claim, in his *History of the Reformation in Scotland*, it would seem that the *Blast*, which had already prevented him from returning to England, was a bone of contention in his first ‘reasoning’ with Mary in September 1561 when

the Queen accused him that he had raised a part of her subjects against her mother, and against herself; that he had written a book against her just authority (she meant the treatise against the Regiment of Women) which she had and should cause the most learned in Europe to write against it.  

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7 Lesley, *Defence* (1569) III, 125.  
8 See Shephard, *Gender and Authority*, 32-33.  
9 Those tracts which impugned Mary personally are discussed in Chapter Two, above.  
10 *Defence*, I, 28v-29r.  
It seems probable that Lesley, who prided himself on his learning, seized the opportunity to engage in the debate; he had already crossed swords with Knox in doctrinal disputation on the mass after which each, characteristically, had claimed to have routed the other. Lesley’s reference, in the preface which precedes Book I in the 1569 edition, to ‘a little poisoned pamphlet about July last’ remains obscure:

Men have as well by printed as unprinted books done their utmost to blemish [her] just title … They have expressly denied and refused all womanly government. Among other one of these rash, hot, hasty and heady companions, hath cast abroad about July last, a poisoned pestiferous pamphlet … against the said Queen’s claim and interest. Wherein he avoucheth also that the civil regiment of women is repugnant both to the law of nature, and to the law of God.

On the face of it, he could hardly be describing The First Blast or even the fragmentary Second Blast since both were written in 1558, and the first, far from being ‘a little pamphlet’ was fifty per cent longer than Lesley’s own contribution to the debate; it did not explicitly attack the claim of Mary Stewart. But this passage shows that Lesley was aware that more than one writer ‘denied all womanly government’, although on the next page he singles out ‘our new found doctor [with whom] neither common law, nor acts of parliament, seem to serve for a sufficient plea, but we are by him driven also to plead by the law of nature and by scripture’. Amanda Shephard’s verdict, that ‘Knox was probably Lesley’s target’ seems justified and if anything under-stated, insofar as Knox had put his head furthest above the parapet. But the accession of Mary Tudor and the events which followed it had made female rule obnoxious to many of the Marian exiles, and to other Protestants on the continent; it does not seem necessary to assume that Lesley had only Knox in mind or that this third book of the Defence was written only shortly before Lesley presented a copy to his Queen in 1569. She may indeed have ‘caused him to write’ at least part of it as early as the autumn of 1561, long before there was any need for the defence of her

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12 See Chapter One, above.
13 The Defence, (1569), The Author to the Gentle Reader, ii r.
15 Thomas Becon, Christopher Goodman and John Ponet had all expressed their views in print between 1554 and 1559. Shephard 52-6 summarises them concisely.
16 C.S.P. Scotland 1509-1603, 874 confirms the date. But Lesley was often remarkably cavalier as regards dates and numbers, as shown for example in his vernacular History and his Life.
character which he provides in Book I. Although Aylmer had answered some parts of Knox’s argument in 1559 it is clear from Mary’s exchange with Knox in 1561 that she felt there was still unfinished business.\textsuperscript{17} It seems highly probable that Lesley’s claim to answer ‘this sober brained man, and so fervent a zealator of religion and of the commonwealth’ does indeed point to Knox.\textsuperscript{18} But the preface, though not the text of Book III, suggests that he had also other targets in his sights.

Although some of the denunciations of female rule had been most stridently made by Knox, by no means all originated with him: he had been expanding on a theme which could be described, in 1937, as ‘the universal commonplace of that age’\textsuperscript{19}. Some had been current for many centuries although they had been given a new impetus by the Renaissance and, for Calvinists such as Knox, by increasing familiarity with the Bible from which could be quarried material to support either side, and by renewed interest in the patristic sources. The latter were less accessible in Scotland than elsewhere in Europe. David Wright has pointed out that the Fathers were not prominent in Renaissance humanist learning in Scotland and that Knox is less likely to have read the texts of the Fathers themselves than to have used collections drawn from them with varying degrees of accuracy. In The First Blast he undertakes to use writings of ‘ancient writers’, mainly Tertullian, Ambrose and Augustine to support his interpretation of Scripture but as regards women his use of the sources lacks rigour; for example he refers only briefly to ‘divers other places’ where Basil the Great concludes that woman should neither rule nor teach. Nevertheless patristic sources played ‘a significant minor role’; although to Knox they were of value only insofar as they were supported by God’s infallible Word, to Lesley, as to his friend Winzet, they could stand alone: Lesley in Wright’s words ‘uses far more patristic argumentation than David Chalmer’, though he makes less use of the Fathers than of classical writers, the Bible, and historical precedents.\textsuperscript{20} Some classical texts, if used selectively, were equally

\begin{itemize}
\item \textsuperscript{17} Knox had not written directly against Mary’s authority but by his account she believed that he had.
\item \textsuperscript{18} Defence, III, 120.
\item \textsuperscript{19} Eustace Percy, John Knox (London, 1937), 162.
\end{itemize}
adaptable: Greek philosophers had been divided or in some cases ambivalent about the role of women, but Aristotle’s assertion that women had ‘consilium invalidum et instabile’ was widely quoted.\(^{21}\) It has been observed that difference of sex seems to have been considered irrelevant to the question of succession in the twelve tables of ancient Roman law and that although the *lex Voconia*, after the dangers of the Second Punic War in the late third century B.C., disqualified women from succeeding to title or property, it was later repealed by Justinian.\(^{22}\) Yet there was no question of any woman exercising political authority, although, as Lesley was quick to point out, there were precedents in Egypt and in Carthage. In the Middle Ages there was no unanimity on female rule. In France, the Salic Law prohibited inheritance through the female line from 1328, and the elected rulers of the Empire were invariably male.\(^{23}\) But, in law, ‘all other European kingdoms had the possibility of installing a reigning queen’ and ‘between 1100 and 1600 [there were] altogether twenty reigning queens’.\(^{24}\) Two of the earliest, Matilda of England and Melisande of Jerusalem clearly saw themselves as rulers in their own right,\(^{25}\) but it has been argued that many of their subjects regarded them as regents for their sons and that ‘contemporaries reluctantly overlooked the sex of the lawful candidate in order not to sacrifice the larger principle of hereditary right’.

One recent writer on female succession goes further:

> newer studies have done much to counter the view, prevalent until quite recently, that the feudal nobility of England and Normandy rejected Matilda primarily because of her sex ... Among all the extant writings of the contemporary and near-contemporary partisans of both Stephen and the empress, never once is the empress’s sex given as a direct reason for barring her from the throne.\(^{26}\)

Yet by 1475 Sir John Fortescue’s opposition was expressed without qualification: ‘I wrote how that me semyd no woman ought soveranly or supremely to reygne upon

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*Femmes* (Paris 1579) draws heavily, with acknowledgement, from ‘Morgan Philippes’, the alias Lesley had used in 1571.

\(^{21}\) Ian Maclean, *The Renaissance Notion of Woman* (Cambridge, 1980), 50. Aristotle’s observations no doubt had a wider circulation in Latin than they would have had in the original Greek.

\(^{22}\) Ibid., 73.

\(^{23}\) The peculiar characteristics of imperial authority have been examined by A.N. McLaren in *Political Culture in the Reign of Elizabeth I* (Cambridge, 1999)


\(^{25}\) Melisande inherited the kingdom of Jerusalem from her father Baldwin in 1131.

In Scotland, the same point was made by the Courteour in Sir David Lyndsay’s *Monarche*:

Ladyis no way I can commend
Presumptouslye quhilk doith pretend
Tyll use the office of ane kynge
Or realms tak in governing.  

However, Lindsay’s endorsement of the traditional patriarchal response was, in the cautious words of Carol Edington, ‘not entirely unambivalent’: while ‘Mary’s rule was regarded as an unfortunate aberration to be endured in the expectation of future male rule’ he did not question that Mary was ‘our Quene of Scotland Heretour’.  

Many men in the sixteenth century deplored the advancement of women to political power, though in varying degrees and for different reasons. Calvin, in a letter to Cecil in 1559, implies that it was an aberration, but one which had not occurred by chance:

government by women was a deviation from the original and proper order of nature, to be ranked, no less than slavery, amongst the punishments consequent upon the fall of man.

This stress on order, often linked to the concept of the great chain of being, was central to sixteenth century thought as it had been earlier. Tudor theorists, too, maintained the late medieval view that hierarchy was natural and that change was a threat to natural order.  

Partly for this reason Calvin, while at one with Knox that God by his providence could intervene in human affairs, insisted on a point which Knox later was thought by Mary to deny: ‘Since by custom and long practice it has been established that realms and principalities may descend to females by hereditary right, if a woman has inherited the throne it would not be lawful to unsettle governments which are ordained by the peculiar providence of God.

This sentence epitomises the fault-line which distinguishes Calvin’s relatively conservative attitude to the existing political order from that of Knox, to whom any

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29 Carol Edington, *Court and Culture in Renaissance Scotland* (East Linton, 1994), 75-6.
However, Calvin added that God might, in exceptional circumstances, sanction women rulers, and he claimed that he had had no knowledge of the *Blast* until it was too late to prevent its publication.
32 Calvin Cited by Shephard, *Gender and Authority*, 67.
violation of what he considered to be the divine order in nature was rebellion against God. But even Calvin's qualified endorsement of the status quo does not conceal a pronounced antipathy to women's rule, while among the Marian exiles dislike of Mary Tudor's Catholic policies, and especially what they termed her 'idolatry', was in some cases reinforced by objections to female succession as such. Thomas Becon had asserted in 1554 that Scripture showed that 'such as ruled and were queens were for the most part wicked, ungodly, superstitious and given to idolatry and to all filthy abominations as we may see in the histories of Queen Jezebel'. Bullinger, less intemperately, had expressed the view that by the laws of nature and God a woman should not rule, although he added that 'if a woman in compliance with the laws and customs of the realm is acknowledged as queen ... the gospel does not unsettle or abrogate hereditary rights and the political laws of kingdoms'. John Ponet and Christopher Goodman showed less restraint. Both 'regard the obedience of a subject to temporal power as dependent on his more comprehensive obligation to honour divine law'; but even Goodman 'grounds his objections to Mary less on her womanhood than on her tyranny'. However, the ideas of Knox, Ponet and Goodman had the potential to sweep away 'the rule of women, dynastic monarchy, and the possibility of anyone but an enthusiastic Calvinist male sitting on the throne'. Moreover, although the Marian exiles provided some of the most bitter invective against the rule of Mary Tudor, the belief in the inferiority of women's intellect was not confined to Protestants. Juan-Luis Vives, the Spanish humanist and tutor at the court of Henry VIII, in The Instruction of a Christian Woman written in 1523 as a guide for Mary Tudor, explained that women should 'ever use the counsel' of trustworthy men, referring to the Roman belief that women 'should ever be under the rule of their father,

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33 Even Knox claimed that 'if the realm found no inconvenience from the regiment of a woman' he would be 'as well content to live under your Grace as Paul was under Nero'. Mason, Knox, 176.
34 Thomas Becon, An Humble Supplication unto God, 1554 Parker Society, 227-8
and brothers, and husbands and kinsmen'. Although his book was intended as a guide for Mary Tudor, nowhere does he suggest that women should have any role in public life; explicitly he instructed them that they should 'not meddle with matters of realms or cities. Your own house is a city great enough for you'. Margo Todd's assertion that the position of women in the sixteenth century was raised to a level only slightly inferior to that of men seems to refer to spiritual equality between the sexes and to the role of women in the household rather than in the council chamber. But discrimination against women was so widespread that it may have been barely perceived, even by the celebrated William Blackstone. The point has been forcefully made by Tim Stretton:

Bias against women in English law can be found at every turn ... a telling refutation of William Blackstone's often quoted assertion that 'even the disabilities which the wife lies under are for the most part intended for her protection and benefit ... so great a favourite is the female sex of the laws of England'.

In the middle of the sixteenth century Knox, despite identifying himself with the prophet Ezekiel, was not a voice crying in the wilderness, though he stressed in his Preface 'how difficult and dangerous it is to speak against a common error ... I have determined to obey God, notwithstanding that the world shall rage thereat ... to utter my conscience in this matter, notwithstanding that the whole world shall be offended with me for so doing'. Although Knox developed his case against women rulers at unprecedented length, his view that a woman could be neither priest nor prophet nor, effectively, prince, reflected a significant proportion of contemporary opinion. Such ideas on female rule were not held by Knox alone. Lesley admits that his treatise might have been unnecessary

if this little poisoned pamphlet had not many readers, and many also favourers and allowers, ... or if this man were the first, or like to be the last, maintainer and setter forth of such a strange and dangerous paradox. Or if there have not

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40 Cited in Jordan *Feminism and the Humanists*, 193; also C. Levin *John Foxe and the Responsibilities of Queenship* 116.
44 Knox *On Rebellion* 7, 8.
already been published and divulged by print English books, (and in the latin and most common tongue of all) for the maintenance of the said strange doctrine … or if the danger of this doctrine stretched not to many great princes and kingdoms.\textsuperscript{45}

These dangers, as A.N. McLaren pointed out, had not dwindled into insignificance with the accession of a Protestant princess to the English throne; even thirty years later Henry Howard was invited to write \textit{A dutiful Defence of the lawful regiment of Women} against it.\textsuperscript{46} In 1569, there was certainly a case to answer.

Lesley was not the first to answer \textit{The First Blast}; the issue had been addressed anonymously in 1559 by John Aylmer who also coined the phrase 'firebrand of sedition' which Lesley characteristically appropriated.\textsuperscript{47} But even Aylmer, sometimes regarded as a champion of women, was at best ambivalent; as Amanda Shephard has suggested, his over-riding concern seems to have been to live down his involvement in Suffolk’s rising in 1554; his condemnation of Knox, and his emphasis on order, may well have been part of an attempt to rehabilitate himself and win not only pardon, which he gained in 1560, but the preferment which he achieved first as Archdeacon of Lincoln and later, in 1577, as Bishop of London. However this may be, his book \textit{An Harborow for Faithful Subjects}, yields some examples of the mindset which contributed to reluctance to acquiesce in rule by women; although in one phrase he asserts that ‘some women be wiser better learned, discreeter, constanter than a number of men’, the same sentence provides his readers with a much longer list of women ‘of the worst sort, fond, foolish, wanton, flibbergibbets, tatlers, triflers, wavering, witless, without counsel, feeble, careless, rash proud, dainty, nice, talebearers, eavesdroppers, rumour raisers, evil tongued, worse minded … that shall neither be able to rule themselves nor you’.\textsuperscript{48} Although his point appears to have been that Isaiah had warned against the rule of those who were ‘not women in sex but in

\textsuperscript{45} [Lesley] \textit{Defence} (1569) Preface, To the Gentle Reader, iii-iv. The inconsistencies in spelling are explained by the printer’s preface cited in Chapter 2. Beside the reference to Latin there is a marginal note \textit{Bodinus} although Bodin’s \textit{Six Books of the Republic} was not published until 1573, in Paris.

\textsuperscript{46} London BL MS Lansdowne 813. Howard’s MS was written too late to have any influence on Lesley. Its timing and motivation are discussed by Shephard, \textit{Gender and Authority}, 34-37.

\textsuperscript{47} J. Aylmer, \textit{An Harborowe for Faithfull and Trewe Subjects against the late blowne Blaste concerning the Government of Women}, wherein he confuted all such reasons as a straunger of late made in that behalfe with a brief exhortation to obedience (Strasburg, 1559). Hereafter, \textit{Harborowe}.

\textsuperscript{48} Harborowe, G3v.
feebleness of wit', this passage could only deepen existing prejudice against women in authority. Some of Aylmer's arguments can be considered as at best a somewhat half-hearted attempt to defuse opposition to female rule rather than a robust defence of it, whereas Lesley's book was one of the very few attempts to champion the political role of women. Another, by Richard Bertie, has been variously dated 1558 and 1568; since it has survived only in one hurriedly written manuscript in the BL, it is difficult to estimate its influence; there is no evidence that Lesley was aware of its existence. In any case whether the Catholic bishop would concur in the opinions of a protegé of John à Lasco who had sought refuge among the Protestants in Poland is questionable. 49 A.N. McLaren comments on Knox's and Aylmer's tracts that 'what is striking is the extent to which their views on queenship and obedience represent variations on a theme: how best to “bridle” a woman ruler acknowledged to be in some sense legitimate, and how to define the grounds of that legitimacy'. 50 The first of these objectives was outside Lesley's brief; he was writing with a view to defending the interests of one queen while if possible ingratiating himself with another. A robust defence was more appropriate than damage limitation.

Although the First Blast had been published as early as 1558 and its prime target had not been Mary Queen of Scots, nor even the Scots people, it is understandable that Mary saw it from the first as a threat. 51 Knox could claim with justice that 'it was written most especially against that Jezebel of England' but the fact remained that, as she reminded him, ‘ye speak of women in general'. 52 Mary Stewart was no scholar, but neither were the vast majority of the estates and nobility on whom her power depended: they might well assume that Knox challenged her authority as uncompromisingly as that of Mary Tudor. Knox had formulated a general proposition which starkly condemned the rule of women 'above any realm, nation or city [as] repugnant to nature, contumely to God, a thing most contrarious to His revealed will and approved ordinance and finally ... the subversion of good order, of all

49 See Amanda Shephard, Gender and Authority, 26-30 for an account of the circumstances in which Aylmer's Harborowe and Bertie's undated manuscript were written and for differences between them, 50 A.N. McLaren, Political Culture, 49.
Moreover, because Knox believed his opinions to be warranted by 'the law moral ... the constant and unchangeable will of God' they were not open to discussion; the will of God, revealed in the Scriptures and interpreted by Knox, was universally and eternally binding. Perhaps to Lesley, as to his Queen, the most subversive lines of *The First Blast* were those which, though not aimed at Mary Stewart, might be used to justify the enforced abdication which had, by 1568, ended her reign. Jane Dawson has shown that Knox's call for the deposition of Mary Tudor, alone among female rulers, stemmed from the horror which he shared with many of the Marian exiles at what they regarded as the apostasy of their Queen and the England she ruled. But not all readers of the *Blast* might appreciate the distinction and the casual reader might well take the following passage at face value, especially as it laid a specific obligation squarely on the estates and people.

First they ought to remove from honour and authority that monster in nature, a woman against nature reigning above man ... Secondly, if any presume to defend that impiety, they ought not to fear first to pronounce and then after to execute against them that sentence of death. If any man be afraid to violate the oath of obedience which they have made to such monsters, let them be most assuredly persuaded that as the beginning of their oaths, proceeding from ignorance, was sin, so is the obstinate purpose to keep the same nothing but plain rebellion against God.

Although Knox did not intend that this call to insurrection should apply except in the England of the 'Jezebel' Mary Tudor, the duty of rebellion could hardly have been more emphatically expressed.

The call for the deposition of Mary Tudor on the grounds of her apostasy and the nation's was based on considerations which would undoubtedly apply should the Protestant Elizabeth be succeeded by the Catholic Mary Stewart. Although Lesley had described himself as 'quiet' in religion, and Mary seems to have been far less ideologically motivated than Philip of Spain, both had kept their options open. Lesley's correspondence, especially after 1569, with the Pope, with Spain, and with many Catholic states allowed his readers to expect that Mary would restore the

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52 Knox *On Rebellion*, 177.
53 Ibid., 8.
55 Knox *On Rebellion*, 44.
Catholic church in England should she be in a position to do so.\textsuperscript{57} At the time that the 
\textit{Defence} was first published, England was not yet 'a nation of Protestants'; Knox's book therefore had the potential to be as explosive in 1569 as it had been a decade earlier. In these circumstances Lesley's aim was primarily if not exclusively political: he was concerned to refute \textit{The First Blast} in order to maintain the interests of his mistress rather than to provide an academic treatise on the nature of authority. It was less important that his arguments should be original than that they should achieve their purpose.

\textit{The Content of Lesley's treatise.}

In the \textit{Treatise}, as opposed to the preface, Lesley directly addresses the 'infamous libel, a firebrand of sedition late cast abroad' to the effect that because of Mary's sex her claim to the throne ran counter to the law of God and man. Lesley, a civil and canon lawyer by training, asserts that nothing can be found among the acts of parliament, or in civil or canon law, or in the customs or the historical records of England which could justify the judgement of 'this sober man' whose case depended solely on the Scriptures as interpreted by those described ironically as 'such quiet and sober spirits as himself'. He exaggerated only slightly. Knox had attributed his decision to 'open the truth revealed unto us' to the precepts and example of Old Testament prophets, most notably Ezekiel who sharply rebuked the people of Jerusalem and 'assured them that they should not escape the vengeance of God by reason of their abominations committed'. He had claimed it was the duty of every true messenger of God to denounce the impiety and abomination of the empire of women on the grounds that 'I am assured that God hath revealed to some in this our age that it is more than a monster in nature that a woman shall reign and have empire above man'.\textsuperscript{58} Although he claimed also to have civil and canon law on his side, revelation was his primary authority\textsuperscript{59} and his declared aim was to bring offenders to repentance. To this end, 'of necessity it is that this monstriferous empire of women (which among

\textsuperscript{56} See Lockie, \textit{Political Career}, 103 n.18.
\textsuperscript{57} Mary's devotion to the Catholic church seems to have fluctuated in inverse ratio to her fortunes. But by 1569 she was regarded by many in England as the Catholic heir-in-waiting.
\textsuperscript{58} Knox \textit{On Rebellion}, 4.5,
all the enormities that this day do abound upon the face of the earth is most detestable and damnable) be ... plainly declared to the world, to the end that some may repent and be saved ... [and ] that the simple and rude multitude may be admonished'.

To Knox, crucially, 'God [at the Fall ] did pronounce against Eve and her daughters as the rest of the Scriptures do evidently witness. So that no woman can ever presume to reign above man'. From the New Testament Knox had found 'two testimonies of the Holy Ghost ... sufficient to prove whatsoever I have affirmed before' and, in his view, to demonstrate conclusively that a woman was subordinate not merely to her husband but to men in general: 'I suffer no woman to teach neither to usurp authority above man' and 'Let women be silent in the congregation'. The latter injunction was identified by Aylmer as the cornerstone of Knox's case: 'Sampson's locks which make him so strong' but which, once shorn, would leave him vulnerable.

His initial reply had been that St Paul was writing only of ecclesiastical office, for which women were ill-prepared by the limitations of their education and upbringing, and that in any case 'the scripture medleth not in civil government further than to teach obedience. Therefore whatever is brought out of the Scripture concerning civil regiment is without the booke'. [In] the office of a wife [woman] muste be a subjecte but as a magistrate [in the guiding of the common wealth] she maye be her husband's head.

Whereas Aylmer implied that Knox's claims from St Paul's epistles were beside the point, Lesley was more concerned with their practical results; while acknowledging the 'infallible verity of the sacred scriptures' he argued that scriptura sola was no safe guide to policy-making or to action and that Knox had misconstrued the word of God 'to the imminent danger of our own mistress and Queen, and the utter overthrowing of all human policies and laws'. As Aylmer had done, he denied women the function of preaching but it did not follow that he barred them from what

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59 Ibid., x. Mason points out that Knox took other authorities - legal, classical or patristic - seriously 'only when they accorded with the will of God as revealed in the Word'.
60 Ibid., 6
61 I Timothy 2.12 and I Corinthians 14.34 respectively.
62 Ibid., 4r.
63 Harborow, G 1v.
64 Ibid., C4v.
65 Defence (1569), 121. In 1569 Lesley was writing anonymously but as an Englishman. In 1571 the danger was broadened into 'not only this of Scotland, but also of all other whatsoever Queens'.
was then regarded as the lesser role of government. Like Aylmer, he challenged Knox’s interpretation of the Scriptures. His claim that the only precepts of the Jewish law, except the decalogue, which are binding are those reinforced by the law of church and state contrasts sharply with Knox’s insistence that God’s word provided the ultimate standard by which all other commands or prohibitions must be judged.\(^{66}\) Like Aylmer, he shows that the word for King and Queen were identical in the Greek in which the New Testament had been written. Other examples of inclusive language are used to buttress Lesley’s case. He maintained that the key text in Deuteronomy was not as conclusive as Knox believed. The precept in Deuteronomy 17, ‘you shall make him king’, applied only when the people chose a king and not in the case of hereditary succession. The claim that no stranger should reign Lesley had already countered in Book II, largely by reference to historical records and precedents from English history. Here it is noteworthy that his arguments are based on secular considerations although he makes every effort to demolish Knox’s arguments by disparaging his learning. For example the Jews were not only God’s chosen people but also a special case: they were forbidden to marry aliens lest they be led into idolatry. Having implied that the Jewish precedents were irrelevant to the English succession debate, Lesley maintains that Knox’s argument was inapplicable to Mary Stewart on a point of fact: Mary was not an alien. It is significant that the bishop was, in 1569, writing, though anonymously, in the character of an Englishman. As between English and Scots he attempts to blur the distinction, as Aylmer had no need to do, but as he himself is to do in two of his most important later works.\(^{67}\) The claim which he makes early in Book III is to be repeated in almost identical terms in his concluding peroration: ‘the Scots and we be all Christians and of one island, of one tongue, and almost of one fashions and manners, customs and laws’.\(^{68}\) Few Scotsmen would have been so lavish with half-truths. In the late 1560’s, when Europe was becoming increasingly polarised, not many would subscribe to the assertion that ‘the Scots and we be all Christians’; although it is true that Cecil and the Lords of the Congregation shared

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\(^{66}\)Defence, III, 121v.

\(^{67}\)De origine (1578) and the plea for unity which precedes the revised edition of Book II of the Defence, published as The Right Title and Interest (1584).
common aspirations, these were by no means universally held and were certainly not shared by Lesley himself, as his subsequent Histories, and political career, show beyond doubt. Secondly, only one who knew far less of Scots law and customs than did Lesley would believe them to be 'almost one' with those of England. He had, also, better reason than most to appreciate that England and Scotland did not fully share one tongue: although he was one of the best educated Scots of his day he judged it advisable to submit the text of this very book, and the others which made up the Defence, for revision by a native English speaker, Dr Goode. Presumably he considered that his English alias entitled him not only to claim that Mary’s birthplace [Linlithgow] 'was very nigh to England’ but also to select such evidence as would best advance his case. Lesley’s approach was, as ever, pragmatic.

The same considerations no doubt underlay his digression on the origins of kingship. It was almost certainly not by chance that Lesley, unlike either Knox or Aylmer, stressed that God did not bid, or will, the Jews to choose a king, but knew by his divine foreknowledge what they would do ('though contrary to his blessed will and pleasure'). To Lesley the notion of an elected monarchy, as postulated by Mair and, later, by Buchanan, ‘the which you [Knox] seem especially to regard and ground yourself upon, to prove thereby your conclusions, especially against the ordinary succession’, was anathema.

But he also challenged Knox on his own ground. Knox had claimed that Athalia was thrust out of the kingdom she had ruled for seven years 'because she was an alien'. Lesley’s riposte was authoritative on the content of the Old Testament scriptures but also led him far beyond them. Athalia, as he pointed out, is not described as an alien in II Kings 12 or elsewhere in the Bible: although Josephus stated that her mother was descended from the Tyrians, Athalia was no more, and no less, an alien than was Henry II, or Edward III, or Mary Tudor, or indeed Mary Queen of Scots, in England. All these had one parent born out of England.

But he then makes a more general judgement which indicates that on the issue of obedience, at least in theory, he is closer to Calvin and Bullinger than to Knox.

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88 Defence, III, 123r; 147r.
Lesley claimed ‘Christ’s teaching does not subvert civil policy not repugnant to his expressed word and will’, whereas Knox in effect reversed the proposition; in his eyes no law, and no legally constituted authority, could stand unless it was fully in accordance with God’s Word as revealed in the Scriptures. The Word according to his interpretation was the standard to which all authority was subordinate. Second only to God’s law as a revelation of the divine will was the order which He had appointed in nature;70 to Knox the rule of women was against nature. Aylmer had commented that it was no more against nature for a woman to rule than it was for her to bear twins, a rare but not unnatural event. He, like Lesley, was not disputing a moral imperative but a case which could be settled by precedent and practical experience. If the author of the *Blast* consulted the ancient histories he would find the rule of women, far from endangering commonwealths, had preserved them. ‘In all ages and in many countries women have not only ruled but happily and well’,71 the excesses of the late Queen Mary came about because she was ‘bewitched’ and exploited by her Bishops. Aylmer’s was to prove a double-edged argument: in 1572, the Protestants were to be hoist on their own petard when the same allegation was made about decisions taken in 1559 in the name of an inexperienced Queen Elizabeth, in an unmistakably Catholic treatise which has been attributed to Lesley himself.72 More immediately, Aylmer searched the Scriptures and the histories to such effect that he stopped short ‘lest I should seem to write an history and not an confutation.’ He had at least substantiated his conclusion: ‘[For women] not to rule is not universal. Therefore it is not natural’.73

Lesley is more forthright than Aylmer in condemning Knox for venturing to ‘unnaturally frame of himself a new law of nature and so most wretchedly to corrupt, deprave and maim both the law of God and nature which he makes as a pick axe to undermine the state of so many princes and of his own Sovereign with all’.74 Having rejected Knox’s understanding of the law of nature, and by implication his contention

69 Ibid., 124.
70 Knox *On Rebellion*, 23.
71 Harborow, D2v.
72 A Treatise of Treasons (1572). See Chapter Five, below.
73 Harborowe, E4; F5v.
that ‘examples have no strength when the question is of law … if a law hath been transgressed it makes not the like deed lawful unto us’, 75 Lesley outlines his purpose: ‘to show and prove that women have from time to time borne princely regiment in the most notable parts in the world and in the best and most famous commonwealths that ever have been’. This aim is achieved over ten pages by citing thirty female rulers from past ages, enabling him to claim that he has ‘sufficiently proved that this kind of regiment is not against nature, by the ancient and continual practise of Asia, Africa and Europe’. 76 But neither Lesley nor anyone else could shake Knox’s view that ‘where a woman bears dominion in despite of God … there is an idol exalted in place of the true head’. 77 Even more emphatically ‘nothing could make that lawful which God by His Word had manifestly condemned even if it were approved of all men by their laws’. To Knox, Lesley’s arguments were as irrelevant as his own were to his opponents. He admits that God may for his own purposes dispense with the rigour of his law in special cases. ‘But the same power is not permitted to man whom He had made subject to his law and not to the example of his fathers’. 78 However, it was not for Knox that Lesley was writing but for those who might be led astray by him, and for those Queens who might welcome, and in due course reward, his intervention. To Lesley, Knox had few redeeming features; he would not have written as did Aylmer, ‘I am persuaded that you [Knox] love England as well as your own country’ before stating his intention to ‘admonish you that being a stranger you disturb not our state’.

But there were deeper differences between Lesley and Aylmer. On the issue of women preaching, Aylmer, while stopping well short of Knox’s famous description of women as ‘foolish, mad and frenetic … compared unto man in bearing of authority’, 79 expressed the opinion that women lacked ‘gravity, eloquence, sound judgement and much science’ because of the limitations of their upbringing and ‘because they be huswyves’. 80 True, Aylmer insisted that this was not a matter of

74 Defence, III, 128v.
75 Knox On Rebellion, 34.
76 Defence, III, 134v-135r.
77 Knox On Rebellion, 23
78 Ibid., 34.
79 Knox On Rebellion, 9.
80 Harborow, G5.
immutable decree: ‘even in this we must not absolutely and in every wise to debar them’. St Paul had forbidden women to preach, but also to uncover their heads, ‘and yet you know in the best reformed churches of all Germany all the maides be bareheaded ... which the preacher and learned men make no great accompte of’. 81 Aylmer might urge ‘a certain moderation’ but in his view women were barred from preaching ‘with good reason’; it is entirely consistent that he writes with reference to political power ‘if any were to be chosen by lot or suffrage I would not indeed that any woman should stand’, although in a hereditary monarchy ‘God according to his inscrutable wisdom may choose and dispose as he pleaseth’.

In contrast, Lesley presents a far more positive picture.

A woman, if we believe you, must not keep the state and honour of a prince and Queen, and why so I pray you? Was she not created in the image of god as well as man? And does not she represent the majesty of God? Did not God bless them both? Did not God bid them rule over the fish of the sea, & over the fowl of heaven and over every beast that moves upon the earth? But what thing mean you by the image of God? Mean you as St Paul seems to mean? what thing is there that reason, wit and understanding may reach to, that woman hath not, or may not achieve and attain? 82

He makes high claims for the learning of women in subjects as diverse as law and divinity, oratory, astronomy, philosophy, music, and poetry; most are from ancient times. But he also in 1569, but not subsequently, cites among ‘present and worthy examples’ ‘with the first and best our Queen’s noble majesty’. 83 In 1571, this, like all favourable references to Elizabeth, was removed. But its original inclusion is evidence that although Lesley’s work was written in the interests of Mary Stewart he was far from indifferent to the reaction of her cousin. Lest the point be lost, Lesley adds a further encomium when he associates ‘our most gracious Sovereign’ with the qualities he attributes to women in government: ‘wit, policy, dexterity, prudence, liberality justice, ... mercy (which among all her other princely qualities, glistereth most orientally in our most gratious Sovereigne)’. 84 Lesley, in contrast to Knox, insisted

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81 Ibid., H2r.
82 Defence, 139.
83 Ibid., 139v.
84 Defence (1569), 140v. The passage in italics is omitted in 1571, as is, on p.146, a reference to Mary, ‘as the dear sister and heir apparent to our noble Queene Elizabeth ... whose majesty God long preserve and shield, and bless her if it be his pleasure with happy issue ...’. 

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that women as rulers lacked 'no quality meet for a Prince, save the managing of
martial exploits which is surely the difficultest matter of all'. A three page eulogy of
the prophet Deborah, 'chief and supreme magistrate over the people of God', shows
that 'a woman may not only have civil regiments in other things ... and be present
with the army in the field'. As the personification of wise and valiant leadership 'Our
Deborah shall serve us, one for all', 85 though, unlike many English writers of the time,
Lesley draws no parallels between Deborah and Elizabeth. Compared with Lesley's
positive enthusiasm for women rulers Aylmer offers them faint praise: 'you could
say that a woman is not so mete as a man, and no whit hurt our cause; it followeth
not that she is utterly unmete'. Wisely, Lesley does not engage in the debate of
concern to both Knox and Aylmer on the delegation of royal authority. Knox insisted
that from a corrupted fountain no legitimate power could be derived. Aylmer had
investigated the possibilities of damage limitation: the Queen's powers were legally
curbed:

In a politike weal where there are no tyrants but the lawes England is not a
mere monarchie, nor a mere Oligarchie nor democraticie but a mixte of all these ...
if the Parliament use their privileges that King can ordain nothing without
them. It is not she that ruleth but the laws. It is not so daungerous a matter to
have a woman ruler as men take it to be. For it is not she that ruleth but the
laws, the executors wherof be her judges, appointed by her, her justices of
peace and other such officers. 86

Elizabeth undoubtedly took a different view of the matter, particularly of her
relationship with Parliament; when dismissing a particularly obstreperous House of
Commons she reminded them 'you can do nothing without my force and authority'.
In 1582, in a passage which throws light on her view of her powers, she
doeth it strange that [Mary] could direct her letters unto her Counsel as
unto principal members of this Crown ... whereof her Majesty cannot other
conceive but that she doth not repute her to be so absolute as that without the
assent of such whom she termeth 'principal members of the Crown' she
cannot direct her policy ... They are councillors by choice, and not by birth,

85 Ibid., 141r.-142v.
86 Harborow, H2-H3. See also A.N. McLaren, 'Knox, Aylmer and the Definition of Counsel', History
of Political Thought, 17, 1996, 241-5 and 241 for a discussion of the significance of these
considerations in shaping the concept of the realm as a corporate enterprise and hence a common
wealth. Lesley's view of an 'absolute monarch' was more simplistic.
whose services are no longer to be used in that public function than it shall please her majesty to dispose of the same.\textsuperscript{87}

Elizabeth certainly shared the attitude of her successor, who declared in 1610: ‘I will not be content that my power be disputed on,’\textsuperscript{88} and himself censured Dr Cowell who rashly attempted to define it. As has been suggested earlier, it is possible that James’ attitude was to some extent influenced by the writings of Lesley on what he termed ‘absolute’ monarchy.\textsuperscript{89} But undoubtedly the fact that Lesley in defending women’s right to rule refrained from any discussion of how a queen’s power could be limited, or even any hint that such restriction was desirable, highlights the most important difference of all between himself and the author of \textit{An Harborow}. Lesley was defending women’s right to rule whereas Aylmer, from one perspective, was pre-occupied with mitigating its consequences. Neither made claim to originality though only Aylmer wrote ‘I doubt not but now by me rather put in mynde of that thou knowest, than taught that thou wast ignorant in: thou wilt sone conteyne this gale of wynd and take it to be nothinge’.\textsuperscript{90}

Whereas Aylmer concluded \textit{An Harborow} with a reminder that throughout the whole Scriptures the masculine term includes the feminine, or else women would be excluded from the Beatitudes or any possibility of redemption, and with a ringing denunciation of ‘that hydra the Antichrist of Rome’,\textsuperscript{91} Lesley’s peroration refers to the argument of the \textit{Defence} in its entirety, and expands on the advantages to be gained from the ‘happy union of both realms’ which will recur in many of his later writings, but most fervently in the \textit{History} of 1578 and the revised, and acknowledged, version of \textit{The Right, Title and Interest} in 1584. The development of his thinking on an Island of Albyon ‘knit together in one kingdom and dominion, in one entire brotherly love and amity’\textsuperscript{92} will be examined in Chapter Six. It can be claimed that in his views on union, and on the role of women in state and in society, Lesley, however myopic or self-serving his original motivation, breaks free of the

\begin{footnotes}
\item Cited by McLaren, \textit{Political culture}, 142.
\item King James I, \textit{Works}, (London 1616), 531.
\item See Chapter Three, above.
\item \textit{Harborow}, M1.
\item \textit{Harborow}, K3; R3.
\item \textit{Defence}, III, 147.
\end{footnotes}
conventional attitudes of most of his contemporaries; he at least constructed a far more generous view of the potential of women than had hitherto been published in England, as David Chalmer readily acknowledged as early as 1579.93

93 David Chalmer of Ormond, (also known as Chambers), *Discours de la légitime succession des femmes aux possession de leurs parens: et de gouvernement des princesses aux empires et royaumes*, (Paris, 1579).
CHAPTER FIVE

A Treatise of Treasons

Of all the works which have been attributed to John Lesley, *A Treatise of Treasons* is the most problematic. It is also one of the most important. In the short term, it precipitated one of the most intensive and sustained investigations ever authorised by Burghley and it was clearly regarded as sufficiently threatening for the English government to make strenuous efforts to suppress it by extensive use of agents in France and the Netherlands, and by proclamation at home. In the long term, it provides insights into political and religious attitudes which are rarely so articulately expressed elsewhere, and it is noteworthy that those scholars who have made the most specialised studies of the Louvain writers and the English recusants are those who make the highest claims for the *Treatise of Treasons*. J.B. Code, for example, described it as one of the most important of the pamphlets of the whole Elizabethan period.¹ T.H. Clancy referred to ‘the first Catholic political pamphlet, the mysterious *Treatise of Treasons*’.² More recently Peter Holmes has drawn attention to its ‘detailed critique of the personalities and policies of the Elizabethan regime’ which ‘complements the theoretical discussion of the right of resistance [in the theological work of *De visibili monarchia*, written by Nicholas Sander]’, and published, like many of John Lesley’s books by John Fowler at Louvain, in 1571.³ Simon Adams stressed the political significance of *A Treatise of Treasons*, drawing attention to ‘a detailed account of the complex events of 1569 … of major importance, for the events described were the one apparent example of a major power struggle in Elizabeth’s Court’.⁴

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¹ J. B. Code, *Queen Elizabeth and the Catholic Historians* (Louvain, 1935), 72.
It also throws into sharp relief the continuity between the values of the writer and his Catholic forbears, and the contrast between those values and those of what he terms the ‘Machiavellian’ new order which had been inaugurated at the beginning of the reign of Elizabeth and had triumphed over those who had tried to dislodge it in 1569. More specifically, it explains and rationalises the actions of the disaffected Catholics of the early 1570s in terms of the feudal past if not of the future. In so doing, it goes far beyond what is promised in the Author’s summary of the Argument:

The first Part confuteth the false accusations and scandalous Infamies, printed in certeine namelesse and infamous Libelles against the Q. Majestie of Scotland, Heire apparent to the Crowne of England: and against Thomas Duke of Norfolke. The seconde Part (which beginneth Fol, 83) detecteth sundry deepe and hidden treasons of long time practised and daily contrived, against the Honour, Dignitie, safetie & state of Queene Elizabeth ... by a few base and ingrate persons, that have been called to credit by her.5

The ‘base and ingrate persons’, who in the first part are usually referred to as the two Sinons in an allusion to the Greek who by stealth brought about the fall of Troy, though never named, are clearly identifiable as Burghley and Nicholas Bacon, ‘those to whom above all others your Queen committed even from the beginning the chief cure and charge of her affairs’.6

Problems of Attribution

If John Lesley were the author, A Treatise of Treasons would be one of his most significant works, and many scholars have ascribed it to him without reservation. Preeminent among these is A.C. Southern whose authority, by virtue of his magisterial work, Elizabethan Recusant Prose, probably accounts for the attribution of the Treatise to Lesley in the catalogues of most British libraries, and by the Scholar press who, in 1975, published a facsimile edition of the copy in Cambridge University Library, within covers bearing Lesley’s name. Even though Southern’s grounds have been described, with good reason, as ‘rather tenuous’ by J.E. Phillips,7 they deserve examination. D.M. Lockie, unable to share Southern’s view on this issue, was right in

5 A Treatise of Treasons, Iv.
6 A Treatise of Treasons, Preface 7r.
saying that Dr Southern’s opinion commands respect.⁸ And that opinion was stated
without qualification: ‘There are good reasons for attributing the Treatise of Treasons
to John Leslie’.⁹ Despite the reservations expressed or hinted at by Phillips, Lockie
and John Bossy, Dr Adams could write in a paper reprinted in 1997: ‘A Treatise of
Treasons is generally attributed to John Leslie, Bishop of Ross’.¹⁰ It has therefore a
strong claim to consideration in any analysis of Lesley’s work; the onus of proof is
on those who would exclude it.

That has not always been the case. From the first appearance of the book its
authorship was a matter of vital concern to Burghley, as both the State papers in the
PRO (heavily annotated in Burghley’s own hand) and the Salisbury papers show. In
the 1570s a succession of suspects was named, investigated and in some cases
questioned but, significantly, there is no evidence that Lesley was considered a
possibility until the next century. The range of Cecil’s suspects was diverse, which
may indicate the insecurity of counsellors conscious of having articulate enemies or
may merely reflect the eagerness of Thomas Wilson and other agents charged by
Burghley to track down the author to provide evidence of their own diligence. Two
years after the hunt began, some of the suggested solutions smack of desperation: even
the indefatigable Wilson when trying to discover who translated A Treatise of
Treasons into French apparently saw no inconsistency in citing a report that ‘one
Mounse, servant to the Duke of Norfolk, put the English into French’,¹¹ not long after
claiming ‘it was put into French by Belleforest’. Those identified as suspects in the
1570s, usually in correspondence between Cecil, Wilson and Walsingham, include
some who are known to have had contacts in Louvain, and some who were later to
contribute to the debate on the succession and to the historiography of England,
Scotland and France. Some of these had the expertise, experience and perhaps the

⁷ J.E. Phillips, Images of a Queen. Mary Stuart in Sixteenth -Century Literature (Berkeley, 1964),
266
Historical Journal, IV (1954), 111.
¹⁰ Adams, Faction and favourites, 270, n.8.
effrontery evident in at least one section of the *Treatise* to make a distinctive contribution to it. Two suspects were Scots, educated in Scotland and France and equally proficient in English and French. David Chamber or Chalmer(s) of Ormond was a scholar and historian of considerable reputation and learning in the (Scots) law. As chancellor of the diocese of Ross he was well acquainted with John Lesley, though whether Lesley’s references to ‘one Chamber’ visiting him in prison refers to him is not clear; the bishop had several acquaintances and one servant of the name Chamber(s), or Chalmer. Ormond’s *Abrégé des Histoires de tous les Rois d’France, Escosse et Angleterre* can be compared with Lesley’s own, though the Scottish section owes less to Lesley than to Boece. Chamber’s close knowledge of the *Defence of the Honour* is perhaps more relevant, for his *Descours de la Succession des Femmes* draws heavily, always with acknowledgement, on the book of ‘Morgan Philosophes’, the pseudonym under which Lesley had produced the revised edition of *The Defence of the Honour* in 1571. It would not therefore be surprising to find echoes of *The Defence* in *A Treatise of Treasons* if Chamber were in fact the author. Such echoes in the argument are not hard to find; however, as regards style, a comparison with Lesley’s English works is frustrated because Chamber’s surviving writings, with the exception of the *Dictionary of Scots Law* which he had dedicated to Queen Mary on 22 July 1566, are in French. But it is at least possible that he would have lavished on Lesley the fulsome praise which some commentators have thought could only have emanated from the bishop himself.

A second suspect, John Gordon, was a political and religious chameleon, who apparently spied for Moray against Mary, then for Mary against Cecil’s agents when in the service of Norfolk and of Mary. In turn Catholic, Calvinist and eventually Anglican Dean of Salisbury, his residence in France and his knowledge of Scots affairs, combined with his admission that he was writing a general treatise on

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11 Wilson to Burghley, 1 Feb. 1575, CSP For. II 1575-7, 10-11.
12 DNB entry on David Chalmer initialled A.M. [Aeneas Mackay].
13 I am grateful to Dr Julian Goodare for drawing my attention to this in his unpublished article on Chalmer’s life.
government, brought Gordon to Cecil’s notice more than once. The fact that he, like all the others questioned, denied any responsibility is only to be expected; it is perhaps more surprising that he told Walsingham he knew the author of the French version ‘but thought it not his office to be an accuser’. He claimed that if he had any hand in it the book would have more learning, but his own intellectual pretensions in this period seem to have been exaggerated, and no treatise written by him before 1603 appears to have survived. Henry Howard, Norfolk’s brother and later Earl of Northampton, had far more impressive academic credentials. Fluent in French, Latin, Greek, Spanish and Italian, he had read civil law at Cambridge and was the only nobleman in England to become Reader in Rhetoric, at Cambridge. His reputation as a pedant whose ‘learning made him no less tedious to the wise than unintelligible to the ignorant’ did not deter the authorities from arresting and interrogating him on five separate occasions; he could be expected to have a keen interest in the fate of his elder brother - or indeed his own. A crypto-Catholic and a prolific author, he was later to write A Dutiful Defence, expressing strongly held views on female succession. But any evidence of his involvement in A Treatise of Treasons is entirely circumstantial, and it is hard to believe that he could have written ‘the famous father and grandfather of this Noble Norfolk now also cut off, even for like cause and crime in truth and in deed’. Both father and grandfather had indeed been condemned to death but Howard must surely have remembered, though others might forget, that the execution of his grandfather had been forestalled by the timely death of Henry VIII. Others investigated by Wilson include the Earl of Westmorland, Nicholas Throckmorton, Sir Francis Englefield, Gifford, Stapleton and Heighnton, identified only as ‘the Countess’ secretary’, though

14 A Treatise of Treasons, 53, 61.
15 25 February, 1573 Walsingham to Burghley, CSP For.1572-4, 789.
17 A Treatise of Treasons, 165r.
18 Formerly a Privy Councillor to Mary Tudor, Englefield had gone into exile rather than comply with the changes in religion. According to Strype, Annals of the Reformation, Vol. I Part 2 (Oxford, 1824), 53, he had ‘stirred up Pius IV to excommunicate Elizabeth and the king of Spain to be her enemy’, and received a larger pension from Philip II than any other English commoner resident in the Spanish Netherlands.
alleged by Wilson in December 1574 to have 'collectit the book after divers persons had put down their minds in writing'. It is striking that Lesley, who was better known to Cecil than any of the above, was apparently, in this respect alone, above suspicion.

The credentials of the first writer to ascribe to Lesley A Treatise of Treasons, or more accurately a French version of two of its three parts, entitled L'Innocence de la Très-Illustre, Très-Chaste et Debonnaire Princesse, do not inspire confidence. James Maitland published The Apologie for William Maitland of Lethington against the lies and calumnies of John Leslie, Bishop of Ross, George Buchanan & William Camden as authors, in 1616. He admits he was 'no scholar, hes no art, was left very young and had no information of my father', in addition to other handicaps. Therefore the only way to restore his father's reputation was to discredit all three historians 'of contrair and opposite religious factions who agree in nothing excepting traducing the name of my father'. Maitland's professed aim in approaching Lesley's work was to show 'what maid or movit him to write lies and invent calumnies against my father'. 19 Since his answer was a combination of avarice, ostentation and vain-glory it is hardly surprising that he attributes to Lesley works the provenance of which is, at best, doubtful. 20 In this case he refers not to the Treatise itself but to the translation of the first part of it, preceded by a different Preface and by a reply to George Buchanan's Detectio, L'Innocence de la Très Illustre, Très-Chaste et Debonnaire Princesse which provides the title by which the composite French volume is known. The French copies in the British Library and the Bodleian appear to be virtually identical with the first part of the Treatise. There is no reference to Norfolk's execution.

Strype, the antiquarian who wrote in some detail of Lesley's works, does not attribute to him A Treatise of Treasons. He merely mentions 'a most venomous book wrote by some papist', 21 before describing Burghley's reaction, both personal and political. Publicly the Treasurer responded with a proclamation in September 1573

20 For example, that now attributed to Adam Blackwood.
21 Strype, Annals of the Reformation (Oxford, 1824), II (i), 265.
prohibiting all Catholic books and libels; it was very much later that he revealed the contents of the *Treatise* to Queen Elizabeth, and then only after an abridged version had been sent to Hatton by someone who clearly had no love for the Treasurer.\(^22\) For more than two centuries the authorship of the *Treatise* seemed no clearer to historians than it did to Burghley; only in 1950 did Southern set down six reasons for ascribing the work to Lesley. In view of the importance which he and others attached to his conclusion it is worth setting out his case in its entirety - if only to demonstrate that in this instance Southern’s reasoning lacks its usual rigour.\(^23\)

He observes that ‘Maitland assigns the French translation to him [Lesley] and this in itself would point to his authorship of the English version’. But even if Maitland had not had his own reasons for exaggerating Lesley’s ‘vain-glory’, his ‘evidence’, although it may point to Lesley’s authorship, cannot prove it. The internal evidence cited by Southern is hardly more convincing. The bald statement that ‘Leslie was a historian and the Treatise shows a considerable knowledge of history’ ignores the fact that a knowledge of history was no monopoly of Lesley’s and that Chamber’s competence as a historian could be regarded as equal to Lesley’s own. The statement ‘I may by name speak again and if cause so require I mean to do so historically’\(^24\) is, surely, no more worthy of credence than is the author’s claim to be ‘a Stranger who has lived in thy country for the most part for above thirty years’.\(^25\) Lesley’s shorter *Historie* in the Scots language had already been presented to Queen Mary in 1571, having been written between 1568 and 1570. That ‘there is a striking similarity in the progress of ideas at one point in the preface to the *Treatise* and in the *Defence of the Honour*’ could be co-incidental; it could also reflect the wide readership of the *Defence*, especially in Louvain where it was almost certainly printed. To take one example, Chamber’s treatise on female succession is conclusive proof of his familiarity with Book III of the *Defence*. In an age when what would now be termed

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\(^{22}\) G.T. *The Table owt of a Treatise*, in Lambeth Palace Library.


\(^{24}\) *A Treatise of Treasons*, 7r.

\(^{25}\) Ibid., Preface to the English Reader, 5v.
plagiarism was commonplace some similarities between the preface to A Treatise and Book I of the Defence do not prove that the same author composed both books in their entirety. On style, Dr Southern is entitled to write with authority. But his claim, 'The tricks of style, notably the fondness for parenthesis and for repetition, are characteristic of Leslie', is open to question: in the Treatise as a whole one of Southern’s yard-sticks, the use of parenthesis, occurs less frequently than one would expect, and on many pages not at all. Moreover, Southern has already weakened his case by admitting earlier ‘there is little in Leslie’s style to distinguish him from his fellow-rhetoricians’. Southern is on firmer ground in claiming that ‘the intimate knowledge of contemporary Scottish history and Scottish affairs, together with the allusions to the writer’s part in ‘intreatin’ the affairs of Queen Mary, points to the Queen’s ambassador, Leslie’. This is a claim of more substance than the assertion that the several allusions to the Bishop of Ross by name in the text smack strongly of self defence. Certainly the Bishop of Ross, who had been singled out for particular opprobrium by ‘R.G.’ in Salutem in Christo as ‘that ungracious priest the Instrument of all the Duke’s calamities and the seed man of all Treasons against this realm’, is defended at length, in language which recalls Lesley’s own curriculum vitae circulated to potential, Catholic, patrons in 1593. But this section of the Treatise has little in common with Lesley’s account of his activities as Mary’s ambassador, the Discourse of his whole charge and proceedings also dated 1572. Whether the glowing tribute to ‘the wisdom, constancy and fidelity’ of ‘so faithful a subject and so trusty a servant as hath been rarely found in this age’ can be taken as praise by a compatriot such as David Chamber or John Gordon, either of whom was well equipped by training and experience to recognise the more positive qualities in Lesley’s somewhat chequered career, or as an attempt by ‘a flayed priest, a fearful

26 Southern, Elizabethan Recusant Prose, 316.
27 James Anderson (ed.), Collections relating to the History of Mary Queen of Scotland, I and III, (Edinburgh, 1727), for copies in Latin and English. vol I, 1-19; vol. III, vii-xx. As has been argued in Chapter One, the Life is highly selective and often misleading.
28 A Treatise of Treasons, 61r.
priest\(^{29}\) to restore his reputation, and perhaps his self-respect, after his humiliating capitulation under interrogation, may be a more open question than Southern recognised.

**Link between purpose and timing**

The purpose of the *Treatise* can be determined, in part, by the date of its composition. But many references to the timing of its publication to be found in standard works on Elizabeth do not survive scrutiny. Several imply what, most recently, Dr Adams has asserted: ‘The book was published in January 1572 on the eve of the trial of the fourth Duke of Norfolk for his involvement in the Ridolfi plot of 1571. Its immediate purpose was to defend Norfolk and Mary, Queen of Scots, from the charges against them’.\(^{30}\) It is surprising that no-one appears to have commented on discrepancies in the text which make the first part of this statement untenable, or on other inconsistencies certainly in content and arguably in style. Internal evidence alone points to the conclusion that the *Treatise* lacks a systematic argument, at least one sustained from beginning to end. This is not to say that the book lacks substance; it bubbles over with allegations, assertions and assumptions which are highly relevant to any study of religion and politics of the 1570s. But the text contains unresolved contradictions in fact and dating which raise more serious doubts about the proposition that Lesley or any other single author wrote *A Treatise of Treasons* than any of those indicated above.

The dating of the writing, and publication, of the book are crucial in any assessment of its purpose. Simon Adams, in his absorbing comparison of *A Treatise of Treasons* with Leicester’s *Commonwealth* seems to infer that it was written in an attempt to influence Norfolk's trial. There are, however, difficulties. The treatise, or at least the early part of it, was clearly written in response to *Salutem in Christo* by ‘R.G.’,\(^{31}\) a short but hard-hitting attack on Norfolk and many of his associates which

\(^{29}\) Mary’s comment on learning of Lesley’s betrayal of Norfolk, as described by Sadler to Burghley, 9 Jan. 1571/2, Cotton. Caligula. CIII, fo. 129.

\(^{30}\) Adams, ‘Favourites and factions’, 256.

\(^{31}\) ‘R.G.’, *Salutem in Christo*, 13 October 1571 (STC 11504).
had been published on 13 October 1571, only three months before Norfolk's trial. It describes events in the very recent past and the charges in the 'R.G.' treatise clearly determine the form of the first part of *A Treatise of Treasons*, in which each accusation is quoted, and refuted, point by point. This has implications for the dating of the *Treatise*, which cannot have been written many weeks before the end of 1571 and, were it published in an attempt to influence Norfolk's trial which began (and ended) on 16 January 1571/2, would have had to be completed before that date.

Internal evidence will be cited from the second part which proves beyond doubt that this was not possible, at least for the book in its entirety, but at this point it can be suggested that the circumstances of its composition provide proof which is all but positive that Lesley could have had no direct hand in it. Further, although some of the arguments used and the precedents cited show resonances of writing later to be acknowledged by Lesley, others evoke more directly the attitudes and arguments of several of the leading scholars and political exiles of Louvain.

The book bears the imprint January 1572 and there seems little doubt that it was published at Louvain, though Conyers Read and McCaffrey attribute it to Antwerp. Since in the Spanish Netherlands, as in England, the year began not in January but in March one would normally conclude that the date of publication was seven months after the execution of the Duke which took place in June 1572; it would follow that it was not published before he had even been brought to trial in January of the previous year, but in 1573, new style. Admittedly the title page is an unreliable indication of the provenance or the authorship, and perhaps also the date, of the works of Lesley and other recusants. But in this case internal evidence is even more compelling. Although there are early in the *Treatise* many references to the Duke's impending trial, several passages in the second part refer unmistakably to the execution of the Duke, referring to his 'famous father and Grandfather of this Noble

32 Southern mounts a convincing case for attributing it to Louvain in his chapter on 'Publishers and Presses', *Elizabethan Recusant Prose*, 344. The key sentence is 'Fowler substituted Antwerp for Louvain on the title-pages of many of his English publications because he wished to mislead the authorities'.

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Norfolk also cut of even for like crime and cause', very clearly in the past tense.\textsuperscript{33} Since this internal evidence is crucial to the date of composition, it is worth citing quotations which serve as unambiguous evidence on this last point. Fol 119 provides parallels between ‘this late lamentable tragedy’ concerning Norfolk, linked with Huntly, Darnley and the Archbishop of St Andrews, who had all perished by violence, and the elimination of other nobles a century earlier by Richard III.\textsuperscript{34} Although the analogy is over-extended the clear reference to the destruction of Norfolk in the context of executions which had unquestionably already taken place seems to prove that this part of the Treatise of Treasons can have been written no earlier than June, 1572. The reference to ‘this noble Norfolk now also [like his father and grandfather] cut off even for like causes and crime’\textsuperscript{35} is surely a clear indication that this sentence at least must have been written after the Duke’s condemnation in January 1571/2 and in all probability after his execution in June 1572. This point is more important than it might seem for it makes it difficult to accept Dr Adams statement that the Treatise was published in January 1572 before the trial of the Duke of Norfolk. If, therefore, the book was published in 1572 in the form in which we have it now in the surviving examples in Cambridge, the Bodleian and the British Library, as one volume dated January 1572, the later section cannot have been written, or published, in the January before Norfolk’s execution as an attempt to defend the Duke when his fate still hung in the balance.

The first part of the book was, however, written before the Duke’s trial, or at least before his execution. The reference to the Duke of Norfolk’s ‘new imprisonment’\textsuperscript{36} strongly suggests that this section predates later references to his ‘Tragedy’ and indeed to his execution, as does a later comment on the danger to the person and life of him ‘that is for vertue and wisdom a peerles prince in your

\[\textsuperscript{33} A \textit{Treatise of Treasons}, 165. The fact that the Duke’s grandfather, though condemned, was not executed is worth noting, but it is not the issue here.\]
\[\textsuperscript{34} \textit{Ibid.}, fo. 119.\]
\[\textsuperscript{35} A \textit{Treatise of Treasons}, 161v.\]
\[\textsuperscript{36} A \textit{Treatise of Treasons}, 3r.\]
nobilitie.' 37 The answer to the eleventh charge states 'between the Duke's apprehension [in November 1569] and the date of this book are more than two years fully complete' and 'he has remained in prison ever since.' 38 The tense is again significant in the question 'are the persons of the Queen of Scotland and the Duke of Norfolk detained close prisoner by your queen's name or no?' 39 The next sentence is more specific: 'Hath the one been so for four years almost and the other for two years ful, before these forged treasons were surmised against them or no? let the dates of their several imprisonments be conferred with the date of this libel and let that speak'. 40 Although the author's point is that neither prisoner had any opportunity to molest the Queen, the following passage also 'speaks' to furnish further evidence that even the last pages of the first part of the Treatise were composed before the Duke's execution and almost certainly before his trial. The author is clearly anxious about the outcome:

> And if the Duke shall fortune hereafter ... through the subtle practise and malice of his enemies to be by verdict of parliament found otherwise than I here defend him to be the cause would be his making an earthly prince his God in this world whom he like his father and grandfather loved, feared and served more zealously than his god and creator. 41

The allusion to Norfolk's conforming himself as an instrument in the creation of a feminine primacy in the church of God 'which never Christian queen attempted before her' tells us more of the attitude of the author than of the political reasons for Norfolk's fall but it seems clear that when this passage was written his fate cannot have been decided and that an attempt to clear his name in the eyes of the people, if not of the Council, had some chance of success. Since the Duke's trial took place on 16 January 1571/2 the implications for the dating of this (first) section of the Treatise are obvious. The tone of its concluding paragraph is one of pious resignation: if, through 'the wonderful wisdom of God', the Duke should receive the same 'payment and reward' from his sovereign as his father and grandfather before him for

37 Ibid., 11v.
38 Ibid., 39r.
39 Ibid., 79v.
40 Ibid., 79v.; 80r.
manifest and merciful admonition’, God’s grace would provide others with the benefit of his example and himself with ‘great comfort for the time he hath to live here and his eternal felicity afterward’. This could be the conventional piety of Louvain, but it could have been added with the benefit of hindsight, after the Duke’s condemnation, even, possibly, by a different hand.

Southern’s contention that Lesley was the author takes no account of the Bishop’s circumstances at the time of its composition. Throughout more than two years between the publication of Salutem in Christo and his own release in November 1573, some months after the publication of the Treatise, Lesley was himself a close prisoner, as his Diary shows, first under the supervision of the Bishop of Ely, during which time he was interrogated by leading members of the government, and then from October 1571 in the Tower. Even in the less oppressive atmosphere of Farnham, from August 1572, he was, by his own account, ‘very straitly kept and two gentlemen did continually wait upon me night and day and would admit none other in my company, not so much as my cook ... and had no liberty to speak to any other his servants but in their presence, nor yet with any other but in my lord’s own presence’. Chastened by his interrogation, when still incarcerated in the Tower he had promised Burghley to be ‘a New man’ and to desist from the political intrigue which had nearly cost him his life. It is surely inconceivable that Lesley at that critical point in his own fortunes would have sacrificed any chance of winning Cecil’s goodwill by unleashing one of the most abusive and insidiously damaging attacks ever perpetrated on the two leading members of Elizabeth’s government. Unlike many of the exiles established in relative safety in Louvain, Lesley had too much to lose and too little to gain. His overriding objective was to achieve his liberty and this depended entirely on the good offices of Cecil as well as the Queen. Nothing could have been less calculated to

41 Ibid., 82r.
42 Ibid., 82v.
43 But it would be a curious co-incidence if two different writers made the same very obvious mistake about the fate of Norfolk’s grandfather, the third Duke. See note 33 above.
44 Lesley, Diary April-October 1571.
secure their help than the innuendoes, taunts and implacable hostility to Cecil which permeate much of the Treatise, and only a far less subtle mind than Lesley’s would hope to earn the Queen’s gratitude by insinuating that she was the dupe of her most trusted adviser. This is not to claim that one should take at face value Lesley’s sycophantic letter within a month of Norfolk’s execution congratulating Burghley, ‘my verray good lord’, on his ennoblement ‘whereof I am most heartily glad for your virtue, wisdom and experience have merit that and much more’. Even while wishing the Lord Treasurer ‘honor and health with prosperity and advancement’ Lesley may well have had the will to wound, but he had every reason to fear to strike. Moreover, there are some indications that while in the Tower he may have lacked the means to do so - at least in writing. One need not accept uncritically his own complaint, ‘such pen and ink as was in my company was taken from me which was another grief’. But his preface to the account he wrote for Queen Mary of his activities as her ambassador in England from 1568 until March 1572 states that it was written with a lead pencil between the lines of printed books when he was deprived of paper and ink. Pamela Robinson has drawn attention to his difficulties in obtaining even enough paper to write the first of the comparatively short Libri duo, piae afflicti animi consolationdivinaque remedia, composed to send spiritual consolation to Mary Queen of Scots. Robinson’s comparison of the manuscript of the first of the Libri with that of the second, composed in more favourable circumstances at Farnham, shows that even though the Lambeth manuscript was the one sent to the Queen of Scots herself its lines were more closely spaced and the writing smaller; in conjunction with Lesley’s own complaints she produces interesting if not conclusive evidence that Lesley was hard put to it to assemble the material to write a brief

46 BL Cotton Caligula C4 fo.117, Discourse of the Proceeding of the Queen of Scots Affairs in England xi April 1571 to the xxvii March 1572.
47 BL Lans XV fo. 71, 18 July 1572.
48 John Leslie, Discourse of his whole Charge and Proceedings ... September 1568 to the 26th of March, 1572 printed in James Anderson, Collections, III, 1-251.
49 Ioannis Leslaei Scoti, Episcopi Rossen, Libri Duo (Paris, 1574). The manuscripts to which Robinson refers are in Lambeth Palace Library and the BL.
message of consolation for his Queen. How much more difficult for him then to write a book amounting to more than 200 folio pages, or even a substantial part of it. It should be pointed out that Robinson does not herself make this claim; her own article is essentially bibliographical and her conclusions are in the opinion of her editor characteristically cautious; but she does provide the evidence on which the previous sentence is based.

There is, however, force in the argument that Lesley was uniquely well-informed about the history of the Norfolk marriage negotiations; he was also able to write authoritatively about events in Scotland during and after Mary’s personal rule and he had inside knowledge of the motivation behind the conspirators in 1569-70. Certainly recent attempts to withdraw Mary’s subjects from their allegiance are described with an amount of detail which suggests input from a well briefed diplomatic source. But much of the defence of Mary’s conduct early in her reign is based on knowledge which had long been in Lesley’s possession; since Salutem in Christo was only one of many attacks on Mary, and one of Burghley’s charges against Lesley was ‘his sending letters to the rebels in Flanders as to the Duchess of Northumberland and to persons being in contempt of the Queen’s Majesty as to Sir Francis Englefield’, it could be that he was providing to others who had undertaken to defend the Queen of Scots’ reputation the specialist knowledge, apparent in fos.14-40, which he himself had sought from English lawyers when engaged on his Treatise on the Succession. Cecil may not have been wholly mistaken when he attributed the French version to ‘a malicious French writer taught by a rebellious crafty priest of England’.

It is possible that A Treatise of Treasons was a co-operative venture perhaps in the sense in which Book II (only) of Lesley’s Defence of the Honour is heavily

50 The English ambassador’s ‘persuasion’ that Mary should abdicate, if true, would hardly be common knowledge; nor would ‘the fair promises of your Quene’s letters and messages’.
51 In a curious short document in Burghley’s own hand, recorded in the Calendar of the Salisbury Papers part I, page 574, no. 1750. It is undated but among others of Nov./Dec. 1571.
indebted to Sir Edmund Plowden, and others. Just as Lesley, for whatever reason, undoubtedly procured, and published, material which did not originate with him, so any of the close-knit group of exiles in Louvain could have provided, or procured, part of the book which was finally published. This hypothesis is consistent with the opinion of John Bossy who in a tantalisingly brief reference attributed the Treatise to the nobles who left England after the rebellion of 1569. If it was not written by such nobles it was designed to appeal to them; in an important sense it can be seen as a defence of the nobility as such. A Treatise of Treasons was almost certainly published by John Fowler, despite his denials, and Peter Holmes seems justified in concluding that ‘it was presumably therefore approved by the leading exiles in the Netherlands’; it may be that some of these exiles were more actively involved. Thomas Wilson more than once expressed the view that ‘that ungodly book in English ... shows that many have a hand in the matter and would breed an alteration in men’s hearts if possible’. By ‘setting a pyke’ between the exiles and forcing Englefield on to the defensive Wilson extracted the information that ‘Gifford of the Temple’, whose vocabulary allegedly included many of the more offensive terms applied to ‘the machiavellians who governed England’, was ‘the deviser of the latter part of the book’. Wilson’s comment that his informer ‘thinks that after the first platform was had divers here [in Antwerp] were doers to finish the upright, as Darbyshire, Stapelton, Hyde of Louvain and Heighynton, the Countess’s secretary’ did not put an end to his investigations, but in view of the discrepancies and inconsistencies in style and content in A Treatise of Treasons it is unlikely to have been the work of any one individual.

Content

52 BL Cotton Vespasian F vi f.259 14 Jan.1572/3.
53 As discussed in Chapter Three, above.
55 Holmes, Resistance and Compromise, 25.
57 Wilson to Burghley, 1 Feb 1575, CSP For. 1575-7, 10-11.
The contents are summarised very briefly on the page before the ‘Preface to the English Reader’. The first part claims to confute in eighty pages six pages of accusations against Norfolk, Mary and many of their associates, published in October 1571 as *Salutem in Christo* over the initials R.G. which may have been those of the protestant Richard Grafton, or may have been a pseudonym for Cecil himself. The second part, only slightly longer, is in form a bitter attack on ‘a few base-born persons’ who are charged with a far more dangerous treason which would endanger the Queen and her realm if not prevented in time: they had abused their role as Counsellors to a timid and inexperienced Queen, imposed ‘a religion of Libertines’ on England, and plotted to monopolise power in their own interests and even to secure the succession for the Hertford/Grey line to which they were both allied by marriage, by ensuring that Elizabeth never married and eliminating Mary as her heir. Thus Mary, the Catholics, and the old nobility were associated in a common danger.

The ‘Preface to the English Reader’ is more concerned with religion than any polemic attributed to Lesley, but it is also more concerned with politics than all but two of the works previously published at Louvain. The main theme of the preface is the harm done by the new religion (significantly annotated in a marginal note as atheism) which, ‘with the help of authority had shouldered out the old’ to the end that a rabble would always be found to carry out the dictates of authority, uninhibited by religious scruple. The consequences are portrayed in harrowing detail as atrocities of every kind:

rapes of nuns, open robberies and public piracy, lying without limit, pillage of people and the consumption of the Ancient nobility. In a Machiavellian state ... religion is put in the second and last place and the ruled are taught with every change of prince to change their faith also, where neither hope nor fear of an after-life made men hesitate to lie, corrupt, oppress depose murder or commit every other outrage that promised to advance the policy in hand without fear of God or devil. Where no restraint ... is left in the heart of man to bridle him

58 see p.2 and n.5, above.
59 A Treatise of Treasons, 3r.
60 It is interesting to contrast this assertion with the conclusions of Stephen Alford, ‘Reassessing William Cecil in the 1560s’, in John Guy (ed.), Tudor Monarchy, 241: ‘Cecil’s constant concern for religious and ecclesiastical order was not only an issue of obedience but a reminder that all affairs were carried out under the eye of an arbitrator even more powerful than their Queen’.
from evil but only a fear of lay laws, that call I properly a Machiavellian state.\textsuperscript{61} This illustrates a crucial fault-line in English political thought. Not all devout Englishmen had read, or understood, Machiavelli but many of those who had not saw little distinction between the ‘Machiavellian’ and the atheist who subordinated spiritual to secular goals. To the author, as to Reginald Pole before him, ‘the end of political power was not human but divine… the gulf which separated him from Machiavelli was as broad and deep as that which divides the medieval from the modern world’.\textsuperscript{62} The contrast between what are here represented as the excesses of Machiavellian libertines and ‘the modesty and conscience of the Catholic party that for fear of God and hate of sin do abstain from offer of injuries and defend only their ancient possession in the catholic faith and that with less care, zeal and suspicion than is necessary’ is poignantly developed at length.\textsuperscript{63} But for almost the first time in English recusant literature reference is made to political as well as religious issues: attempts to discredit not only the Queen’s Majestie of Scotland and the noble prince the Duke of Norfolk but also the rest of the nobility; worse still, designs to alter the succession which could culminate in government of the realm either by a foreigner or by a popular state.\textsuperscript{64} The author’s radical concern with the principles of government is foreshadowed in his claim to have ‘most advisedly entered into the consideration of the present state and forme of regiment used under your Queen that now is’.\textsuperscript{65} The critique which follows leads into a bitter and sustained attack on the source of the evils which he has diagnosed:

one who carieth your Quene in his hand (as it were) in matters specially of importance ... that hath neither care nor remorse what God or the world seeth or saith of him ... that with impudent and brazen face abuseth and outfaceth both his own Prince at home and all the world beside almost, with lies upon lies, ... every one louder and lewder than the other to feed the fire and flame of robbery, rebellion and all other mischiefs wherewith he hath infested all Countries adjoining ... with such murders and infinite villainies more vile than

\textsuperscript{61} A Treatise of Treasons, 4r.
\textsuperscript{62} F. Raab, The English Face of Machiavelli (Toronto, 1964), 32.
\textsuperscript{63} A Treatise of Treasons, 13r.
\textsuperscript{64} Ibid., Preface 2v. The term ‘popular state’ is not defined but clearly involves the usurpation of monarchical power.
\textsuperscript{65} Ibid., 7r.
can be expressed by any modest penne, for satisfaction of his own heresy and ambition.  

Whether Cecil, or any one councillor ever 'carried the Queen (Elizabeth) in his hand in matters specially of importance' raises fundamental questions which touch on the nature of the Tudor polity in practice, if not in theory, and on the realities of power in Elizabethan England.

As Dr Adams has pointed out, this treatise and two others written twelve and twenty years later 'are distinguished from the main body of Elizabethan Catholic literature by their concern with the structure of politics'. Until 1569 those English Catholics, educated largely at Winchester, Oxford and Cambridge, who had taken refuge in the relative security of Louvain, had generally avoided political issues. In the words of John Fowler, the publisher of A Treatise of Treasons, the aim of the Louvain writers was to discuss points of doctrine, not to interfere in 'the affairs and public government of the realm'. Amongst the long lists of religious tracts drawn up by Allison and Rogers and by Southern, A Treatise of Treasons is, with only two other overtly political works published in Louvain before 1572, in a very small minority. But the Northern Rising and still more the Bull Regnans in Excelsis had not only shown, more clearly than ever before, that politics and religion were increasingly and inextricably intertwined; they had once again, in Adams' words, 'linked the cause of the Catholic Church to that of the 'ancient nobility', an association that had first been made in the 1530s. A Treatise of Treasons was a response to the changed situation, but it was also pro-active: by attacking 'the tyranny of those two that reign in her [the Queen's] name', the author was in a sense (however vehemently he denied it), seeking to disrupt the status quo yet again, this time in the name of ancient custom.

66 Ibid., 17r.-v.
67 Adams, 'Favourites and factions', 255.
68 Southern, Elizabethan Recusant Prose, 444.
69 J. Fowler in Frarin, An oration Against the Unlawfull insurrections of the protestants of our time, (Louvain, 1566), Sig A6v. cited by Peter Holmes, Resistance and Compromise, 225.
70 Adams, 'Favourites and factions', 255.
71 Preface, 20r.
In the Preface he claims that ‘towards [in this context against] two persons only is his speech directed’ and at this stage, while claiming that the Queen was kept in ignorance of the ‘servitude’ imposed in her name, he inveighs on the consequences of her rule in political rather than religious terms. Characteristics of her regime included severe searches, suborned accusations, and intimidation that deprived the people of the power to see, or hear, or express what was happening, ‘their very harts and minds restrained from thinking’ so that ‘they cannot come to say and show the truth’. This is a far cry from anything previously published at Louvain.

The first part of the main text makes the point that without official connivance Salutem in Christo was unlikely to have been published at all: ‘Small likelyhood that either the writer or printer of this lewd libel would endanger themselves with publishing such matters of state and of such importance, if they were not sure of good authority to back them’. The author’s promise ‘to lay open known facts and manifest deeds known to all men, without the blame of any person by name now in estate to take harm thereby’ includes a claim to impartiality which he makes no attempt to achieve, but each charge made by ‘R.G.’ is answered point by point. The third, that Norfolk secretly plotted to marry the Scottish Queen without Elizabeth’s knowledge, prompts the robust claim that not only did the Duke inform all the Privy Council and many of the nobility of his intention, ‘namely the earles of Arundel, Pembroke, Leicester, and the Secretarie, besides many others of the nobilitie’ but he ‘was rather by them moved and invited to attempt the same before he sought it by any least meane’ and was assured that Queen Elizabeth’s goodwill would undoubtedly be obtained. This echoes the claim made by Lesley in the Defence of the Honour: ‘The nobles of England … that were appointed to hear the Queen of Scots matters have moved the said Queen that it maye please her to accept and like of the most noblest man of all England, between whom and her there might be a marriage

72 Ibid., 6v.
73 Ibid., 7v.
74 Ibid., 8r.
75 Ibid., 73.
76 Ibid., 73.
concluded'. But whether the similarity between the two passages is so striking as to constitute evidence that both came from the same pen is doubtful.

Much of the importance of the very detailed answers to the seventh charge, concerning Mary Queen of Scots, is to be found not in what is said, which at best represents what the author would like to be believed as the truth, as in his evidently close acquaintance with recent Scottish history. He appears to be equally well-informed about English disaffection in 1569, for his reply to the eighth charge, that the Queen of Scots was the greatest cause of the rebellion lately in the north, develops into a sympathetic account of the motives and actions of the English nobles in two major crises of 1569. Resentment at religious change and at the ‘disparagement of the noble houses of the realm’, reinforced by dismay at costly foreign policy leading to political and social instability at home, had led to what is presented as ‘a general consent of many both of the Counsel and other nobilitie … to remove from her by some good means two or three persons of mean birth and condition that by false suggestions and crafty secrets had so intruded themselves into her favour … that she was wholly governed and ruled by them’. Here the content is of unusual interest for it provides a unique account of ‘the one apparent example of a major power-struggle in Elizabeth’s court’. The repercussions of the attempt ‘once assaied and eluded’ are presented as precipitating the Northern Rebellion; it is stated that ‘the two little fellows’ double-crossed Norfolk by leading him to think that Elizabeth approved his projected marriage while all the time inciting Elizabeth against it. When she at their insistence committed Norfolk to the Tower and summoned the chief nobility of the northern parts, the latter ‘were constrained… for their present safety to put themselves in arms, for God Chiefly, for the Catholic Religion … for the honour and safety of their Queen, … for the removing of a mean man or two, the causers of all those

76 Ibid., 11v.-12r.
77 Defence of the Honour, 47.
78 A Treatise of Treasons, 23.
79 Ibid., 31r.
80 Adams, ‘Favourites and factions’, 256.
mischiefs, and for their own safety of body and soul'. The participation of the Queen of Scots is denied; that of the nobility is defended.

References to ‘your Queen that now is’ are ambivalent: ‘I mean not to derogate from your Queen whatsoever lawfully may be given her ... acknowledging her good nature to have been always inclined to clemency’. But references to ‘the Queen now a Queen but in name’ and ‘those rascals reigning in deed and effect over her and her realm’ are reinforced by the most double-edged of tributes to Elizabeth: ‘As I may I honour her and lament nothing more than that she suffered herself, her name, her Dignity and Authority to be so much abused ... to the dishonour and infamy of her person to the oppression of the innocent and to the offence of old friends and allies’. Far harsher criticism would later be published from Louvain, but already charges (now known to be justified) are repeated, that the Queen of England would follow up a letter which had urged one course of action with another ‘to do clean contrary’, and that ‘all the bloody tragedies committed these twelve or thirteen years have been all in effect by her authority’. Here the author parts company with the Louvainist emphasis on religion rather than politics. The troubles fomenting in England and perhaps more significantly in Scotland are described in a degree of detail which suggests at least some Scottish or diplomatic input. The Scottish perspective may be glimpsed again when Elizabeth’s right to have jurisdiction over the Queen of Scotland, ‘an absolute prince of a foreign Dominion not under her subjection’, is questioned, although as recently as 1571 Mary’s foreign status had been explicitly denied by ‘Morgan Philippes’ in Book Two of the Defence.

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81 A Treatise of Treasons, 32r. 32v.
82 Ibid., Preface, 8v.
83 A Treatise of Treasons, 33, 34r.
84 However, a possible explanation of this discrepancy was suggested in Chapter Three, above.
Points of contrast between the first and second parts of the Treatise.

There are significant points of contrast. Whereas the first part was essentially defensive in form, the second half turns the tables: the two Catilines\textsuperscript{85} are themselves accused of the treason for which they had indicted others. The language becomes stronger; what had previously been phrased as opinion is presented as a matter of fact: 'you all know these two English Catilines to be the principal persecutors ... and the prime publishers of these pamphlets'.\textsuperscript{86} Queen Elizabeth had inherited a quiet, peaceable and wholly Catholic realm in amity with all her neighbours 'as children of one mother the Catholic church'; being of a timorous nature and inexpert in matters of state she had been seduced into making changes in religion both in substance and show at the behest of 'a spiteful pullet ... of hennish hart and courage' and 'a dunghill cock'. What were believed to be Machiavellian principles were refuted: 'God more respecteth the right religion, the true faith and the soule of man than he doth the bodies of the people or their lay and civil governance'; but the author also expands on the political consequences of the destruction of 'the right religion'. The two Catilines had driven out the Marian bishops and used their revenues to win the support of the 'base rabble' they brought with them. The Queen by sanctioning, 'against her own affection', 'the establishment of the schism by parliament' and with it the penal laws which bore heavily on Catholics thereby 'ensured her excommunication, while the new men set up a partie protestant and thus achieved the subversion and overthrow of all nobility'.\textsuperscript{87}

Here we have the characteristically Louvainist view of the first decade of the reign, though it does not reflect the opinion of Nicholas Sander who, unlike his colleague Rishton, blamed Elizabeth for the religious changes and claimed that despite her protests to the contrary she intended from the first to make them. The truth of the statement that Elizabeth permitted the religious settlement 'against her own affection',

\textsuperscript{85} It may be significant that the two 'of base parents born' who are referred to as Sinons in the first part are in the second, with two exceptions, invariably 'Catilines', or on 163r.'caitifes'.

\textsuperscript{86} Ibid., 84r.
and that she was ‘but the hatchet in the workman’s hand’, is not the issue here, though it is of considerable interest in the context of recent work by Professors Guy and Collinson. The notion of imperial authority is implicitly challenged as is the notion imputed to the Catilines ‘that of your doings foreign or domestic you have not to care, nor need not regard what any other Nation saie or thinke because you are an absolute monarchie within yourselves’. 88 Although the point is not developed, it is clearly more in harmony with the Bull Regnans in Excelsis than with the Act of Supremacy of Henry VIII. The English Catholics are credited with having ‘quietly sustained manifest oppression in body and goods and evident abasement in honour and credit, and not one lawful ruler in Europe would follow her example or admit that Atheisme into their Countries’. 89 The uncompromising tone towards Protestantism may reflect the bitter aftermath of the St Bartholomew’s Day massacre which took place in August 1572, between the composition of the first and second parts; it certainly follows the hard line which had been taken in Rome from 1570.

A summary of the strength of the old religion is followed with one of the most interesting passages in the Treatise with regard both to style and content. 90 To Southern ‘it provides proof that the old alliterative tradition inherited through Langland and others and fostered in part by pulpit oratory was still alive and working’. It also, as the author intended, expresses some of the most lamentable features of the change ‘from a religion governed by a just Monarchie, to a monstrous Policracie of so many heads as there are Princes, yea of women Heades, of children Heades and of popular heades … as if it were lawful to have as many divers fourmes of regiment in the Church of God, which can be but one’. No redeeming features are discerned in ‘a Religion of Negatives, a Religion of Lyes, a Religion of Libertie … a Religion that of Scripture denieth sundry whole volumes … and untruly translateth the

87 cf. fo.154v. where the Protestants are described as ‘the professed enemies of al Monarchie and Kinglie Dominion … The professed poison, I cal it, of al kingly regiment’.
88 A Treatise of Treasons 133v.
89 Ibid., 137r.
90 Ibid., 141-8.
None of these points can be found in Lesley’s known writings; those which follow are of interest as evidence of what some of the most visible changes were perceived to be:

From fasting fishdays to flesh on Fridays.
From building of Chapels to robbing of Churches.
From promising poverty to professed usury.
From sermons by Doctours to women’s lectures.
From learning of their husbandes to teaching their husbandes.
From scruple of small sins to glory in great.
From pulpits in Churches to fields and woods.
From honouring of saints to burning their images.
From moderate feeding to Flemish quaffing.
From English sobriety to French vanity.

It is hard to credit Lesley with the authorship of this last line. He had, from choice, spent years in study at Paris, Poitiers and Toulouse; he was to return from choice to France and spend many of his last years as suffragan bishop of Rouen; his mistress Queen Mary was as closely identified with French culture as anyone in England. It also seems likely that the field-preaching which swept the Netherlands in 1566 would be more vividly remembered there than in England, as would the systematic stripping of the great churches in Antwerp and elsewhere. The decline ‘from moderate feeding to Flemish quaffing’ again suggests a Flemish connection, and the contempt for ‘ministers made of Tinkers, Coblers, Broomemen, Chimneysweepes ... and the basest of quality and Lewdest of condition that can be found among the people’ is at least as likely to be expressed, or approved, by the Catholic nobles in exile as by the Bishop of Ross. This style of writing, too, seems less characteristic of Lesley than of some of the Louvain exiles such as Stapleton whose output was largely religious, not political, in character. It is impossible to reconcile the alliterative style with any known writings of John Lesley; only, in a much shorter passage on the third page of the Preface to the Treatise is there any possible parallel. The peroration of this section also suggests an English rather than a Scottish source for it is in the tradition of Thomas More himself. The most dangerous deception of all was that ‘your provincial parliament can either

\[\text{91} A\ \text{Treatise of Treasons, 141v.}; 146v.\]

\[\text{92 Ibid., 143-5. These are only ten of over forty ‘changes’ listed, not all of which go to the heart of the Reformation, e.g. ‘From the rare and plain speech of England to Spanish compliments’}.\]
alter the truth of the Christian Religion or close the mouths or stay the pens of other
men ... but the same that was true before shall be true for ever and wilbe so said,
deemed, and written for ever: howsoever you forbid yours to say it'. 93 This anticipates
the words with which Edmund Campion defied his persecutors; it is perhaps the most
positive affirmation in A Treatise of Treasons.

The lack of one clear, over-arching sequence of thought is nowhere more
clearly indicated than in the miscellaneous dangers which follow. But the exemption
of dukes, earls and barons from the enforcement of the oath of supremacy, and the
disproportionately harsh consequences, for the poor, of ‘Cecil’s fast’ have one effect
in common: ‘Could anything have been devised more infamous to the nobility and
more like to bring the rulers in contempt of the inferiors?’ The motivation here is not
egalitarian but pragmatic. The demise of the nobility ‘in numbers wealth and
authority’ is, in the second part, a constant concern. The nobles should be the prince’s
chief security, 94 but Burghley and Bacon had ‘erected almost a new half of your
nobility’ whose loyalty would be not to the Queen but to the ministers to whom they
owed their advancement. The ancient nobility are given warning of a more insidious
danger; sooner or later they will ‘drink the dregs left by Norfolk and the rest’ and the
first would be those who were least likely to be won over to the Suffolk succession
‘before due time’. Mary Queen of Scots was in no less danger of death whether by
bloody violence or by ‘intoxication’.

The rigour with which the government crushed expressions of critical opinion
is a recurring theme, hinted at in the Preface by references to ‘severe searches,
suborned accusations, sudden arrests and sharp imprisonment’. In the second part
the atmosphere of ‘the late extreme executions’ is portrayed as being even more
oppressive:

to bring it to pass few or none to speak of can pass from town to town
unsearched, where no letter almost goeth from friend to friend unopened,
where no man’s talk with another escape unexamined, where it is accounted
treason, rebellion, sedition to have, to see, to send or receive any letter, book or

93 Ibid., 149r.
94 A Treatise of Treasons, 102, 105.
speech that might show you any part of this conjuration or of the crafts and falsehoods used to bring it to pass.\textsuperscript{95}

On this topic, Lesley could undoubtedly write with authority, as could many of the expatriate community in Louvain; in particular John Gordon, who had first gained credence with the Protestants by revealing a plot to rescue Mary Queen of Scots, had later, in attendance first on Norfolk and then on Mary, convinced her that he was in fact spying for her into the activities of Cecil’s agents.

\textit{The Importance of A Treatise of Treasons}

While it would be naive to take this to be a balanced picture of Elizabethan England, it does indicate the impression that the Catholics were trying to create abroad in the search for foreign assistance which Lesley was to pursue until the end of the decade. J.B. Code claims that it indicates the Catholic mentality in the aftermath of the Northern Rising:

it gives the feelings of the English Catholics before the persecution had reached its height, when already many believed that Cecil was the power in England, sharing his position, however, with Sir Nicholas Bacon. Fines, imprisonments and even execution, so it states, had already created a state of suffering for the Catholics simply because of their refusal to subscribe to the change in religion. The author of this pamphlet gives a story of intrigue, deception, disregard for law, poverty ... graphic as are the details with which the narrative is given, more striking is its insistence that England has broken with a tradition of long standing, a break that is not only political, but economic and religious.\textsuperscript{96}

That the political repression was effective is illustrated by later reports of twenty copies of \textit{A Treatise of Treasons} being confiscated by the authorities before they entered England, and by the existence in Lambeth Palace of \textit{A Table} or summary of its contents, which was sent to Hatton in the belief that the original would have been kept from the eyes of the Queen. The author can have had no hope that she would act upon the detailed suggestions presented to her, but the ending recalls the thinly veiled threat uttered by 'Morgan Philippes' in 1570, with the difference that then trouble was anticipated not \textit{for} but \textit{from} the nobility: unless Elizabeth reversed her policies 'it is

\textsuperscript{95} \textit{A Treatise of Treasons}, 162v. cf. Preface, 7r.
\textsuperscript{96} Code, \textit{Queen Elizabeth and the Catholic Historians}, 72.
not only likely but it must be looked for that she has already seen the best and the quietest of her reign'.

Although the tone of the Treatise is often belligerent, it makes little direct or consistent contribution to the crucial debate on resistance. Just as Lesley in his *History* had condemned rebellion, the author of the last section is careful to reject any appeal to force:

Not by any violent and unlawful attempt: take me not so (for I meane it so little that I hate and abhore it) but by leaving nothing undone with your Quene, by counsel without ceasing (ye that be called to that place) and by petition without ende (you that be not called so high). 97

Unlike Nicholas Sander he provides no theoretical justification for resistance and it is only by implication that his own ideas on monarchy emerge. They are hardly original but reflect the view expressed earlier by Reginald Pole, ‘a king exists for the sake of his people. The glory of a king is the welfare of his people’. 95 By this criterion the Queen, deceived by her ministers, had failed.

* A Treatise of Treasons elicited from the Treasurer a very limited definition of liberty, though one that encapsulates the view held by authority, at least in England: ‘The licentiousness to inveigh against men by name in printed books, that use not books to provoke any, is in all good estates intolerable’. 99 The Treatise is also critical of what has been done in the name of liberty, especially in religion. But its author would have contested Cecil’s claim that his targets had not themselves made provocative use of the press. His charge, often re-iterated in Lesley’s *Defence* of his Queen, that there was an orchestrated campaign ‘by tongues of authority’ to besmirch the honour of the Queen of Scots by means of ‘books and libels, letters and talks at every table’ is by its nature as hard to prove as the most generalised one of ‘R.G.’. He himself produces no evidence to support this allegation, but almost four centuries later J.E. Phillips repaired that omission; further, Phillips credited Cecil with arguing that the danger posed to Mary could be greatly reduced if Elizabeth ‘could secure a

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97 A Treatise of Treasons, 164v.
kind of semi-publicity to an authentic history of Mary's misdoings'. Officially the Queen would have no part in this, and in 1569 she issued a proclamation 'against importing unlawful books' which in the aftermath of the York conference were in most cases violently hostile to Mary, but with or without her sanction a flood of pamphlets and ballads appeared from English presses between 1569 and 1572. Although, with the striking exception of George Buchanan's Detectio, and Ane Detectioun of the doings of Marie Quene of Scottes, few mentioned Mary by name, almost all identified Catholics in general and the Pope in particular as a danger to Elizabeth and her realm. Amongst them, and like them apparently printed in London by John Day, were the Chronicles by Richard Grafton, a possible author of Salutem in Christo. This is one of several important issues on which the Treatise has survived the test of time and modern research.

Another is the extent to which the Queen shaped the policies carried out in her name. The most influential recusant writers of the time, Stapleton, Sanders and Verstegen, all came to condemn the Queen even more forcefully than the ministers she had raised to power; but the author of A Treatise of Treasons asserts unequivocally that she was induced to act 'against her own affections' in such major matters as the shaping of the Elizabethan settlement and her early relations with the captive Queen of Scots, and that the 'Catilines' were using her as 'the instrument of the extirpation of the other' [Mary] and clearing the path for the enthronement of another puppet monarch, the offspring of the Earl of Hertford and Lady Catherine Grey to whose line both Bacon and Burghley were linked by marriage. That this is a travesty of Cecil's aims and ambitions for his country is clear from the work of Stephen Alford. But the relationship between the Queen and those who counselled her was complex and A Treatise of Treasons may have come closer to the heart of the matter than most later writers, until the debate on Counselling the Prince received a new impetus. In John

99 BL Cotton Vespasian F vi f 259.
100 Phillips, Images of a Queen, 58-67. Peter Davidson, 'The Casket Sonnets: New Evidence Concerning Mary Queen of Scots', History Scotland, (2001), 34, claims that the sonnets 'have real historical importance as virtual proof of the fabrication of evidence against her [Mary]'.
Guy's words: 'Under Elizabeth the Privy Council effectively ran the country. Even when dealing with those Arcana Regni, the 'mysteries of state which the Queen consistently reserved for her own decision - or more often indecision',

significantly, there is evidence of Cecil himself ignoring the Queen's express instructions, delivered verbally and in writing, to refrain from pursuing the issue of her marriage and the succession in Parliament ... Cecil ignored the Queen's commands, and indeed covered reams of paper with pro and contra arguments and with drafts and redrafts of civil theses in defence of his case for political action. ¹⁰²

More specifically, Guy argued that 'the inexperienced Elizabeth was probably outmanoeuvred in 1559, when Cecil seized the opportunity to move further down the Protestant road than the Queen had intended or preferred'. Cecil famously declared that having done his duty as a counsellor he would 'as a servant obey her Majesty's commandment and no wise contrary the same'. ¹⁰³ But here actions speak louder than words, and Patrick Collinson's studies of both led him to conclude that there was 'a distinct possibility' that in the making of the Elizabethan settlement the Queen 'was manipulated and constrained, if not inside the parliament [as Neale had supposed], then outside it, in her own court and household'. ¹⁰⁴ 'Although [concerning religion] who in the inner counsels of government determined policy remains unanswered', ¹⁰⁵ the author of the Treatise provided material which, despite being based largely on conjecture, gives an insight into the realities of power.

In 1573 the importance of A Treatise of Treasons politically was not its claim to objective truth, but its propaganda value as a means of enlisting support as well as sympathy from Catholics, in England and on the continent, who might assist the enterprises being hatched in Flanders, Spain and later in Rome. Its influence in this respect was limited by the severity with which known copies were impounded. Of more lasting importance is the glimpse of an age in which the demise of the old

¹⁰³ T. Wright, Queen Elizabeth and her Times, 2, (London, 1838),452.
nobility ‘in numbers wealth and authority’ was a cause for lament; the advent of ‘a
religion of lies’, and of changes to the church ‘in substance and in show’, is seen as
wholly negative. Political thought at Louvain was not completely static; whereas
Nicholas Sander’s Rock of the Church had insisted in 1568 that the Pope, like all
priests, was servant and minister with no power to punish heretics or to compel
anyone to accept the Catholic faith, three years later his De Monarchia placed all
political power in the hands of the Pope. A Treatise of Treasons may have inter-acted
with that development in political thought by demonstrating that power was too
important to be left to a politician on the make, and particularly to ‘those two persons
of meane parentage that ... have above their desert occupied the places of the
Noblest’. But that Lesley was thinking on these lines there is no evidence whatever,
although his historical writings show his detestation of heresy as such, and his
knowledge of Scottish affairs would qualify him to be the source from which the
Scottish material, especially in the answer to the seventh charge of ‘R.G.’, was
ultimately drawn.

106 A Treatise of Treasons, Preface, 19v.
CHAPTER SIX
History as Politics

E.G. Cody exaggerated only slightly in his judgement that ‘all Bishop Leslie’s writings were in object - when not, also, in subject - political’. The fact that it applies to much in his Histories, especially the second, justifies their inclusion among Lesley’s political writings. This is not to claim that his political attitudes can be discerned on every page.

Yet even those writings concerned with the topography and ecology of Scotland in its early years are often linked to reflections on changes in Lesley’s own time; for example he describes St Andrews as ‘the chief and mother city of the realm where is a famous university and a notable school which would God they at this time flourished as well in their theology as in philosophy’. The memory of barnacles adhering to wreckage in Leith introduces the evidence of another highly political cleric, Doctor [later Cardinal] Allen ‘with whom I came in company in Rome while this I wrote’.

Lesley’s History could repay a study in itself and has much to tell us in his pages of many topics, such as plants, gardens, towns, folk beliefs, and the local aspects of the Reformation, which are outside the scope of this study. The purpose of this chapter is to consider the historical writings of Lesley in the context of the Scots history written in the generation before his own and to focus on those aspects of the Histories which are, or could be interpreted as being, political, and which shed light on Lesley’s view of his country and, more importantly, the major political issues in the Scotland of the 1570s. For this purpose his three historical works are of widely varying value.

2 Ibid., I, 37. See note 4 below.
3 William Allen was made a cardinal in 1585; having graduated at Oxford in 1554, he took refuge in Flanders on the accession of Elizabeth and was the founder of the English College at Douai mentioned in Chapter One.
4 Full titles can be found in the Bibliography. The Historie of Scotland from the death of King James I to ... 1561 was presented to Queen Mary in manuscript in 1570. The only printed text is that published by the Bannatyne Club in 1830 to which all page references relate. Since this is almost the only one of Lesley’s works to have survived in the Scots which he himself spoke, I have quoted his own words. References, though using the pagination of the printed text, will be to Historie, 1570, since the date of its composition is often crucial to its content. The second, much longer, History was published in Rome in 1578 as one volume De origine et de rebus gestis..., it was translated, often very inaccurately, into Scots by a Scots monk in Ratisbon, Dalrymple, in 1596, and was first published, in two volumes,
The vernacular, Scottish, *Historie*, from the death of James I to 1561, described by its author as a 'simple treatise nocht worthy of the name of historie', was written 'during the time of his remaining as ambassadour, for the Quene his soverane in Ingland', for the edification and comfort of Queen Mary. In the preface addressed to her, Lesley claims only to have 'compiled and gathered and nocht made out of diverse as well foreign as Scottis writers ... that your majesty may have some short summary of the principal deeds of those days to serve only until it shall serve others better and more diligent to set forth the same at greater length'. He is not attempting a definitive account and begs the reader's indulgence because he is unable to test the truth of his sources. Excluded from office 'by the calamity of the times', unable to continue as advisor to the Queen or to exercise his functions as bishop or as councillor of state in his native land, living first in virtual seclusion in Burton-on-Trent and from February 1570 in custody in London, he had no access to books in law and theology which were his primary interests. Having read widely in the works available in England of the 'deeds and proceedingis betwix Scotland and England ... far contrar to our annales registeris and true proceedingis collectit in Scotland', he was convinced of the need for a summary which would take account of the evidence contained in the Scottish sources; without it, 'other nations could write at their pleasure, often beside the truth'. However, he stresses the provisional character of this 'simple treatise': 'I have not presently all wherewith I may try and examine the truth of this little work (albeit I did bring some notes gathered of these noble kings with me furth of Scotland). Thairfore intends not to put the same to light until it be more diligentlie overseen and correctit'.

(1888 and 1895), edited by E.G. Cody as far as p.342 of Volume II, and thereafter by W. Murison. Since Dalrymple's version often detracts from the clarity of Lesley's language I have modernised the spelling and occasionally the wording, e.g. where Dalrymple translates 'res publica' as 'nobility'. References are to Cody I and II, and to the corresponding passages in what for the sake of brevity I have called *De Origine*. The translations of the introductory Epistles by Lesley to the Pope, Cardinal Caietano and the Scots nobility, and tributes to him in Latin verse by Winzet, which Dalrymple did not attempt, are my own, except where otherwise indicated.

5 Lesley, *Historie of Scotland from the death of King James I to the year MDLXI* (Edinburgh, 1830), hereafter, *Historie*, 1570, Epistle to the Queen 8.
No trace survives of the manuscript which Lesley presented to Mary. The editor of the only printed edition published by the Bannatyne Club in 1830 claims that the original manuscript may have remained in the possession of Sir Andrew Melville of Garvoch, who as her Master of Household attended her until her death, and that he probably obtained a transcript. By 1830 the earliest copy known to exist was that in the possession of the family of Lord Melville.8 This transcript, though mutilated, was the text used, ‘its defects having been supplied from a [later] copy among the manuscripts of Archbishop Laud in the Bodleian Library’. There are, however, at least three other manuscripts of the vernacular history. One is catalogued in the Bibliotheque Nationale in Paris; another, in the Yelverton Collection in the British Library, ends in 1512; it is barely a quarter of the length of the Melville text from which it shows no significant variations. Of greater interest is the Petyt MS in the Inner Temple Library for which Conway Davies, in discussing the Miscellaneous Manuscripts of the Petyt Collection, made high but unsubstantiated claims: ‘the really important volume is the author’s copy or draft of the history of Scotland, by John Lesley, Bishop of Ross, with corrections and notes’.9 Later, Petyt MS 530 is described as ‘a revised or draft copy of Lesley’s Historie’. The first ‘note’ written on the manuscript, in the editor’s view ‘by a definitely Scottish hand probably by John Lesley’, states: ‘This copy is not perfect and therefore to be reformed in divers places conform to the principal, which is in the Queen’s majesty’s hands’.10 However, a comparison of Petyt with the Bannatyne/Melville text shows that the relationship between them is not clear-cut, even chronologically. While the final sentence of the Melville MS reads ‘thus I finish and make an end the xxvth day of marche 1570’, the corresponding date in Petyt is so obscured as to be illegible.11 The discrepancies between the texts are not merely verbal;

8 Lesley, Historie, 1570, Preliminary Notice iv-v.
10 A comparison of the additions to the original text with known examples of Lesley’s hand, for example in the Libri Duo manuscripts now in Lambeth Palace, can only be described as inconclusive. There are no obvious similarities.
11 This sentence was written before the publication of Pamela’s Robinson’s interesting article, ‘John Leslie’s “Libri Duo”’ in R. Alston (ed.), Order and Connexion. (Cambridge, 1997). But, to me, the date on Petyt which she reads as ‘apryle 1569’ remains illegible, and the differences between additions to Petyt 530 and Lambeth MS 566 (which is identical with that on much of Lesley’s correspondence),
some of the more striking do not appear to bear out Conway Davies' assertion that Petyt could be an early draft 'to be amended'; Petyt does not contain some of the moral judgements which appear in Melville and it applies more critical adjectives to Henry VIII.

Twice in the first seven pages of the Bannatyne/Melville text Lesley departs from his undertaking simply 'to rehearse the thing as it was done'. It is possible that he decided, on consideration, to keep to his original intention and to remove the two passages which follow:

Thir troubles and cruelties happenit be ressoun of contentione for the governement of the realme; for at siclike tymes all justice and executione of law ceases, and thairfor the wickit and ungodly is than maist bissye to seike thaire private revenge agais thaire neighbouris, and workes all kinds of mischief, to the destruction of thair country, and of the best and vertuous men thairof.¹²

And this procedit, as the use is in all change of courts and authoritie, rather of privat hatrent and revenge, nor for zele of guid government or execution of justice.¹³

Neither of these passages appears in Petyt. They may be later additions which reflect Lesley's view of the consequences of civil dissension and particularly of the subordination of the public good to private self-interest. Alternatively, other discrepancies suggest that Petyt may be a later version. Writing of 1544 Lesley refers in Bannatyne/Melville to 'the ernst ambitione of king henry qua ceased not to search by all means possible to atain to his desyre' [control of Scotland]; in Petyt this ambition is 'ernst and insatiable'. Later, in the 1578 History, Henry is credited with 'cupiditas' translated in Cody as 'a greedy desire [to occupy Scotland either by marriage or by force of arms]'. Thus Petyt is more outspoken than Bannatyne/Melville and the 1578 History than either. If Petyt is a later, amended, copy this sequence may reflect a gradual hardening of Lesley's attitude to the English king, or a lessening of the constraints that inhibited him in writing about the father of the English Queen on whose goodwill, until 1574, depended Lesley's only hope of liberty; if Petyt is an earlier draft, Lesley may have back-tracked from his implied criticism of Henry as his own

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¹² Lesley, Historie, 1570, 14.
¹³ Ibid., 17.
situation became increasingly precarious. But without a date for Petyt it is impossible to say precisely what was the significance of Conway Davies' 'really important volume'. Such textual discrepancies, though minor in themselves, act as a warning that Lesley's attitude to the Tudors, or to most contemporary issues, cannot be extrapolated or inferred from any one reference alone; it was as fluid as the political situation in the 1570s. It is true that Lesley's vernacular history was not intended for the eyes of Elizabeth, nor, initially, for public consumption in England or Scotland. But it is striking that his references to Elizabeth in 1570 are cautiously courteous, and even those to her father are not overtly hostile. In Scotland, as in England, there was still, in 1569, everything to play for. Even in Scotland it seems that 'until 1571 most of the major nobility supported Mary because they still expected her to be freed from her English prison', and Lesley was still optimistic that Mary's claim to the English succession would be recognised. It was politic to refrain from criticising the monarch who could, should she choose, ensure it.

Lesley's Latin History, his magnum opus, published definitively in Rome in 1578, incorporated much of what he had written in 1570 while removing much of local interest particularly on the course of the Reformation. But it has a significantly different purpose and is on an altogether grander scale. Only the last three out of ten 'books' are concerned with the period after 1436. They are described, with a fourth epistle, addressed to Queen Mary, as 'the last three books of the deeds of the Scots containing a more detailed history, previously wanting, of the more recent kings, from A.D. 1436 to the year 1562'. Books One to Seven claim to treat of 'the memorable deeds of the ancient Scots, and of their origin, manners and history', thus using a very much broader canvas. For this History which he claims is more properly Roman than Scottish, Lesley makes no apologies; rather, he claims that it has been drawn up 'with all the exactness which the truth of history requires'. Although the objective proclaimed in his dedication is 'to induce them [the

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14 Michael Lynch, Scotland, A New History (London, 1992), 222. That hope, though undermined by the discovery of the Ridolfi conspiracy, died only with the fall of Edinburgh Castle in May, 1573.
15 In the penultimate sentence of the author's unpaginated Epistle to Cardinal Caietano printed in full in De origine, and cited by Cody, I, Introduction, xx, Lesley explains that 'it is not so much Scottish as Roman: for although conceived before, it has grown to its birth in these last months at Rome'.
Scottish people] to keep to the ways of their fathers in all good things and especially their ancestral religion', he clearly anticipates an international readership for the revised work 'which in its former dress could interest Scotsmen only ... [now] given the power to speak to all through the medium of Latin'. Lesley's epistle to the Pope recalls the dictum of Sallust that the style and diction must be equal to the deeds recorded; it is ironic that the polished text of his History was so mauled in parts of the translation into Scots made, in 1596, by the Father Dalrymple whose name appears upon the title page of that edited three centuries later by Father Cody, as to be sometimes barely comprehensible and frequently seriously misleading.¹⁶ The place and the date of publication are crucial to its content and frequently to its tone, for in Rome Lesley was safe from all fear of reprisals, and in the eight years since 1570 the political climate and his personal circumstances had been transformed.

Cody’s claim that Lesley 'has left a record of another ten years, in what appears to have been intended as a continuation, to be published at a later date' is the only reason for mentioning here an unfinished Latin manuscript in the Vatican Archives.¹⁷ Cody claims that 'its first sentence carries on the narrative of the last paragraph of the published History in so apt a manner that if the two were joined together no one could notice any discrepancy'.¹⁸ An English translation, beginning with the escape of Huntly’s son, John Gordon, was published three centuries later by Father Forbes-Leith. Whatever the provenance of 'Bishop Leslie’s Narrative’, of which there is no other translation, the only version available outside the Vatican, on which the comments which follow are based, shows few of the characteristics of Lesley’s style, and none of his learning and humanist background. Unlike

¹⁶ Dalrymple is far from secure, even in translating dates, and his translation is sometimes a travesty of the original; although Cody made corrections in footnotes the appearance of the text is sometimes bizarre. It should be noted that Cody, though a far more competent Latin scholar than Dalrymple, is not always factually reliable. Lesley did not, as Cody states, spend nine years near Brussels for he was in Rouen until 1592. As explained in the next paragraph it is impossible to accept unreservedly Cody’s opinion of what he calls the ‘Narrative of Scotch Catholics’.

¹⁷ Paralipomena ad historiam ... Scotiae. The manuscript in the Vatican, unfinished, ends in mid-sentence. A reference to Mary’s twelve years in prison suggests that the last section was written in 1580.

¹⁸ Cody, I, xxii. I have not been able to consult the Vatican Archive but a comparison of the printed texts edited by Cody and Forbes-Leith, respectively, makes it hard to see how Cody reached this conclusion. The last paragraph of Cody II, 474, immediately before 'Heir this Historie endis' describes the death of Moray, Lennox and Mar in turn. The 'Narrative' begins in mid-sentence with the escape of John Gordon in 1562.
his other Histories it cites no references. Its content is of interest as providing the first, very selective, narrative of the events at the royal court until Mary's imprisonment, but it is by no means identical with the events cited in the Defence. Material is selected which, were it accurate, would be wholly to Moray's discredit: vindictive, merciless and dishonest, 'he remained in undisputed possession of absolute power ... [and] could safely crush the most powerful nobles against the Queen's wishes and often without her knowledge'. References to Moray's fraud and 'hatred of all good men', are followed by his portrayal as 'The Queen's most determined enemy and infamous betrayer'. To him is attributed a proposal, after Riccio's death but before Darnley's, that 'Mary should be put to death on the pretext of adultery, that all Catholics should be either slain or driven out of the kingdom and that the Mass and evangelical doctrine be prohibited'. Less surprisingly, Lesley himself is presented, with Balfour, as being 'of approved political wisdom and knowledge of public affairs', and as the trusted confidant of the Queen, who entrusted him with all her jewels and other articles of value, and who after her marriage to Bothwell 'unlocked the secret of her heart to him ... and promised that never again would she do anything opposed to the rites of the Catholic church'. Even less compatible with Lesley's lofty aims to write in the style of Livy is the speculation that 'Bothwell threw the Queen's mind into a confused state by means of magical arts. By what other means she could have been induced [to consent] I confess I cannot see'. Neither in style nor content does this fulfil the criteria by which Lesley held that History should be judged; there is little here which adds significantly to the Scots' understanding of themselves, or of their institutions, although it does present Mary as a devoted, if briefly lapsed, supporter of the Catholic Church. Perhaps a more apt comparison would be with the Relatio and other short accounts of Mary's reign which Lesley wrote for various Catholic rulers after his departure from England in order to establish his credentials as a loyal adherent of the Catholic cause in Scotland in particular.

19 W. Forbes-Leith (ed.), 'Bishop Leslie's Narrative of the Progress of Events in Scotland', 1562-1571', in Narratives of Scottish Catholics under Mary Stuart and James VI (Edinburgh,1885), 85-126. The quotations are from pages 90, 91, 126, 110, 103 and 123 respectively.

20 See David McNaught Lockie, 'The political career of the Bishop of Ross: The background to a contemporary Life of Mary Stuart', University of Birmingham Historical Journal, IV (1953-4). The Relatio is printed as Appendix I, 138-45.
and, by extension, on the continent. Judged as History, ‘Bishop Leslie’s Narrative’, at least in the version published by Forbes-Leith, is not in the same class as either his Scots or his ‘Roman’ History.

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Lesley’s sources

With his first Historie, written in Scots and probably completed in 1570, Lesley claimed to be breaking new ground, as his epistle to Queen Mary shows:

> albeit the trew histories of our countrey be largely, truely and eloquently treated and wreattin be that cuning and eloquente historiographe, hector Boecius yit he wreittis only to the deathe of king james the first quilk was in the year of our lorde god 1436 yeires, sen the quilk time nevir ane has preassed to gif furthe any thing in wreitt ; swa that the history of oure country sen that time ... are like to be erdit in oblivione for lack of wreitting.22

In 1570 Lesley gives no indication that he sees any need to improve upon what Boece had written, as distinct from continuing it to provide a record of the reigns of Mary’s forebears since the death of James I. Within the text he implies that nothing had been lacking in Boece’s scholarship, or in his style:

> in thir daies a singlare wele learned clark, called Hector Boethius, doctor in theologie, and principalle of the Universite of Aberdene, a man of gryit eruditicione in all the liberal sciences, wreit the hole historie of Scotland in the latin tongue, frome the beginninge thairof, to the death of King james the first ... in so eloquent stile, so truelie and diligentlie collected, that none of all the wreittaris at that tyme wreitt better, as the work it self bearis record; quilk wes efiruart translated in the Scottishe language be mr Joyne Ballanden, and recited to the greit furderaunce and common weile of the hole natione.23

But five years later Lesley had been persuaded to undertake a far more ambitious enterprise: not only would he revise, amplify and publish in Latin his account of the period 1436-1562, without extending it to cover the rule of Mary, but he would precede it by a history of Scotland from its foundation, in effect re-writing the Scotorum Historia of Boece. In the twenty-one page epistle which Lesley addressed to the nobility, he explains that he has been pressed by many both at home and abroad not only to publish his Historie in the Latin

21 John Lesley, Historie, 1570.
22 Ibid., 7-8.
23 Ibid., 144-5. None of this paragraph appears in the Petyt MS (see below) though in what is described by Conway Davies as ‘Lesley’s own hand’ the first half, only, has been inserted between the paragraphs which precede and follow it.
tongue but also to add a history of the earlier age, more concise than that of Boece and more polished than that of Mair:

quam Joannes maior vera, sed non satis ornata, & Hector Boethius, ornata, sed non satis pressa oratione (ut non nulli queruntur) explicarat, arctius comprimerem. Id namque constanter affirmabant, & Maioris impolito, & Boethii prolixo scribendi genere legentium animos plurimum retardari. 2

Within the text he writes of Boece, 'the chronicle he wrote of the ... notable and noble actes of our nation will testify how laudable was his stile, the purity of his stile was compared to the stile of Caesar'. His familiarity with Boece's Historia is clear. He makes no mention of Mair in the first Historie; in the second, he describes Mair as 'the first and chief of the theologs', though adding 'in all that he wrote he was found true and sincere as will testify the history which he set out of greater Britain'. Lesley would certainly have been out of sympathy with some of Mair's political attitudes and although his view of the sixteenth century Highlanders is closer to Mair than to Boece, it could as probably be founded on the writings of Fordun 25 as of Mair.

References to Lesley's 'habits of plagiarism' by Dr Axton and others 26 have damaged his reputation, and there is no doubt that the first six books of his history drew largely upon Boece. But Dr Royan has demonstrated that Boece was equally indebted to Bower, 27 and that he timed the end of the original part of his Scotorum Historia to coincide with that of Scotichronicon. 28 Behind both lay a rich variety of sources. 29 Lesley was not writing in a vacuum, as can be seen by examining the style and subject matter considered appropriate for his task, and the historical traditions, concepts and assumptions which he inherited either directly or at one remove from the chroniclers of Scotland's past. The stream of Scots historical writing had many tributaries. Most pervasive, as regards purpose, style and structure was what has been described as the 'elusive concept of Scottish literary

24 J. Lesley, De origine Paraenesis, 1578, 14th unpaginated page.
26 See Chapter Three, above.
29 Those sources native to Scotland are examined by Dauvit Broun, 'A new look at Gesta Annalia Attributed to John of Fordun', in Crawford (ed.), Church, Chronicle and Learning, 9-30.
humanism'.\footnote{John MacQueen, ‘Aspects of Humanism in Sixteenth and Seventeenth Century Literature’, in MacQueen (ed.), \textit{Humanism in Renaissance Scotland} (Edinburgh, 1990), 11.} Boece, like Lesley himself, had been exposed to humanist influences in France; he corresponded with his friend Erasmus during the minority of Scotland's most distinctively humanist ruler, James V, who, without subscribing to Erasmus' pacifism, took an active part in fostering humanist values expressed in consciously patriotic initiatives. It seems that 'the impetus to produce for the Scottish nation ... a full and rounded history worthy of its proud vaunts and delivered in elegant classical Latin' came from his court.\footnote{W. Ferguson, \textit{The Identity of the Scottish Nation: An Historic Quest} (Edinburgh, 1998), 57.} It was also at the command of James V, 'thus acknowledging the importance of classical and historical studies for the conduct of public affairs', that Bellenden rendered Boece's \textit{Scotorum Historia} and Livy's \textit{History of Rome} into English.\footnote{MacQueen, ‘Aspects of Humanism in Sixteenth and Seventeenth Century Literature’, 19.} The influence of the latter can hardly be over-estimated. The scale of Livy's undertaking to trace the history of a chosen people which could later be adapted to the purposes of Protestant and Catholic alike, his didactic and moral purpose, his use of myth and legend in describing the formation of his people's character and identity, his promise that 'in the record of human experience you can find for yourself and your country both examples and warnings', all made his narrative a model of what Scots in the sixteenth century thought that history ought to be; Bellenden was by no means alone in considering Livy to be 'the prince of historiographers'. In the work of Lesley, as of Boece and others, many references to Livy, and to Caesar, Tacitus and Cicero, point to the profound influence of classical writers, and Ciceronian Latin was admired throughout educated Europe. It is not surprising that Lesley had high praise for Boece's style, for that style was shaped by classical authors as revived, in late fifteenth century Northern Europe, by Erasmus and his circle. More recently, MacQueen has praised Boece as stylist rather than historian:

\begin{quote}
like many other humanist exercises of the time, Boece's history is an extended rhetorical elaboration on a historical theme, dependent for its effect on stylistic flair and the extensive citation of authorities not necessarily studied in any depth. It is more appropriate to place Boece in the tradition of panegyric oratory than history.\footnote{Ibid., 26.}
\end{quote}
But, as J. H. Burns points out, his theme is historical, though to Boece, as to Lesley and to many of the early Scots writers, history is, at least in part, philosophy teaching by examples. Respect for authority, of the king but also of the nobility, is a constant theme; the message is clear that rebels rarely prosper, despite the obviously unsatisfactory record of some of Scotland’s early kings. Boece’s view on the authority of the nobles may be influenced by the fact that when he dedicated his book to the king, James V was in the custody of the earl of Angus and that two of Boece’s greatest patrons, Archbishop Beaton of St Andrews and Gavin Dunbar, Bishop of Aberdeen, had been recently, though briefly, imprisoned. However, this is not a tract for a particular time: ‘it cannot be readily fitted into a political context or identified with a political cause or purpose’. Burns rightly points out that Boece, in stating that Kenneth II in the late eleventh century established male primogeniture, provided grounds for the development of royalist polemic that indefeasible hereditary right could from this point onwards be treated as the constitutional basis of Scottish kingship. Yet those who wielded power were in some degree accountable for their use of it. In comparison with the Scotorum Historia, Lesley’s second History, in particular, is far more intentionally, and obviously, political.

To Boece the centrality of kingship is important, but he has other crucial concerns, most of which Lesley reflects, and sometimes develops with his own agenda in mind. Boece believes in Scots sovereignty, and seems to consider that the French alliance has been the surest means of preserving it. Customs imported from England, not France, are presented as a source of contamination to those Scots within its orbit, while the supposed superiority of the Gaelic culture underlies his account of the early beginnings of society in Scotland. In so far as Boece’s narrative has a moral purpose, it can be found in the often repeated stress on the austerity and self-discipline of the Highlanders in comparison with the more effete Lowlanders; Lesley, especially after the time of Robert I, does not reflect this view, at least consistently. He sometimes comments that through the infiltration of foreign customs, usually but not always English, the Scots had lost the simplicity of their ancestors, and he

35 Ibid., 78.
writes that Dundee, the second richest city in the country, ‘was first among us to fall under suspicion of heresy ... since riches and their offspring luxury and frequent intercourse with foreign and different nations, easily corrupt the good ways of our ancestors (as we see this day)’. 36 However, his statement that Wardlaw, bishop of St Andrews, declaimed against superfluous cheer in riotous banquets is restrained in comparison with the page of vehement rhetoric addressed to James I in which Bellenden expanded on the point that ‘thy friends in England have brought with them the venomous maneris of englishmen which are right damageous to they pepill ... they persuade men to eat and drink more than is sufficient’. 37 On imported luxuries Lesley is ambivalent if not inconsistent. He seems to delight in the extravagant entertainment laid on for visiting dignitaries and for the weddings of many Stewart monarchs; he gives no indication that he disapproves of the marriage of James II to Mary of Gueldres where ‘there was no lack of any kind of noble and dilicat cheer, of gem or play: nothing was left undone wherein sign lay of their benevolence’. 38 Although a selective cull of Lesley’s Histories could produce texts suggesting that he was deeply mistrustful of all things English, the evidence will not support any contention that political tensions between Scotland and England were exacerbated by a clash of cultures, or that within Scotland there was any precursor of the Court/Country tensions of early seventeenth-century England. More generally, although, like Boece and those writers in the Advice to Princes tradition, he is concerned that those in authority should choose the right course of action, and particularly the right counsel, he does not slavishly copy Boece’s opinions. But Dr Royan’s observation that Boece’s understanding of kingship must be inferred from the way in which he presents his narrative is almost equally true of Lesley. 39

36 Cody, I, 53; De origine, 33.
37 Hector Boethius, Chronicles of Scotland, translated Bellenden, 1540, fo. CCxlvi. The attribution is to Bellenden, not Boece, because, as Dr Royan has pointed out, the assumption that Bellenden was a reliable translator whose sole purpose was to render the Scotorum Historia accurately into Scots is not necessarily appropriate. See Royan, ‘The relationship between the Scotorum Historia of Hector Boece and John Bellenden’s Chronicles of Scotland’ in S. Mapstone and J. Wood (eds.), The Rose and the Thistle. Essays on the Culture of late Medieval and Renaissance Scotland (East Linton, 1998), 137.
38 Cody, II, 68; De origine, 299.
As Burns observes, the copious rhetoric of Boece’s *Scotorum Historia* lends itself to more than one interpretation.

Mair and Boece both present a concept of kingship as an institution rooted and grounded in the mystical body of the community. It follows that royal authority is to be wielded for the common good ... To that end the king is invested with substantial and wide-ranging prerogatives ... [His authority] remains in the end, however, a constitutional or limited authority; and, if it is intolerably abused by an incorrigible tyrant or an alien usurper, ... the people, acting as an organised body [through the appropriate institutions], may legitimately resist misgovernment and take measures to bring it to an end.\(^{40}\)

The last sentence could not have been written of Lesley. In what is described as ‘an excellent piece against resistance’ and deposition of princes’ dated March 1570, after the completion of his first *Historie* but before his second, he dissociates himself categorically from any form of rebellion: ‘God would that the Jews should obey even Nebuchadnezzar who possessed the kingdom wrongfully, oppressing them with great violence and tyranny ...we are not only restrained from taking up arms against princes but are earnestly admonished to pray for their good health and long life. Yea although they be the most terrible tyrants’.\(^{41}\)

But although Lesley does not follow Boece uncritically, he is far more indebted to Boece than to Mair, in subject matter and style. Most, but not all, of the content in the first six books of *De origine* is based on Boece, though even in the first books Lesley supplies his own variations. In examining the early use of the term Albion as in his brief neutral reference to Veremund, (to whom he attributes the statement that Fincormack confronted the Romans with a host of Picts, Scots and Britons to the number of sixty thousand men) he is more cautious than Boece.\(^{42}\) Unlike Boece who writes of ‘the uncouth people named Picts’, Lesley writes of the concord and friendship between Scots and Picts.\(^{43}\) The estrangement and strife between them is ascribed to ‘their neighbours the Britons’ \(^{44}\) who sowed the seeds of hatred and strife which were checked, for a time, by the arrival of Fergus the first king of Scots. Lesley differs from Boece on points of fact, or myth, which may have a bearing on

\[^{41}\] MS All Souls cc II. Its importance is examined in the Conclusion.
\[^{42}\] Cody, I, 189; *De origine*, 123.
\[^{43}\] Cody, I, 88; *De origine*, 54-5.
\[^{44}\] Cody, I, 128-9; *De origine*, 80-1.
the relationship between Scots and Britons in later centuries. He also applies his material to a slightly different end. No-one could accuse Boece of favouring heresy, but the years between the death of James I and the triumph of the Reformation had seen changes which were different not only in degree but also in kind from anything described by the time Lesley, appalled by the fall of the Roman Church in Scotland, searched the records to discover how and, in 1578, why it came about. This means that the emphasis will inevitably be different, sometimes by the addition of only a few words, sometimes by more subtle editing comparable with that which Bismarck, in very different circumstances, applied to the Ems telegram. But the humanist framework remains, and Lesley’s differences from Boece are far outweighed by his debt to him.

Lesley’s debt does not end with Boece who, in turn, was influenced by those of a different cast of mind who supplied him with the raw material with which to create his own picture of the past. Boece, while acknowledging his use of the chronicles, seems to play them down in comparison to classical writers, especially Tacitus. In his narrative, Boece displays his familiarity with Bede and Geoffrey of Monmouth, but in his dedication to James V he refers to only two later medieval Scots authors, Bishop Elphinstone, who is also lauded by Lesley, and ‘some abbot of Inchcolm who did not leave his name’. But this off-hand reference to the Scotichronicon (which is neither quoted nor mentioned in his narrative) is misleading. Dr Royan shows that amongst many close similarities ‘even the organisation and sequence of episodes seem to have their origin in Bower’s account’ and that from the accession of David I, in Book 12, ‘Boece has to rely on the Scotichronicon itself, with few additional resources’. But she stresses that while Boece may draw his facts from Bower, the interpretation of these facts reveals ‘a far more complex response to Bower than simply rewriting his account in humanist Latin’. Significantly, ‘the symbolic weight Boece puts on the kingship seems to be his own development’; equally important is Boece’s willingness to re-interpret the Scottish past, and also to refrain from interrupting

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45 One of the most important passages added in 1578 is an analysis of the reasons which made it possible. Cody II, 461-72, esp. 465; De origine, 580-86.
46 See Royan, ‘Scotichronicon Rewritten?’, 57-66 for an examination of the relationship between Scotichronicon and Scotorum Historia on which this paragraph is largely based.
his narrative with explicit moral judgements. In several important respects Lesley’s view of
the historian’s function comes somewhere in between those of Boece and Bower, in that he
undertakes to add no odious moral judgements of his own, although as we have seen this
promise was not always kept. A point that Royan makes about Boece’s indebtedness to
Bower is equally applicable to Lesley’s debt to Boece: ‘although even the organisation and
sequences of episodes in the first six books of his History seem to have their origin in
[Bower’s] account, the interpretation of this material is often his own’.

Behind both Boece and Mair, lay the knowledge of the chroniclers, set down in
however indigestible a form to provide material which could be used to illuminate the more
distant past, building on oral tradition, records and the labours of earlier annalists. The
clarity of the pedigree of Scottish history can be exaggerated. Since ‘the Scottish sources
Boece cites for the period until Malcolm Canmore have since vanished,’ and Fordun does
not refer to any of them, it is clear that if Lesley had any knowledge of these works it must
have been at more than one remove. In centuries when the invention of sources to achieve a
legitimate end was as common as the forging of records to ensure the undisturbed
possession of its temporalities by the church, it is not realistic to attempt a precise analysis
for the ingredients which made up the accounts of the past times. But to appreciate the
distinctive characteristics of Lesley’s contribution to the records it is important to
understand the materials which he was, perforce, appropriating.

What the pre-Boethian sources provide is information relating to the church, the
early monarch and the community. For obvious reasons the church is the most fully
documented of all. In Dr Mason’s words:

The Scottish chronicle tradition, the works of John of Fordun, Walter Bower and,
most notably, the flamboyant humanist history of Hector Boece, contained a wealth
of information relating to the Christianisation of Scotland under King Donald I, the
conflict between the Culdaic and the Roman church, the ecclesiastical ‘reforms’ of
the twelfth century, and much else of a religious nature besides.

47 Ibid., 60.
48 The Historie of 1570 has judgements, especially on the reign of James II, which are not to be found
in MS Petyt.
49 Royan, Scotorum Historia, 198.
Lesley's views on kingship, relations between kings and church, Scotland and Rome, Scotland and France and England, and internally relations between Scots in the south and those in the 'Hebrides', all of which will be examined in this study, were shaped in some degree by these writings, and perhaps by the works in the Advice to Princes tradition, although Lesley never explicitly mentions them and refers to John Ireland only as a diplomat. Nevertheless, his historical writings show that he would endorse the preference expressed by John Ireland, as by Fordun before him, for hereditary monarchy. Lesley does not follow the author of the Pluscarden Chronicle in specifying what could be expected of a king, or vice-gerent in the name of God, nor does he follow even the highly generalised assertions of Ireland on the attributes of a 'proper person in counsel special in the great matters of the realm'. Injunctions to rulers and judges to temper justice with mercy regularly feature in Advice to Princes literature as Sally Mapstone has shown, but they do not appear in Lesley, any more than they do in the narrative of Boece. Nor does Lesley copy the more prescriptive style of Haye's Book of the Governance of Princes, although like Boece he gives examples of the wrong advice leading even well-intentioned princes astray; one of his most memorable passages describes the consequences of the decision of Mary of Guise to rely on French advisors.

Purpose

Before examining Lesley's distinctive interpretation of the major political issues of the day, and particularly how in many cases his ideas appear to develop over the eight years between his first and second Histories, there is much to be learned from his own explanation of his purpose in writing each. The circumstances in which he came to write his vernacular treatise have already been indicated. Living in virtual seclusion in Burton-on-
Trent and later in custody in London, he could not even spend his time ‘in the divine study of the scriptures or the laws, for lack of books in these faculties’.\(^{52}\) He explains in his *Epistle to the Queen* that his abhorrence of idleness was not the only reason for taking up his pen, while reading widely in the works available in England by Polydore Vergil, Bede, Froissart, Edward Hall and Stowe. In line with classical tradition he stresses the benefits of history in the most general terms which echo the claims of earlier writers;\(^{53}\) they include ‘delectation and pleasure’, and the importance of collective memory, on the authority, unusually, not of classical writers but of Moses. Cicero’s stress on the benefits of history for those with any interest in the common weal of their country could be found in many Renaissance writers, but Lesley’s emphasis on its moralistic and didactic role is couched in language more evocative of the Bible than of classical texts:

> they shall know the marvellous works wrought by the almighty power of the eternal God ... with examples truly set forth in histories we learn to lead our lives mickle better than [by] the instruction of any philosopher ... we may see as in a mirror the example of them that either for obedience to God’s will have been duly rewarded, or for disobedience and murmuring against the same have been justly punished ... by perpetually observing, subjects are admonished to obey their prince or magistrate, for rebellion has always brought great harm to the common weal and never any good to the author thereof but utter ruin to them and decay in the end.\(^{54}\)

This has resonance for a queen deprived of her throne by rebels, and holds out, although only in the most general terms, hopes of a reversal of her fortunes in the future should her reign, like those of her forebears, witness rebellion bringing utter ruin to its perpetrators.

By 1578 the emphasis is different. Cody exaggerated when he wrote that all Lesley’s writings ‘were in object – when not, also, in subject – political’\(^{55}\). As applied to the Latin *History* it is no more than the truth, although Cody’s assertion that Lesley’s politics were summed up by the maintenance of the cause of Queen Mary and the Catholic religion in Scotland over-simplifies the agenda of a devious bishop who had a finger in many pies. Mary, who spent only eleven years of her life in Scotland, including the first five from her

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52 Lesley, *Historie*, 1570, 7.

53 Lesley’s claims that History is ‘the light of truth, the life of memory’ are also asserted by Henry VIII in *A Declaration conteyning the tust causes and consideratons of this present ware with the Scottes* (1542), cited by M. Merriman, *Rough Wooings*, (East Linton, 2000) 43.

54 Lesley, *Historie*, 1570, 6. Even while Lesley was writing this he was engaging in negotiations which were intended to remove Elizabeth from her throne. But he claimed to be acting in the interest of the rightful queen, whose crown Elizabeth had usurped.
birth, seems to have been more anxious for her cause to triumph in England than in Scotland. By 1574 when Lesley arrived in Rome he had escaped with his life and his liberty but Mary’s prospects depended precariously on the increasingly forlorn hope that the Catholic powers could be induced to intervene on her behalf. This hope, to Lesley, was a real one – as can be inferred from the Relatio identified by David Lockie as propaganda to attract aid for a projected invasion. De origine was another means to this end, to win support where it could be most influential, in the Vatican itself, where Mary’s reputation had been besmirched by her marriage to Bothwell, of which, according to Bishop Leslie’s Narrative, she bitterly repented. The fact that De origine was prefaced by three adulatory epistles to possible sources of moral, military or financial support, all stressing the almost impeccably orthodox credentials of Mary’s royal forebears and of the Scottish people throughout their history, exaggerating those of Mary herself, and presenting the religious upheavals as the calamitous destruction, by self-seeking conspirators, of the Scots’ steadfast relationship with the true church, supports the view that Lesley’s Latin history was in aim political. Many, though not all, of the alterations made by 1578 to the 1570 manuscript were clearly influenced by Lesley’s knowledge that if Mary’s prospects of the English crown were to improve they could only do so at Elizabeth’s expense. As ‘Morgan Philippes’ in 1571, in the second edition of The defence of the Honour, he had for the first time introduced ambiguities in his claims for Mary which could suggest that what she wanted was the crown itself, not merely the recognition of her claim to be heir-apparent. It can be no co-incidence that Lesley’s tone in his Latin History, as in the Preface to the reader by ‘Morgan Philippes’ in 1571, becomes increasingly hostile to the English Queen; he clearly

55 The most obvious exceptions are the Libri Duo which were written for Mary’s spiritual consolation.
56 M. Lynch, Scotland, 222, writes ‘Her interest in the English succession receded from the time of the Darnley marriage ... it was not pursued with any urgency or seriousness after 1565’. But it seems clear that Lesley pursued it from 1568-71 with all the seriousness of which he was capable and that Mary gave him a certain amount of encouragement to do so. Even after he had promised to meddle no more in the matter, once safely in France, he revised his Treatise on the Succession and published it in four languages.
58 Forbes-Leith (ed.), Narratives of Scottish Catholics, 123, ‘she promised that never again would she do anything opposed to the rites of the Catholic and Roman Church’. The emphasis, in translation at least, on the Catholic rites, leaves open the possibility that she regretted not her decision to marry Bothwell but the Protestant form of the ceremony.
considers Mary to be not merely the legitimate successor to her cousin but her deeply wronged rival. This, together with the fact that in Rome he was relieved of all fear of reprisals, explains why the presentation of his History in 1578 is, in parts, very different from that of 1570; there is no longer anything to be gained by pulling his punches. It is surely relevant that by 1577 Lesley's correspondence shows that he was working for a co-ordinated invasion of Scotland, or at least for permission to return there himself; until the sudden death of Atholl, its potential leader, in April 1579, he had high, if unrealistic, hopes of the outcome. Just as Lesley himself was both statesman and historian, well aware of 'the uses of History', it seems clear that his Latin History was intended not merely to explain past events but to influence the future.

Lesley's actions are usually a clearer guide to his intentions than are his explanations, as his interrogators learned in London, but he gave some reasons for undertaking his History in 1578 which he had not given in 1570. Of the four epistles which introduce it, only that addressed to Mary is largely personal in tone. It is of considerable interest, for in setting out his purpose Lesley also sheds light on his relationship with her, and on the changed situation. There are resonances of the Libri Duo of an essentially devotional nature which he had written for her during his own imprisonment in London. Now, he supports his general assertion that 'God relieves his own when they least hope for it' with biblical and historical examples which give grounds for hope that the God to whom David and Saul owed their deliverance from prison will restore 'the kingdom to you and the kirk to you both'. He recalls Scottish kings set at liberty from English captivity: Malcolm, Robert Bruce, David Bruce and James I had all been promoted 'to higher honour and dignities than they were in before'. Whether this is an oblique reference to the diminishing possibility of Mary inheriting, or otherwise securing, the English crown (which had been the subject of Lesley's most widely read if still, as late as 1577, anonymous book) can only be a matter for speculation. He still offers consolation to his Queen:

These hopes proved over-optimistic. But Atholl's regard for Lesley seems clear from Cal. Scot. 1574-81, 217, Atholl to Lesley, 10 July 1576, and rumours that Elizabeth was dying gained credence abroad in 1578, CSP Rome 1572-8, 363, 374, 441, 485. Hence Lockie's view that 'but for Atholl's sudden death [Lesley's negotiations] might well have been successful'. See Lockie 'Political Career', 135.
When I thought the reading of histories was not only to your profit but also to your comfort and consolation that part which I wrote in haste in our mother tongue I turned in latin and joined it together with the whole history of time past, in one volume, to the greater commodity of the common weal, so that you may choose the examples which chiefly may inflame you to piety and the study of religion, and marvel at the virtues which your forbears were endowed with.\textsuperscript{60}

But he adds his hopes that her son should find examples inspiring him to love virtue and to hate vice; ‘familiar examples have more force to move us than foreign’. Whether he seriously hoped that his book would be considered acceptable reading for the young king James VI, at least in the lifetime of George Buchanan, his tutor, is questionable. But he could hope to impress his readers with this pious aim, in line with humanist aspirations.

Lesley’s three earlier epistles, to Pope Gregory XIII, to Cardinal Caietano, and to the nobility of Scotland respectively, all dated 1 January 1578, state his objectives more formally, and also make clear that he is offering more than simply a translation of the 1570 \textit{Historie}. To the Pope he explains that his \textit{History} was intended for the common weal:

> When I realised that the same benefit which I received from these studies might be enjoyed by my fellow-countrymen I set myself to ... re-write the history of the Scots, which I had roughly put together when in prison and brought with me to Italy as my plank of safety from ship-wreck.\textsuperscript{61}

The ten page epistle to the Pope presents the Scots as a nation whose fidelity made them worth helping; they ‘had not been slow to receive the Catholic faith nor timid in defending it’. The damage done when ‘Satan through Calvinist ministers overturned it’ is dwelt on at length, as are the virtues of the queen of a land infected with heresy who is described as a ruler most constant in the Catholic faith. The zeal of Scotsmen, including missionaries and martyrs from the earliest times and by implication Lesley himself, in propagating the true religion in France, England and Germany through many centuries, receives fulsome praise. The Scots contribution to this heroic enterprise was largely apocryphal, as Father Mark Dilworth has shown.\textsuperscript{62} But Lesley had an ulterior motive in including it without acknowledging that he was claiming the early Irish as ‘Scoti’. In 1578 he was also engaged in a campaign to have the monastery of Ratisbon (Regensburg), and others on the continent,

\textsuperscript{60} Cody, II, 53; \textit{De origine}, 285-6.
\textsuperscript{61} The epistle to the Pope is unpaginated in the original 1578 edition.
'restored' to the Scots on the fictitious grounds that they had been founded by Duke William, brother of Achaius, king of Scotland in the time of Charlemagne; here, as often, Lesley has his own agenda. The second epistle, to Cardinal Caietano, then, according to Cody, Cardinal Protector of the kingdom of Scotland, is equally flattering but very much shorter; it confirms that this History is not merely a corrected version of that written for Mary. Nineteen pages addressed to the nobility of Scotland insist that the text has been drawn up 'with all the exactness which the truth of history requires'. All this promises a volume very different from the 'simple and ruid collection' given to the Queen in 1570. No expense was spared: a rare copy of what was believed to be the first printed map of Scotland was an additional adornment to this first edition, though not to the second, published probably in Amsterdam and/or London in 1675. But, as always with Lesley, the question must be faced whether these embellishments and the grandiose declaration of his aims, can be discounted as window-dressing. If it were the case that the last three books of De Origine were merely a corrected version of his first Historie, the reader could legitimately conclude from Lesley's adulation of the Pope, Cardinal Caietano, and to a lesser degree the Scots nobility, that his main purpose was self-advancement; it was at this time that it was said of Lesley 'he never hears of a vacant bishopric but he asks it for himself'. But the claims Lesley makes for this history, and the content of the work indicate that it represents what he thought history ought to be, and that it prepared the ground for two projects which now pre-occupied him: the recovery of Scotland, and the eventual union of the Crowns of England and Scotland in the person of a Stewart monarch. In providing an account of the origins, character, institutions and faith of the Scottish nation it is understandable that he drew heavily on the Scotorum Historia, although drawing out of his material lessons which Boece could never have imagined.

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63 Historie 1570, 301.
64 The editor's introduction to Cody, I, xxii states that in 1675 a facsimile reprint was made in Rome, in which 'the woodcuts of the original edition are also reproduced'. I am grateful to Christine Gascoigne, Keeper of Rare Books in St Andrews University Library, for confirming that the 1675 copies there are certainly not facsimiles of the first edition, and that what Cody describes as woodcuts are in fact
The Catholic Church and its overthrow.

It could be hoped that Lesley's history of 1570, the first to be written by a Catholic author since the events of 1559, would provide unique insights into the fall of the Scottish Catholic Church. But he himself promises simply 'to rehearse the thing as it was done, adding thereto no odious judgement of my own but leaving the reader to judge as he thinks good'. Since his first Historie was intended primarily for Queen Mary, and Lesley disclaimed any intention of publishing it 'until it be more diligently corrected', it is not in any sense definitive; although it supplies material not available elsewhere concerning places with which her progresses in Scotland would have made her familiar, most of it is outside the scope of this study. But in an age when church and state were inextricably intertwined, his description of the process of destruction in Perth, and Edinburgh and above all in Fife 'as it was done', with a poignancy not recaptured in his more formal Latin History, may have been powerful propaganda re-kindling Catholic piety in some of Mary's subjects and even, eventually, in their Queen; in the early 1570s there are strong indications that in Mary's view the Norfolk match was worth the sacrifice of the Mass. In 1570 Lesley's account of the overthrow of the Catholic Church suggests that it had less to do with serious shortcomings in the hierarchy than with the greed and ambition of those excluded from it. But the narrative form to which his first Historie adheres imposes limitations which not only exclude him from the mainstream of political thought but also prevent him from providing any satisfactory explanation of the Scottish Reformation. The 1570 Historie includes events which in the author's view had seriously weakened the church, such as the king's power to appoint bishops, the use made of it to divert church revenue to the extended royal family, and the granting of commendations which in Lesley's eyes had no redeeming features:

The abbots and priors being put forward by the court, which lived courtly, secularly and voluptuously. And then ceased all religious and godly minds and deeds wherewith the secular and temporal men with evil example fell from all devotion and godliness, whereof much evil did increase. 65

65 Historie, 1570, 40.
Thereafter, despite references to occasional scandals and one sentence on appointments to benefices where ‘there was greater respect paid to the satisfying of the avarice of the world than to the pleasure of God’, Lesley gives more space to the talents and abilities of exceptional clerics, especially those of intellectual distinction like Elphinstone, Kennedy and Gavin Dunbar who left visible monuments behind them, than to issues which they, and their colleagues, failed to confront. He refers only very briefly to the teachings of Luther, but his description of an attempt by Pope Clement to avert the danger of Luther’s ‘pestiferous errors and heresies’ being received in Scotland is in tune with the image which he wished to project. By Lesley’s account, James V, having called the Parliament in 1532, reviewed the past record of the Scots as ‘the first or at least with the first that ever accepted the Christian faith and … most obedient sons to the Pope of Rome, without any manner of spot or defection’. These lines could well have been written by Boece himself, and are followed by a timely reminder of James’ pledge, with the estates in Parliament, to defend the authority of Holy Church as his forebears had before him; Lesley then reports without apparent irony that the king then nominated four of his bastard sons ‘being but infants’ to be Abbots of Holyrood and Priors of St Andrews, Melrose and Coldingham ‘and received the whole fruit therof during all the days of his life which was greater profit to him than the whole revenue of the crown’. To appropriate revenues from the Church is not considered a vice, although to endow an Order, from the earliest days down to the foundation of the Charterhouse at Perth, is usually accounted a virtue, even if it is to the detriment of the king’s finances. Even ‘the first alteration of religion in the realm’ is presented without comment ‘by persuasion of the Lordis newe come fra Inglande [the Governor, in 1543] maid lesum to every man to haif the Bible in Inglis quilk wes not permitted in Scotland befoir’. On the conviction and burning, by order of the General Council, of George Wishart for heresy, he comments only: ‘this was the principal cause of the cruel slaughter of the cardinal [Beaton]’. The outbreak of the ‘pest very vehement’ prompts the reflection that appears more frequently in Bannatyne than in Petyt: ‘it appeared weill that god did

66 Ibid., 146.
67 Ibid., 155.
punische that realme with pleuge, suord and fyre, all at onis for the offences of the peple', not, on this occasion, for the sins of their rulers, even by association.

Lesley in 1570 does not suggest that there was much amiss within the Church. When the provincial council promised deprivation for any cleric unable to say his office within six months, Lesley implicitly concedes for the first time that there was widespread ignorance among the clergy; otherwise his assertion that a great number of abbots, deans and beneficed men, incapable of preaching and threatened with losing their livings in a reformed Catholic church, aligned themselves with those who sought its overthrow, would be inexplicable. His account consistently implies and sometimes states that any apparently religious motivation was simply a cover for political ambition and personal greed. Without far more material than he provides here, the outbreak and course of the Reformation in Scotland would be incomprehensible. And from a Catholic perspective, few lessons could be drawn which could be of lasting benefit to the Commonweal. It can be no accident that the one of the longest passages which Lesley inserts into his second History addresses the deficiencies in his first.69

Lesley’s chief reason for writing the second History is set out on its first page:

The cause that moved me chiefly was this: that I might set down before the eyes of our nobility and people an earnest affection for the catholic religion and a vehement constancy in defending it. I hoped that when our countrymen began to compare the vices with which their country is now infected, with the virtues in which it formerly excelled they would more readily rise above their dark errors and returning sincerely to the Catholic concord might begin to follow the way of true virtue so deeply implanted with the footsteps of their forebears.70

Much material to this end could be found in Boece who provides an abundance of data which enables Lesley to contrast the early purity of the Church, the University of St Andrews and other institutions, with the corruption which infected them in Lesley’s own day.71 Early stories of the coming of Christianity are clearly in the realm of myth rather than church history, such as the statement that by the death of Fincornacie in 358 the inhabitants of

68 Historie, 1570, 171-2.
69 Cody, II, 461-72; De origine, 580-6.
70 Cody, I, 1; De origine, 1.
Ireland received the Catholic faith and were all baptised, as is the account of the arrival of St Rule in St Andrews ‘which is now the chief city of the whole realm’. The statement that St Ninian ‘emptied the hearts of many of the foul puddle of error and vice and in their place filled them again with the light of virtue and truth’ is probably at least as much an indication of Lesley’s hopes for the future as a statement of what had happened in the past, just as the uprooting, at intervals, of the Pelagian heresy introduces what is to be a major theme of De origine. Bishop Dagamie is reported to have declared:

> All was heresy which was contrary to the old use and custom of his own country and following the old custom he repudiated St Augustine vehemently and some ceremonies at the beginning thinking they in no way conformed to the Roman kirk but were invented in St Augustine’s own brain; he could scarce be persuaded to grant the right celebration of Easter.

Clearly Lesley identifies with the winning side, although neither he nor Boece mentions the Synod of Whitby or the issues at stake there. His purpose was to demonstrate the Scots’ unswerving orthodoxy, not to explore the distinctive features of the early Celtic church; equally, like Fordun and Bower before him, he took care to demonstrate the autonomy of the Kirk over which York and Canterbury claimed ecclesiastical supremacy. A serious problem, by his account, was posed by the ‘venom and bitter poison’ of Ferquard I who refused both infant baptism and auricular confession; even he pales by comparison with ‘the most ungracious creature whom ever the world wrought, that mischievous Mahomet, whose Koran is wholly filled with voluptuous licence’. By contrast St. Palladius, sent by Pope Celestine ‘about 436’, to the Scots ‘who long before believed in Christ’, is presented as uprooting the Pelagian heresy and appointing Bishops Teruan and Servan; they in turn instilled religion in the hearts of the Picts and the ‘rude and barbarous people of the Orkneys’. Although Lesley does not labour the point the inference, as in the Scotichronicon, is that ‘fully a century and a half before St Augustine of Canterbury undertook a similar papal mission to England in 597, Palladius had securely established in

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71 Historie, 1570, 119.
72 Ibid., 190.
73 Ibid., 193.
74 Cody, I, 234; De origine, 153.
75 Cody, I, 210; De origine, 137.
Scotland a form of Christianity that, in terms of both organisation and worship, was unquestionably orthodox.  

Scots monks are credited with a missionary zeal which had led to the foundation of the monastery at Wurzburg, and in the time of Achaius to monastic foundations throughout Europe. Though fictitious, they enable Lesley to claim that ‘the most solid doctrine, which flourishes in Academies or Colleges throughout France to this day, has sprung of the Scots’, and to make use of the myth to establish the spurious precedent that only Scots could be admitted to orders of Scots foundation in Franconia and Bavaria, at a time when Calvinism was strengthening its hold over the education open to them in their own country. This no doubt was used to back Lesley’s case for the appointment of Ninian Winzet as Abbot of Ratisbon, and could justify his endeavours to restore to the Scots the monasteries they were credited with having founded in Franconia. The process was allegedly continued in the twelfth century when for the first time Lesley supports his claims by reference to a charter of foundation ‘which by chance we found’.

In his Latin History of the years after 1436 Lesley is still celebrating the achievements of individual bishops, as if to refute the charge that ‘godly men’ were lacking among the clergy. His account of most of them shows only minor variations from what he had written in 1570, though some of their deeds are seen with hindsight in a different perspective, just as his view of the invention of printing is more cautious in 1578 than in 1570. He first referred to ‘the excellent arte of printing ... to the greit furderance of all persons desiring knowledge, or thirsting for literature’. But in 1578, perhaps aware that the attempts of the 1552 Church Council to check the rise of heresy had been less successful than its members had once believed, he is more ambivalent about the benefits of printing: ‘whether [it was] to the greater furtherance or hindrance of studies, I refer to the

76 R.A. Mason, 'Civil society and the Celts: Hector Boece, George Buchanan and the Ancient Scottish Past', in E.J. Cowan and R.J. Finlay (eds.) Scottish History: The Power of the Past (forthcoming). I am grateful to Dr Mason for enabling me to read and quote from his article in advance of publication.

77 Again, Lesley gives no credit to the early Irish, and makes no intercessions for their descendants.

78 Dilworth, Scots in Franconia, 11-15.

79 Historie, 1570, 29.
The virtues of some bishops are developed more fully. Elphinstone, described in 1570 as ‘ane faithful counsellor’, is depicted in 1578 as ‘a man beyond praise’, providing a shining example of devotion, continence, asceticism, wisdom, erudition and justice.

There is much emphasis in the second History to upon the orthodoxy of the pre-Reformation Kirk. The assertion that ‘the most ancient nation of the Scots has hitherto been most dear to God and man’ comes near to a claim that the Scots were God’s elect, while indicating that hitherto their fidelity had been unquestioned. Lesley does not merely mention the ‘pure and clean cloister pertaining to the sisters of the Sciennes beside Edinburgh’, but adds ‘when of all suspicion it was most clean nonetheless [it was] the first in the whole realm after the Charterhouse to be wrecked and overthrown’. This is one of many instances when, almost incidentally, he describes features of medieval Scotland in relation to the damage they sustained in his own day. An even more recurrent theme has a more overtly political object; while stressing the malign effect of heresy, he demonstrates the orthodoxy of Stewart kings in the past in order to persuade the Pope, and Philip II and the Emperor, among others, that the Scots Catholics deserve their aid. The devotion of James I is illustrated by his insistence that canons in Scottish cathedrals must hold a degree in canon law or theology and by his endowment of the Charterhouse at Perth; in his estimate of the latter achievement Lesley is noticeably closer to the enthusiasm of Bower than the ambivalence of Boece. The assertion that under James II ‘in the midst of sedition and civil war was never any harm done to religious places or to their lands’ is in line with Lesley’s attempt to promote the cause of the Stewart dynasty in Rome. But his account of James IV

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80 Cody II, 79; De origine, 308.
81 Ibid., II, 152-4; De origine, 371-3.
82 i.e. of St Catherine of Siena.
83 Cody, I, 23; De origine 15.
84 When Lesley was writing his Latin Historie he had high hopes that a Catholic rising, under Atholl, would gain support from the Catholic powers on the continent.
85 Royan, ‘Scotichronicon Rewritten?’, 61, makes the point that while Bower devoted two chapters to the Carthusian Order before commenting ‘These details about the Carthusians are enough to make clear the devotion of the king who brought this order to Scotland’, Boece, more cautiously, or sceptically, writes that James I ‘desiring that a monument of his piety be evident, had it in mind to build a monastery’. Lesley is careful to include nothing that would cast doubt on the orthodoxy of James I and the Stewart kings who followed him.
receiving from the Pope the title of the Defender of the Faith is a reminder that on matters of fact, even on events which occurred in his own lifetime, Lesley was far from infallible. His aim is to present James IV, like almost all the Stewart kings, as an exemplary son of the Catholic Church.

By 1578 Lesley has given much more thought to the question he never appears to have formulated in 1570 when he attributed the fall of the Kirk largely to the self-interest of individuals who had taken advantage of the unpopularity of the Queen Dowager’s French advisors:

But you ask how came such a shocking state of religion, such a hasty overthrow of the kingdom? not truly because the ecclesiastical estate had broken their faith, or neglected their office, but because they had not extinguished in the beginning the sparks of heresy, which they should have done with teaching, writing, reproving ... Winking at many things they brought chiefly to the state itself great damage and harm, and last, which almost was the fountain of all mischief, they had neglected the people so that they were as bairns utterly untaught in the catechism, totally uninstructed in what they might surely believe. So after they heard opinions of heretical licentiousness and liberty, and the people saw them all covered and coloured with fair words, they quickly ran hither, eager to drink in their specious opinions with heart and soul. To this was added the life of many churchmen apparently stained with avarice and worldly pleasure.

Every one of these charges can be substantiated in the last four books of the Latin History, though only that of heresy was dominant in 1570. It is probable that it was through the influence of Ninian Winzet that Lesley became in 1578 a more assertive and more thoughtful apologist for the Catholic Church than hitherto. This was achieved by the insertion of pejorative key-words which can alter the reader’s perspective of the significance of events, and sometimes by the addition of three or four paragraphs; only two of his insertions in 1578 are of more than twelve pages. Unlike Lesley, whose disputation with Knox in 1560 had exposed him to the ridicule of Protestants and received favourable comment only in his own History, Winzet had engaged in religious polemic to take on the Protestants on their own, doctrinal, ground, and his writings show that he was deeply

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86 The title of Defender of the Faith was in fact conferred a generation later on his son, James V.
87 Cody II, 465-6; De origine, 583.
88 Dalrymple’s practice of slipping in additions of his own could cause confusion, but although they may detract from the clarity of Lesley’s argument they rarely alter its substance. One example of many is in Cody, II, 439, when Dalrymple adds, unnecessarily and incorrectly, that Amboise is in the Languedoc.
impressed with the need for some reformation in the Church. His *Last Blast of the Trumpet against the usurped Authoritie of John Knox and his Calvinian brethren* and his *Book of four score three questions* had challenged the authority of Knox and the Protestant preachers, with the result that he had gone into exile to work for the Scots Catholic faith abroad and studied at the Sorbonne and at Douai before travelling in Lesley’s retinue to Rome in 1575.89 It was apparently on Lesley’s recommendation that he was appointed Abbot of the Scots Benedictine monastery at Ratisbon (Regensburg) in 1577 and it seems likely that the translation of the Latin History into Scots by one of the brothers there, Dalrymple, was initiated by Winzet himself. Certainly a poem of commendation by Winzet, together with one by Alexander Seton, who had himself studied in Rome and was later to be Chancellor of Scotland, precedes Lesley’s three introductory epistles in the 1578 edition. Lesley never examines the doctrines of the Reformers in any depth but he is, in the Latin History, aware of their existence. In 1578 the responsibility of John Knox is developed as Lesley creates an image of a nation ‘dragged headlong into mischief by a fellow neither cultured not learned nor endowed with the natural or acquired gifts, unless you should choose to give the name of gifts to his unbridled boldness and his pestilent tongue’s volubility, which ran on foolishly without the rules of art’.90 Curiously, here he seems more critical of the style than the substance of Knox’s polemic.

The pernicious nature of heresy, and its growth in the sixteenth century are demonstrated, sometimes with more vehemence than accuracy: the teachings of the Hussite Paul Craw were not those attributed to him by Lesley. Although Luther is mentioned only as a source of ‘venom very poisonous and deadly’, the burning of Patrick Hamilton is for the first time related to doctrinal issues, as it had not been in 1570, though with only a brief reference to ‘justification, predestination, free will and such poison … utterly discordant with Catholic purity’.91 The credit for his death is given to the ‘great Catholic protector’, James V himself, cited as an exemplar of the orthodoxy attributed to the Stewart kings.

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89 Dilworth, *Scots in Franconia*, 23-4, gives a succinct summary of Winzet’s early career.
90 Cody. II, 464; *De origine*, 582.
91 Ibid., II, 215; *De origine*, 427.
burning of Wishart is presented simply as the occasion of the murder of Cardinal Beaton, but the full extent of heresy is revealed only when rebellion had already broken out:

This conspiracy, the baseness of which those ringleaders of rebellion had called by the glorious name of religion, flew through the people ... For one Paul Meffen, a baker, Harlaw, a tailor, John Douglas, an apostate from the Carmelites and other ... vain and unlearned babblers ... publicly preached to the people and attacked the scriptures in the most bare-faced manner ... instigated them to overthrow all monuments of the Catholic religion and prefer to the decrees of all the councils the devices of some scoundrels which they call the articles of religion. 92

Far less material on the overthrow of the old faith in Scotland is given in 1578 than in 1570, except in relation to Aberdeen where the abandonment of the planned destruction of the kirk and the monasteries is attributed to the heroic intervention of Lesley himself; as a result of his preaching 'after the practice of the Catholic religion was driven out from all Scotland, in that place [Aberdeen] it continued inviolate'. 93 Lesley is equally sanguine about the impact of his disputation with John Knox in Edinburgh where he himself was 'clearly the victor in the eyes of all men of common sense'. 94 In 1570 Lesley had appeared to regard the exercise in Edinburgh as a waste of time: 'nothing was concluded for each man thought what he thought before'. But like Winzet, whose influence can be discerned in Lesley's more thoughtful analysis of the weakness of the Church, by 1578 he saw heresy as the root of almost all the evil which had befallen it. Heresy had reared its ugly head in every period of De origine. The exclusion of all clergy and all Catholics from the Council of 1560 in Lesley's view removed every impediment to its further progress. 'This the fountain of all wickedness ... for what religion any man for his pleasure like best he might if he please spread it further with authority of the Queen'. 95 The failure of the Church to feed its flock could be detected in the failure of an articulate laity to defend the old religion; it cannot be demonstrated as can the diminishing reputation and effectiveness of some Church leaders. The blame for this had already been cast on the decision to make secular appointments to influential livings; the scandal of royal bastards, and others, enjoying the fruits of their benefices would have been anathema to Boece and undermined the reputation of the church

92 Ibid., II, 382; De origine, 537.
93 Ibid., II, 430; De origine, 564.
94 Ibid., II, 449; De origine, 574. Knox interprets the outcome very differently.
for holiness which Lesley was at pains to demonstrate throughout his History. Having admitted these faults in the pre-Reformation church he is eager not merely to depict the troubles of the recent past but to provide hope of a remedy. His strategy is two-fold: first to ensure that the so-called ‘Scots’ monasteries in Germany should be handed over to the Scots, to provide livings for Scots Catholics in exile and educate young men for missionary work in order to reclaim Scotland; to this end he petitioned the Pope in 1576 with a memorial described by Father Dilworth as ‘a curious mixture of reasonably accurate facts and very inaccurate hearsay’.

More urgently his aim, at a time when the launching of a Counter-Reformation in Scotland and England seemed a real possibility, was to provide the Scots nobles and their potential allies with a sense of Scotland’s historic, Catholic, identity. Ninian Winzet had courageously challenged Calvinist doctrine and the heroic efforts of James Tyrie and other Scots Jesuits are cited ‘that the Catholics by their example be stirred up and the heretics realise that the Catholic religion had been expelled from Scotland not by reasoned argument but by force alone’. In his first Historie Lesley argues more than once that religion had been used as a pretext for changes effected for political or purely selfish ends, and for the next few years his very considerable energies were devoted to trying to reverse them by force of arms. By 1578, under Winzet’s influence, he appears to reject such an approach, while attributing it to his opponents; instead of railing against the Protestants he is using his talents to inspire Catholics to follow the example of their orthodox forebears, while learning from the mistakes which had led some of them astray. It was imperative for Lesley’s ambitions that those in a position to help him in Rome or elsewhere should appreciate the strength as well as the enduring fidelity of Scottish Catholics in every age.

* Islesmen and Highlanders. *

95 Ibid., II, 461-2. The twelve pages which follow (461-472) have no equivalent in 1570; De origine, 580-6.
96 Dilworth, Scots in Franconia, 24.
97 Ninian Winzet, Certane Tractates for Reformation of doctrine and maneris, together with the book of four score three questions, 1562, 2 vol., J. Hewison (ed.), (Edinburgh, 1888, 1890).
98 Cody, II, 472; De origine, 586.
When Lesley urged the Scots to keep to the ways of their ancestors in all good things, he had to indicate, even briefly, what those good things were, and the elements of the Scottish character which should be valued. Undeniably, Scots unity was threatened, from a Lowland perspective, by Highlanders and Islesmen near the frontiers of the realm. Lesley, born in the highland parish of Kingussie, does not idealise the Highlanders, whether or not he knew that Elphinstone had drawn attention to the remote parts of the Highlands, separated ‘by arms of the sea and very high mountains, in which dwell men rude and ignorant of letters and almost barbarous’ or that Mair had contrasted the ‘wild’ Scots of the Highlands with their civilised compatriots in the lowlands. From the king’s point of view in the early sixteenth century this created a problem of public order, as we shall see, but from Lesley’s it imperilled the union with England which by 1570 he was coming to consider, if not desirable, at least almost inevitable. Whether due to scepticism on Lesley’s part, or to his realisation that it was impossible to put a favourable spin on the more draconian customs which Boece attributed to his earliest forebears, such as the castration of the insane, the segregation of epileptics and the drowning of gluttons, none of them has a place in his History. Yet his eye for a source of political advantage, wherever it could be found, leads Lesley into some inconsistencies. He clearly saw a close connection between the customs of Gaelic-speaking Scotsmen of his own day and those of the ancient Scots; he qualifies his reference to ‘the manners with which the Scots of old were imbued, but why do I say “of old” when they who this day speak the old Scots tongue plainly have the same manners … they have kept the institutions of their elders so faithfully that their language remained uncorrupted after a thousand years; likewise they kept their dress and way of life’. Most importantly, far fewer of them than of the ‘more refined sort’ were said to have defected from the Catholic religion. Lesley identifies in them only one flaw ‘most pestilent to their common weal’: ‘by nature cruel and bent to sedition [they are] more … inclined to split up in factions and fight, whenever their rulers command it, than to till the ground or occupy

99 In 1570 he consistently advocates Mary’s right to inherit England. His increasingly positive views on union as such can be discerned in the various prefaces to the History of 1578 and the dedication of De titulo et iure (translated in 1584 as The Right, Title and Interest) to Mary and to her son James in 1580, and even more strikingly in his Exhortation published with it.

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themselves in some other craft'. When writing of the early years of the nation he is neither hostile to, nor contemptuous of, the ancient Scots whose image is still reflected by those in the most remote part of the kingdom but, though of Highland birth himself, he does not identify with them. The following passage is open to several interpretations:

when [certain persons] read that the ancient Scots, in whose steps those in the highlands still follow, were neither decent in their clothing nor elegant in their manners they condemn the Scots as a whole without realising that they have many qualities worthy of singular praise. If you look at the other, and far better, part of the realm, you will see that its inhabitants are, not only in their language but also in their customs and in their management of political affairs, very different from those other people ... As in speech they differ little from their neighbours the English, in matters of food and clothing they differ little from English or French, or Flemish, although there are some things peculiar to each.

The assumption that affinity with the customs of England or France was a recommendation is not one which would have been made by Boece or, as Lesley shows elsewhere, by many of his fellow-countrymen. It was not even a view consistently held by Lesley himself, as his criticism of English customs in other contexts demonstrates. The passage above may have been an attempt to counter the impression left by some of the more colourful statements in Boece which might prejudice the picture of Scotland Lesley was trying to create. It was worth departing from Boece’s ideal of Scottish cultural unity in order to dissociate the inhabitants of the ‘better part of the realm’ from those who might tarnish its image. A political motive is discernible here. Lesley’s main aim was to project an image of Scotland which would attract support of Catholics on the continent, but there are signs that he was already beginning to think in terms of a union of the crowns, and if the English were to come under the rule of a Scottish monarch it was important that they should have no reason to view the Scots as uncouth boors. James VI while differentiating between Highlanders and Islesmen had fewer inhibitions:

As for the hie-lands, I shortly comprehend them all in two sorts of people: the one, that dwelleth in our maine land, that are barbarous for the most part, and yet mixed with some show of civilitie: the other, that dwelleth in the Iles, and are alluterly barbares, without any sort or shew of civilitie.

100 Cody, I, 95; De origine, 59.
101 Cody, I, 96; De origine, 60.
102 Cody, I, 96-7; De origine, 60.
Dr Ulrike Moret draws a distinction between the first six books of the Latin *History*, which are influenced by Boece and therefore predominately sympathetic to the Highlanders, and Books VIII to X which show Lesley as an exponent of anti-Highland prejudice;\(^{104}\) in this he would be distancing himself from Boece and coming closer to Mair, for whom in Dr Mason's words 'far from being the source of the nation's strength and virility, the Highlands were an ever-present threat to the peace, stability and welfare of the rest of the kingdom'.\(^{105}\) It is true that Lesley, from the fifteenth century onwards refers time and again to 'wicked highlandmen', 'by nature cruel and bent to sedition', who might be curbed for a while by a strong and ruthless king but who would at the earliest opportunity revert to their 'inconstancy and savagery'. There is another side to the story, but it is not one which Lesley, anxious to convince the Catholic rulers of Europe that the Scots are a cause worth helping, chooses to develop. In the political context, as successive Stewart rulers strive to impose not only order but justice on every part of their land, the fickle Highlanders, like the Borderers in the debatable lands, are presented as predominantly a challenge to lawful authority.\(^{106}\) With his usual ingenuity, Lesley tries to have the best of both worlds: he registers the fidelity of the Highlanders in the Catholic faith, but he dissociates his country as a whole from the less attractive characteristics of those who dwelt on its fringes.

*Kingship.*

Whether the disparate elements could be induced to coalesce or at least to co-exist in harmony within Scotland's boundaries and in safety from external threat depended on the calibre and effectiveness of Scottish kings. Lesley well knew that, as Bruce Webster put it four centuries later, 'Dark Age Scotland had no Bede and no single "history" to impose a sense of higher unity'.\(^{107}\) Part of Boece's achievement was to provide the Scots with a sense of their own identity as a sovereign nation, but within a decade after his death the Scots had been subjected to a more sustained attack than any in the previous two centuries.

\(^{104}\) Ulrike Moret, 'Gaelic History and Culture in Medieval and Sixteenth-Century Lowland Scottish Historiography', (University of Aberdeen Ph.D., 1993), 88.

\(^{105}\) Mason, *Kingship and the Commonweal* (East Linton, 1998), 54.

\(^{106}\) In 1570, but not in 1578, Lesley warns of the danger of having over-mighty subjects in the Borders.

But Lesley did, like Boece before him, if in more difficult circumstances, insist that the Scots had a separate and distinct identity; it is revealing that he describes himself on the title-page of the 1578 History not only as a bishop but also as 'a Scot'. (Admittedly, passages of Book II of the Defence appear to give the opposite impression, but it was written under an English alias at a time when Lesley's first priority was to assert Mary's claim to the English crown). Part of Lesley's purpose was to provide a history which could withstand the charges made against the more flamboyant passages in Boece; to this end, much of the detail on the period before the twelfth century is excised. But for his purpose it is important to provide a continuity of kingship, however spurious, to justify Scots claims to autonomy. This is not an original aim. As Dr. Mason observed, throughout the middle ages and well into the early modern period 'the ancient line of kings supplied a vital counterweight to an English historiographical tradition which insisted that Scotland was and always had been a dependency of the crown of England'.

Lesley had discovered that tradition permeating the works of Edward Hall and others whose accounts of the 'deeds and processes between Scotland and England' conflicted with the annals which Lesley himself had encountered in Scotland. He uses the mythical kings not only to provide evidence of Scotland's early autonomy but to link the monarchy to concepts which he and his compatriots considered vital to the common weal in order that they could be provided with a venerable ancestry. The first forty, apocryphal, kings are associated with concerns to which Lesley was to return again and again and which had resonance in his own day. For example, Fergus, is credited with expressing concern for the liberty of the people; later, Lesley uses the exhortation of Abbot Maurice to the Scots troops before Bannockburn to powerful effect:

[he] exhorts them stoutly to stand in defence of their liberty, and strive manfully for their country. Because each fought not for himself, for his own house, for his own wife, for his own bairns, but all strove for all, for the liberty of all, for the lives of all ... the dignity of their country was so great that he who hurts his country shall be punished in eternal fire, he who defends it shall obtain an everlasting reward.

109 Cody, II, 5; De origine, 244. This passage is not in Boece.
The message is clear; the struggle for liberty is presented as little short of a crusade, and the king was not its only defender. Freedom is again at stake when the Scottish bishops follow the lead of Gilbert, later bishop of Caithness, in resisting the exhortation of the papal legate to declare their allegiance to the Archbishop of York. The issue is presented, as it is in Boece, as a political one: ‘the Kirk of Scotland which ever before had been in liberty should not be brought in bondage, or under the subjection of other men, as under servitude’. Later, the Pope’s grant to Patrick Graham of metropolitan power in St Andrews, with freedom from allegiance to the Archbishop of York is reportedly ‘through the whole realm celebrated with great merriness and joy of all’. In the 1570 Historie, by contrast, Lesley had commented only that the other bishops resented Graham. It seems reasonable to conclude that in 1578 Lesley is reminding the Holy Father, as he had no occasion to do in 1570, of the recognition given to the Scots Kirk by his predecessor. The claim to Scots autonomy, furthered when Pope Boniface intervened with Edward I in favour of ‘a free nation which never before was subject to any external king’, is an important political theme of Books 1-6.

Another is linked to the tenth king, Finnan, who embodied good counsel, essential to rulers in every age. Finnan ‘did nothing before he consulted his nobility’, and also made a law that no king should use the counsel of wicked men. Later, Lesley implies that it was the disregard of James III for this convention which cost him his crown; he also infers that on the two occasions when Mary of Guise (whose record in Lesley’s eyes was exemplary) provoked open defiance from Scots nobles she had been misled by French counsellors unfamiliar with Scots law and customs. Lesley, unlike some of his contemporaries, never argued from first principles, but any aspect of monarchy could be hallowed by custom and the constitution, expressed first in laws copied verbatim from Boece, and later in the proceedings of the College of Justice and in Acts of Parliament; these were so important to Lesley that he appears to have been responsible for the initiation, though not the

110 Cody, I, 333; De origine, 227.
completion, of the project to systematise the law in 1566. In the pseudo-history of the first forty kings the vices most often attributed to a bad ruler were the personal ones of avarice, tyranny and cruelty; the distinguishing features of a good one, Aidan, were the ability to do justice and defend the realm; these qualities are throughout Lesley's History prerequisites for a successful king. It is clear that, even on the earliest years, Lesley was writing with an eye to the future as well as the past: he may well have had an eye to the main chance when writing of the belief associated with the 'marmoure stane', that wherever the stone was located, the Scots would rule:

\[
Ni\ fallat\ fatum,\ Scoti\ quocunque\ locatum\\
Invenient\ lapidem,\ regnare\ tenentu\ ibidem.\]

This was a convenient claim for a diplomat whose chief political objective for a decade had been to promote the succession of a Scottish Queen to the English throne. Lesley's respect for the hereditary nature of the Scots monarchy, not shared by Mair or Buchanan, appears to be rooted in past custom. The initial practice in Ireland, of conferring 'all power and authority to him whom the people have elected', is presented as a cause of strife which soon gave way to the hereditary principle, though in a modified form: 'it would have come to much worse mischief but for the wise advice of a thane ... through whose authority it was begun that ... he should be made king who by right of heritage his sons or oyes [grandsons or nephews] should succeed'. In Scotland, too, Lesley indicates that the original practice of election had been rejected in the light of experience: 'In the rudimentary state of the kingdom ... we read how they elected certain captains born of an illustrious house to whom they committed themselves and their republic. But now ... the king and his sons lawfully

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111 It has been argued in Chapter One that Lesley's personal responsibility for this achievement has been exaggerated. But an achievement it was, described by J. Goodare, State and Society in Early Modern Scotland (Oxford, 1999), 240 as 'a crucial event which encouraged the use of Statute Law'.

112 Cody, I, 79, 'unless fate be false, wherever the Scots shall find this stone placed, there shall they rule'; De origine, 50.

113 Lesley's approach to the origins of monarchical rule is consistent in the History with his references to it in the Treatise on the Succession. See Chapter Three p.118 above, where the superiority of hereditary over elective kingship, questioned by Mair and challenged by Buchanan, is central to his case.

114 Cody, I, 77; De origine, 48.

115 Cody, I, 78; De origine, 49.
gotten obtain the first place'.

Heirs must be legitimate: very rarely have bastards who seized power ‘contrary to the foresaid order of succession’ been governors of the realm who have not in a short time perished by conspiracy or been sorely troubled by feud.

This can be taken at face value; it may also reflect Lesley’s detestation of the Queen’s half-brother, Moray, who in the *Relatio* is referred to as ‘the bastard’.

Nowhere does Lesley define the duties of a king once in power, although he does provide his view of the relationship between the estates of the nobility and their rulers. ‘No republic yet flourished that scorned the nobility … a sweet succour to the common weal’; the state depended above all on the king and on the counsel of the nobility, for ‘kings whose tyrannie alienates the hearts of the nobility often incur likewise the offence of the people’. He is observing past practice rather than prescribing constitutional principle. But he often draws attention to those rulers who personify effective kingship, especially in the fifteenth and sixteenth centuries when he can emerge from the shadow of Boece and use material from his own researches in the legal and parliamentary records and his experience of state affairs. James I is presented as the philosopher king who showed in word and deed the value of knowledge of letters in the good governing of a realm: ‘in Scotland [there] never was a king who with greater wisdom … riper judgement … nor any who ruled with more piety and sincere devotion’. Endowed with uncommon ability as poet, musician, orator and theologian, James I is depicted as an inspiration to his people: ‘the hearts of our youth were inflamed with the love of virtue and of letters and all men to their power studied to follow his example’. Personal qualities are important but it is by his achievements that this paragon of the Renaissance is ultimately assessed. His part in the

116 Cody, I, 112-3; *De origine*, 70.
117 Cody, I, 132; *De origine*, 84.
118 One of the most interesting passages in the 1578 *History*, for which there is no parallel in 1570, contains letters allegedly written in the summer of 1559 between Francis, Mary, and the Lord James, Cody II, 411-423. Mary charged her half-brother with betraying ‘that opinion which I conceived of your piety toward God and your faithfulness toward me’ (413). He replied that he would ‘not keep quiet for any one’s force, far less the threats of king and queen, until he pruned the boughs of that very superstition [Papistry] nay, plucked up its very roots’ (418). Later Lesley, approaching his conclusion, abandons any attempt at objectivity, or factual accuracy: ‘[Moray] ceased not to trouble the realm until he had cast the Queen in prison, casting her out of the kingdom … governing … all at his will. But God the punisher of wickedness … shortly after made an example of him’(473-4).
119 Cody, I, 112; *De origine*, 70.
administration of justice was symbolic but also effective; he punished those who had used power oppressively and sent righteous judges throughout the land to deal with all offenders; if, in the process of executing more than three thousand wrong-doers in three years, 'he appeared more severe than became a king who should be ... father of the nation', this is not held to detract from his reputation, nor from the admiration of Aeneas Silvius, later to be Pope Pius II. His devotion to the church is a further jewel in his crown as is his far-seeing policy of attracting craftsmen from France, England, and Flanders to add refinement to Scots' lives and polish to their manners. Lesley, rather than outlining anything approaching the job-description of a Scottish Renaissance ruler, describes a king who can serve as a pattern for all princes. His murder by named traitors is punished with a sentence of almost unprecedented savagery, imposed by the nobility and commended by the future Pope Pius II. In this way Lesley established three crucial points: the loyalty of the nobility as a whole, the orthodoxy of their king and the degree of civilisation for which Scotland was, in his time, renowned. His successor, James II, is presented as worthy of his lineage; he 'might easily be compared with all antiquity and moreover might exceed antiquity itself'. Lesley also extracts political capital out of the pledge given by the Scots and ratified in parliament never to defect from the Catholic Kirk.\footnote{Cody, II, 40; \textit{De origine}, 267, 274.} In the Scots \textit{Historie}, the problems James encountered in establishing his authority prompt the reflection on the danger of having 'men of greit power and auctoritie inhabiting in the borders and uttermost parts thairof'. This peril was not unique to Scotland, but for whatever reason, perhaps in a bid for armed support of some at least of the chieftains on the fringes who were still loyal to the old religion, these words are omitted in 1578, when Lesley merely states that the northland men and the Lords of the Isles were effectively held in check 'so that all did their duty to the king'.\footnote{Cody, II, 77; \textit{De origine}, 396.} James II not only defended his realm; through rewarding obedience and punishing rebellion 'he set all things in such order, conforme to justice, that the common weil was never in greater tranquillity and peace, or more settled in life and

\footnote{Cody, II, 32, 40; \textit{De origine}, 267, 274.}
\footnote{Cody, II, 64 gives the date as 1444; the Scots version 1443.}
\footnote{Cody, II, 77; \textit{De origine}, 396.}
manners’. 123 In this way he is portrayed as fulfilling the prime function of a Scots king; not surprisingly there is no mention of the diffidatio by which Sir James Hamilton and the ninth earl of Douglas renounced their feudal allegiance, nor any hint that a revolt of the nobles could, in their own eyes, be justified. 124

However, Lesley makes clear that James III, who alone of the Stewart Kings is not the subject of a eulogy on his death, lacked not only temperance but sound counsel and he implies that the point was taken by his son James IV who undertook to do nothing without the advice of prelates, nobles and barons, of whom at least six were to remain continually with him. 125 The expectation that the king would work with the advice of the nobility permeates the Latin History and the myths which preceede it. In his initial survey of ‘the orders of the realm and Common weil’, Lesley states that Scotland considered the most critical matters of government to depend on the nobles’ support, and that this understanding saved the state ‘from the troubles which could otherwise ensue if the king lived intemperately and beyond the bounds of his office’. The precise nature of the relationship is not developed, nor is there any discussion of the circumstances in which the intervention of the nobility could be appropriate, nor the sanctions which could be applied. But when the Earl of Douglas, accused of sedition against James II in 1451, ‘spared nocht to speik hardilier and proudlier than ony way was decent a subject to a king’, Lesley reports as the natural outcome ‘Quhairfor this Erle was heidet in the castle of Stirling’. 126 When in 1542 the secret counsel of his nobility collectively refused to invade England despite the exhortations of James V, Lesley indicates the king’s anger with the statement ‘our king burnt in ire but wisely dissembled’. 127 He neither endorses nor refutes the view he attributes to the king: ‘He [James V] surely was persuaded that his whole nobility with one consent had conspired to change his estate’. On this occasion, the initiative by the nobles was not in the king’s view justified, and Lesley does not apply to them the

123 Ibid.
124 See J. Goodare, State and Society in Early Modern Scotland, 54.
125 Cody, II, 109 and Historie, 1570, 62
126 Cody, II, 72; De origine, 303. In the 1570 Historie the word used is not ‘beheaded’, which implies a formal execution, but ‘slain’.
127 Cody, II, 257, 259; De origine, 458, 459.
adjectives ‘prudent and wise’ which he had used of those nobles who refused to follow Albany on a similar pre-emptive strike during James’ minority twenty years before.

Lesley is at times highly critical of individual nobles, most notably of ‘some of the special nobility who hated Wallace … that ungrateful nobility’. But he has respect for the estate of the nobility ‘prudent and wise’ who often play a crucial, if not always heroic, role. The fact that the third of the epistles which introduce De origine was addressed to the Scots nobility, in the most flattering terms, may owe much to its author’s hopes that they would actively support the earl of Atholl in the projected rising in support of Mary. In the pages of the History, the nobility, collectively, are usually shown as responsible, until the Reformation. Faction, already identified as an endemic weakness of the early Scots, is sometimes deplored, but it often originates within the royal family itself.

There is much in both Lesley’s Histories to suggest that his view of the administration of justice, recognised to be one of the king’s prime responsibilities was somewhat simplistic. The term ‘justice’ as used in Lesley’s writing is usually punitive although it might be a pre-requisite for the establishment of the good government with which it could, in practice, be equated. When he writes that further acts and constitutions ensured obedience in the Highlands and the Isles ‘through terror and fear of punishment of the savage people who are naturally inclined to sedition’, Lesley regards coercion as good government in action and adds ‘for due administration of justice he [James IV] deserved to be numbered among the best princes that ever reigned over that nation’. His comment that James V put the borderers in such fear that as long as he lived they did not forget to contain themselves is one of many approving references in both Histories to the use of intimidation to restore order, though in this instance he adds on reflection, in 1578, that for James V force was used only as a last resort. But if need be, the end justified the means. He comments on the beheading of the laird of Struan ‘which terror was the occasion whereof many took example and contained themselves within bounds, provoking

128 Cody, I, 347-8; De origine, 237.
them to good order'. Known limits made possible the establishment of a stable social and political order in which, ideally, no man could be denied justice. This could most surely be achieved by kings of the calibre of James I and James V who made themselves accessible to, if not always identifiable by, their subjects and were aware of their preoccupations, but the concerns made known by Lindsay of the Mount are not reflected by Lesley himself. His approach is essentially pragmatic; having recent experience of sedition, he clearly regrets that Queen Mary had not taken a more draconian line with her half-brother; elsewhere he expresses regret at her too trusting forgiveness of Moray.

**The Issue of Resistance**

It cannot be claimed that Lesley's *Histories* advanced the resistance debate which was engaging some of the keenest minds in Europe. But he would certainly not have considered that the commodity of the common weal, for which he claimed to be writing, required or allowed him to do so. His line when dealing with recorded history as distinct from myth is always that 'rebellion brings harm to the doer thereof'; in any case the possibility that the common weal and the authority of the king might prove to be incompatible was not one which he would entertain. Unlike Mair, Lesley does not grant the right of resistance, or of deposition, even in theory, and clearly has no sympathy for individual rebels; nor does he anticipate Buchanan in developing the right to depose an evil monarch, although he observes that a tyrant will lose the hearts not only of his nobles but also of his people. He would have endorsed, and may even indirectly have inspired, one of the most conciliatory sentences in the published version of the speech by James VI and I to the English Parliament in 1610: 'I will not be content that my power be disputed upon, but I shall ever be willing to make the reason appear of all my doings, and rule my actions according to my laws'. A conservative lawyer and man of affairs, Lesley's strength and interests lay in arguing a case, rather than in abstract discussion. His major work contributes little to the resistance debate because for him the 'right of resistance' simply did not exist, in law or

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130 Cody, II, 164; *De origine*, 382.
even as a subject for theoretical speculation. In this respect, though not in his style, he was still rooted in the late middle ages and Dr Mason’s observation, ‘as regards political speculation late medieval Scotland is something of a barren desert’ is equally applicable to the works of John Lesley. 132 But it would be ironic, if hardly surprising, if his view of monarchy had, in the end, more influence on his king than those of James’s designated tutor, George Buchanan.

Lesley is not always consistent but he includes nothing which could give aid or comfort to rebels; the statement that Scotland’s fifth king, Nothat, ‘for his great tyranny was slain with consent of the nobility, and Reuther was righteously set in his place’, which appears to indicate the author’s approval of these proceedings is not what Lesley wrote. 133 In this respect he was at least as ‘conservative’ as the earlier chroniclers. In Dr Mason’s words, ‘neither the chronicles nor any other late medieval source ever provide evidence that theories of resistance, deposition, and tyrannicide ever figured more than marginally in the political thought of fifteenth century Scots’. 134 Lesley was implacably opposed to all three, but his case was set out not in his Historie of 1570 but in a shorter treatise of 900 words written the same year, now in the Library of All Souls. 135 There is no suggestion in the first Historie, that Lesley, any more than his contemporaries, was engaged in a disinterested inquiry after truth, although his training in rhetoric and the law perhaps made him more cautious and more measured than Buchanan or Pitscottie. His legal qualifications, his prominence as a member of the Court of Session and his interest in the codification of the statutes enabled him to write with authority on both the making and enforcement of law. At frequent intervals in successive reigns he includes a variation on the sentence ‘for stablishing of gude reaule, thir was haldin an parliament, in the quilk thair wes mony guide lawis maid for the publick weill of the realme, as in the buikes of the actis of parliament is contenit’. 136 Often with no detail or amplification, it is perhaps more a recognition that such activity would be expected of a king than a source of information

132 Mason, Kingship and Commonweal, 26.
133 ‘lure’, De origine, 84, is mistranslated as ‘rychtuouslie’ in Cody, I, 137.
134 Mason, Kingship and Commonweal, 9.
135 MS All Souls ce II. The argument will be examined in the conclusion.
about the benefits it conferred, perhaps because Lesley had no access to the Acts of Parliament in his captivity in England.

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Anglo-Scottish relations in the 'Historie' of 1570

Lesley frequently described himself as a Scotsman, and like Boece shows pride in the potential and achievements of his native land. His reading of English historians had convinced him that a history of Scotland since the death of James I should not be left to an Englishman whose sources on the proceedings between Scotland and England would be very different from those found in Scotland. But in the first history, though as self-consciously Scottish as Boece, he is reasonably even-handed in his treatment of the English and the French, at least until Henry VIII and his successors appeared to pose a threat to Scottish independence which could be averted only with French help. An apparently trivial incident in 1449 is the first of many which allow the interpretation that Scots were being used as the pawns of France, when 'there was great trouble betwix the French and Englishmen, whereof was suddenly raised upon the borders of Scotland for the favour of France some appearance of wars ... Dumfries was burned in Scotland and Alnwick in England'.

Lesley shows little of the martial spirit idealised by Boece. He was aware that those on both sides of the border bore the heavy cost of 'some appearance of war'; later he describes the burning of Edinburgh when 'it burnt for four days continually in a miserable flame ... all was consumed [and] wasted'. He is not so exclusively concerned with matters of state that he overlooks the necessary process of reparation in 1552. 'At last, when the realm of Scotland was at rest, the burgesses and landward men began to mend and repair the houses that the enemies had cast down or put to the torch in time of war, and to till the ground in like manner, and began with diligence to put these things in order'. However, Lesley, the diplomat, devotes more attention to the records of Anglo-Scottish negotiations

136 Historie, 1570, 27.
137 Cody, II, 21; De origine, 256.
138 Cody, II, 279; De origine 473.
139 Cody, II, 344; De origine, 515.
which led in turn to periods of ‘perfect amity and inviolable peace’ characterised by ‘great friendship between King James II and King Henry VI’, and later by plans for a marriage between James, son of James III and Cecilia, daughter of Edward IV, and for the fateful union of the Thistle and the Rose. Lesley was already conversant with the objections raised in England to this last proposal. He had incorporated, and answered, them in his treatise concerning the succession, and he quotes Polydore Vergil at length on the assertion of Henry VII that in the event of the crown of England falling to his daughter Margaret, James’ proposed bride, ‘Ingland wald not accress unto Scotland but Scotland would accress unto Ingland, as to the most noble heid of the hole yle’.

He stresses that, with the marriage, a peace was contracted for the term of both kings’ lives which dealt with frequent causes of past conflict so that

they contynewit in gryt luf and frindship and mutuall societie, contracting of marriages, contynuall interchange of merchandice betuix the subjectis of both the realmes, as they had bene all under the obedience of ane prince, quhairthroc justice, polycie, and richesse did flowrishe and abound throuch the whole Yle of Albowne.

In the dedication of *The Right, Title and Interest* to Mary and her son James, Lesley later expressed hopes of just such a policy, in 1584, almost a century later. The title is worth quoting in full: *A treatise touching the right, title and interest of the most excellent Princesse Marie, Queen of Scotland and of the most noble king James her Grace’s sonne, to the succession of the croune of England. With an exhortation to the English and Scottish nations, for uniting of themselves in a true league of amity. This may have been prompted by hopes of preferment. But the only union Lesley would countenance was one based on a true league of amity, not on the conquest attempted first by Henry VIII and later Somerset. In 1570 he is not consistently hostile to England. He makes it clear that the ill-judged decision of James III, ‘at the king of France’s desire’, to threaten war on England led to the first of many conflicts initiated in the interests of France. One was exacerbated by an attempt by Edward IV to replace James III with the Duke of Albany ‘so

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140 Lesley, *The Defence of the Honour*, (1569) which is discussed in Chapter Three, above.
142 Ibid., 72.
he would use his counsel and assist his determination’, but, as has been shown, much is made of the benefits of the English amity, at least until 1512. In an unusually analytical passage Lesley identifies the cause of later friction as the personal ambition of Henry VIII:

Here is to be considered and well noted the first motions of the great troubles which afterwards did fall betwix the princes of Scotland and England, which happened principally because king henry VIII of England being a young man left by his father with great wealth and riches was very desirous to have wars wherein he might exercise his youth, thinking thereby to extend his dominions ... and to invade the realm of France. When desired by the king of Scotland in ‘brotherly and loving manner to live in peace and quietnes’ King Henry gave good answers promising to ... use the king of Scotland’s counsel in all his great and weighty causes; suppose he meanit na sic thing but to dryf time, as it proved shortly there after.”

Lesley, himself an experienced if frequently frustrated diplomat, substantiates that dry judgement with what he describes as ‘the true tenour’ of a lengthy letter from James IV dated 26 July 1513 delivered by Lyon Herald to King Henry VIII, referring to ‘injuries and harms which you have compelled us to take daily without remedy’; he recounts without comment the insulting sequel, that Henry’s written answer was not delivered in Scotland until its king was dead.

It would be wrong to describe Lesley as dazzled by the French alliance or as consistently hostile to England, but from this point on, even in the 1570 Historie, the English are rarely seen as friends. England appears as an increasingly unreliable and predatory neighbour. But the responsibility of James IV for the disaster of Flodden is not glossed over. Lesley states unambiguously that king James was ‘seeking and craving battle contrar to the advice of the noble men of his realm’, and adds that before Flodden ‘only the principal noble men of the realm and few companies remained with him’. The theme of the nobles being (until some were corrupted by heresy and English promises) the natural and generally sound advisors to the king, more characteristic of Boece than of Mair, is repeated in Lesley’s account of their reluctance to support either Albany, or later James V, in an offensive war. Essentially their motive was to preserve the kingdom. When in 1522 the king of England prepared to ‘defend’ the king of Scots by invading his kingdom the nobles,

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143 Lesley, A Treatise touching the Right, Title and Interest of the most excellent princesse Maarie, queene of Scotland and of the most noble king James her son ... (Rouen,1584).
144 Lesley, Historie, 1570, 84.
warning, 'we can work no miracles and until the king is of age we ought to move no war lest by war we bring him to destruction' restrained 'the valiant governor': Albany, who embodied many of the ideals of chivalry celebrated by Boece, but also the French interest, was dissuaded from advancing into England as distinct from defending Scotland's border. With regard to a somewhat similar conflict of opinion in 1542, with different protagonists, Lesley expresses no criticism either of the king 'of high and manly courage' or of 'the principilis of the nobility' who 'after lang ressoning and guide advisement gaife answer to the king that they could not think it guide that they sould pass within England to seik battell'. He does not condemn the nobility for intervening in time of crisis - provided that they are acting in the interests of the common weal. His knowledge that he was writing primarily to divert and encourage James V's daughter may explain the warmth of Lesley's final tribute in 1570 (which is neither in Petyt nor in the later History) to a king 'for his nobill actis and prudent policyces worthye to be registered in the buike of fame' who 'allurit to him the harts of all the people, because they lived quietly and in rest'.

The reasons given by Lesley in 1570 for the English invasion of Scotland of 1542 support the view that the responsibility was Henry's, 'principally because the king of Scotland would not come to the city of York to meet him and he had just title to the superiority of the realm of Scotland'. This raises an issue on which Lesley had read widely for his treatise on the claim of Mary Stewart to the English succession but it is not one which he develops in his first Historie. Lesley in 1570 was in no position to identify himself with implacable opponents of the English, whatever his personal views. But once in Rome he had every incentive to develop the case for Scotland's independence and to justify Scots resistance to English claims. His opinions on union, as on the Highlanders, are frequently as inconsistent with those of Boece as they are with views he had himself expressed in a different context.

145 Ibid., 122.
146 Ibid., 167.
Anglo-Scottish Relations in the History of 1578.

It has been argued that Lesley, though sharing Boece’s pride in his Scots heritage and many of his views on kingship and the law, did not uncritically copy them. Later, in 1584, he published not only An Exhortation to the English and Scottish nations, for uniting of them selves in a true league of Amity, but also the couplet:

All Britaine Yle (dissension over past)
In peace & faith, will grow to one at last.

However trite it may appear, the prominence given to this couplet raises questions about Lesley’s attitude to England and to the ancient alliance between Scotland and France, and possibly also about Lesley’s understanding of the term faith. The Exhortation, which is published with the English edition of the revised treatise on the succession,\(^\text{147}\) appeals to English self-interest supported by the same passages, particularly from Polydore Vergil, which Lesley had used in his Histories to emphasise the readiness of an enlightened English ruler, Henry VII, to countenance the possibility of a future union in principle.\(^\text{148}\) Lesley’s Exhortation shows remarkable similarities to An Exhortacion to the Scottes to conforme themselfes to the honorable and expedient godly Union betweene the two realmes of Englande & Scotland, circulated in Scotland just before Somerset’s invasion nearly forty years earlier, which depended on the doubtful premise that ‘we were britions at the beginning, come of one king and lineage under one monarchy’. Its author, James Henrisoun urged that the relationship entailed ‘no servitude, but fredome, libertie, concord and quietnesse and serveth as well for Scotland as Englane, making equalitie without superioritie’, adding: ‘Howe gooddly wre it, yat these two realmes should grow into one, so should thei also agre in the concorde & unite of one religion, & the same ye pure, sincere & incorrupt religion of christ’.\(^\text{149}\) But the resemblance is in the words rather than the substance and conceals the fact that the church on which the author sought to base a union would, in 1547, be the most Protestant ever established in England. But in 1584

\(^\text{147}\) Lesley, Trestise Touching the Right Title and Interest, 62-71 (folio pages).
\(^\text{148}\) The account in the Exhortation, 69v., is almost identical to that in Lesley’s vernacular Historie, 1570, 68.
Lesley is, or appears to be, anticipating union. Since his examination of Scottish perceptions of relations between England and Scotland is far more substantial in his second History than his first, the question arises whether he is shaping his material in 1578 in such as way as to make the idea of union with England more attractive to his Scottish readers, and particularly to the nobility to whom De origine was addressed.\(^{150}\)

Lesley was undoubtedly familiar with the works of Geoffrey of Monmouth, Caxton and others who insisted that Scotland had always been subordinate to England. He may well have known of Henrisoun’s more emollient Exhortation to the Scottes to conform themselves to the honorable, Expedient & Godly Union, cited above, written just before Somerset’s attempts to impose such a union by force of arms, which Lesley unequivocally condemned.

In King Henry VIII of Ingland was sik a gredie desyre collected in harte, that he intendet to occupie Scotland outher be manage betuene Prince Edward and Quene Marie, or than to win Scotland by force of armes. This selfe sam gredie desyr, quhen King Henry was deid, steiret yp Eduard, Duke of Sommersait.\(^{151}\)

It is therefore remarkable that Lesley was to issue what appears to be a similar exhortation, in almost identical terms, on the title page of his revised succession treatise in 1584. He exhorts both nations that ‘after so long warres they wold now at last agree, and joyne together in one true league of fast frendshippe and amitie’. Any attempt to evaluate how radical was Lesley’s conversion to the case for union must consider whether these ‘so long warres’ had left him with a legacy of residual bitterness. For this purpose the text of 1578 can provide convenient, though not necessarily consistent, pointers. His handling of the origin myths is characteristically non-committal. Though he refers to the Brutus myth (often to be exploited by English kings eager to justify their claims on Scotland and by several English propagandists in the 1540s), and to Brutus’ arrival in ‘the Ile named Britain’, Lesley does not in any way endorse it: ‘what other lait writeris speik of this name perchance more curious than true I, halding me content with the

\(^{150}\) The Latin History was not translated into Scots until 1596, and there is no reason to think that Dalrymple’s far from polished manuscript could be consulted outside the monastery of Ratisbon, or, later, Fort Augustus, until it was edited and published by Cody and Murison in 1888 and 1895.

\(^{151}\) Cody II, 296, De origine, 484, uses the word ‘cupiditas’.
opinion of ancient antiquity, regard not. The maist ancient writeris names Britannie Albion, but [without] all question”. 152

Having thus expressed himself ‘content with’ the opinion that the whole isle of Britain was known as Albion he then adds that probably only Scotland should be called Albion, on the grounds that it was the name consistently used by the Irish to refer to Scotland. In this second opinion he parts company with Fordun, who insisted that the whole island had been called Albion, of which Britain should be taken to mean only the part of it now known as England, with no prior claims on its neighbours. Fordun thus refuted any suggestion that Scots were subordinate to England. 153 Here Lesley sits on the fence: to express apparent approval of two contradictory opinions on a matter of fact, or in this instance myth, can hardly be called impartiality. Later, Lesley, like Fordun, uses the term Britain as if it applied to the southern part of the island, while prefacing his 1578 History with a map of Scotland, headed Scotiae Regni Antiquissimi accurata descriptio with an inset title Scotiae Britanniae insulae pars ... which clearly points to Scotland being part of the larger island of Britain. It seems legitimate to conclude that all this sheds more light on Lesley’s historical method, whether he is being slapdash in his use of sources or deliberately ambivalent in their interpretation, than it does on the relationship between Scotland and her neighbour in what are perhaps best described as pre-historical times. But he is as eager as Fordun to maintain Scotland’s independence from England, while emphasising the features shared by both nations.

More significantly, he insists on Scottish autonomy whenever it was threatened. When Balliol promised ‘if the king Edward would crown him he should by al means possible conforme to his power, make rich the realm of England, and make an oath to know him for his superior for ever and ever’ he ‘was judged by the nobility and people to have forfeited all right to reign, because he intended to bring under servitude and bondage a people most free’. Edward is presented as an alien invader and a tyrant who ‘burnt all

152 Cody, I, 2; De origine, 2.
153 As late as 1609, James VI, in his Apology, did not refer to any of his three kingdoms by name but only to the ‘Ile’ although he clearly saw its destiny as a Protestant one. M. Lynch, Scotland; A New History 2nd edn. (London, 1992), 239.
books as well holy as profane, changed the laws and institutions of the country, and brought us under servitude ... to live under the manner of England in all things'.\textsuperscript{154} Other examples of uncompromising resistance to English attempts to subjugate the Scots have already been considered in relation to the broader concept of freedom.

\textit{International Relations: England and France}

The threat from Edward I had driven home to the people as well as the nobles that any king worthy of the name would resist alien claims to sovereignty; it had also, unintentionally, reinforced the national consciousness of the Scots. There is no doubt of Lesley's hostility to the 'cruel tyrant' whom he saw as a threat to the autonomy which he, like Bruce, often claimed for Scotland. But it need not follow that he was totally opposed to a negotiated, as opposed to an enforced, union, or even that he was hostile to England as such. It must be remembered that Scotland's relations with England were largely conditioned by the Auld Alliance with France, and Lesley's account of the latter may well be influenced by his desire to win support from French Catholics, in order to provide diplomatic support for Mary Queen of Scots and a benefice for himself. Whereas in 1570 he had been reasonably even-handed, his account of the years after 1436/7, where alone a comparison between his two \textit{Histories}, is possible, should show whether in 1578 he is depicting England in a more favourable light.

In 1578 there is much which suggests that Lesley was deeply suspicious of the English. As early as the reign of Achaius, the mythical contemporary of Charlemagne, Lesley is making generalisations about the insatiable greed of the English for other men's goods, and providing very specific, if apocryphal, terms of a treaty between France and the Scots, though not the Picts, which provided for perpetual friendship, and mutual assistance in case of English invasion. Lesley makes no attempt at objectivity about a bond which originated before any surviving records, but which endured to his own day. 'This bond is of the providence of God ... it cannot without pernicious wickedness be violated ... so

\textsuperscript{154} Cody, I, 349; De origine, 238. For Lesley, the burning of books which linked the Scots with their past undermined their sense of national identity which he, by his \textit{History}, aimed to reinforce.
constantlie until this day it has stood unbroken'.\textsuperscript{155} Despite the efforts of Constantine II in long and sharp wars against England, the outcome was the loss of Northumberland, Cumberland and Westmoreland.\textsuperscript{156} Even Malcolm Canmore's marriage to Margaret, devout and godly though she was, is memorable for undesirable imports from England: the Scots now, through the riot and sumptuousness of England, defect from the frugality and sobriety of their elders.\textsuperscript{157} Malcolm himself is by Lesley's account murdered by a traitor rewarded and probably incited by William Rufus who had invaded Scotland without any warning. Edward I was remembered for his burning hatred against the Scots nation,\textsuperscript{158} and his son Edward II was portrayed as equally malevolent, if less effective, promising to nine nations that if they would help the English invaders they could partition Scotland and whatever pertained to the Scots, with the English.\textsuperscript{159} Here England is seen not as an ally but as a threat to Scotland's very survival as a nation. The revival of the bond with France is a natural consequence; less predictably, the Bruce put the enemy in such fear, that all England craved peace'. But the peace was only a truce: soon 'the Englishmen cruel by nature' committed atrocities which would not easily be forgotten.\textsuperscript{160} Even when French intervention led to a papal legate being sent to England 'to stay them from invading Scotland, they, condemning the Pope's authority, cruelly continued the wars against Scotland'. Neither here nor until the reign of James IV is there evidence of a rapprochement between Scots and English. When the Scots invaded England in the interests of their old ally, France, an action about which Lesley evidently has fewer reservations than Boece, the resolve of Edward III recalls that of his grandfather: 'to vex, burn, slay, and with cruelty triumph, until [the Scots] be subdued'. The attempt of Edward III, apparently endorsed by David II of Scotland, to induce the nobility to agree that the realm of Scotland be transferred into the hands of Edward's son, Richard, enraged them:

\textsuperscript{155} Cody, I, 262-3; De origine, 174.
\textsuperscript{156} Ibid., I, 284; De origine, 189.
\textsuperscript{157} Ibid., I, 315; De origine, 213.
\textsuperscript{158} Ibid., II, 2-3; De origine, 242.
\textsuperscript{159} Ibid., II 16; De origine, 252.
\textsuperscript{160} Ibid., II 4; De origine, 243. Nine 'nations' are mentioned by name; their number is later increased.
they would rather lose their lives than renounce the liberty of their country.\textsuperscript{162} The decision of Charles the Wise, of France, as a quid pro quo for Scots help in defeating the English, to institute the Scots order of Archers, confirms the alignment of Scots with France vis à vis England; under Robert I, ‘then sore troubled with the Englishmen’, Bishop Wardlaw was sent to renew the old league with Charles VI. France is commended for sending to King Robert the not inconsiderable aid of two thousand men, a navy laden with all provision for the wars and money in abundance. In contrast, Richard II not only took Edinburgh and despoiled the monasteries there \textit{[but]} ‘to leave some testimony of his hatred against the people and of his wickedness against God, with flame and fire he burnt up the Kirk of St Aegidie’. Although he was dissuaded from burning more kirks and religious houses Richard received no praise for his clemency: ‘fear of God’s punishment more dissuaded him than any piety and love of religion’.\textsuperscript{163} Lesley was far less inclined than Boece to give credit to the English where credit was due. He has no equivalent to Boece’s chivalrous tribute to Henry IV: ‘King hary com in Scotland with ane army. Howbeit he did smal iniuris to the pepil thaireof ... Always he was ane plesand ennyme. And did great humaniteis to the pepil in al placis of scotland where he wes lugit’.\textsuperscript{164} By Lesley’s account, even when hostilities ended, ‘an old hatred, nonetheless, was ay seen among them’.\textsuperscript{165} It is not surprising that James I, when in captivity in England ‘could not be persuaded by Henry V to draw the Scots from the Frenchmen \ldots the band of love \textit{[between France and Scotland]} still flourishes as this day may be seen’.\textsuperscript{166} This is not the language of a writer who is seriously re-considering the value of the French amity. Moreover the cumulative effect of this long list of atrocities ‘by Englishmen of nature cruel’ is unlikely to predispose his readers in favour of those who perpetrated or ordered them.

\textsuperscript{161} Boethius \textit{Chronicle of Scotland} translated Bellenden. This not to say that Boece has any sympathy with Edward III whom he describes in Book 15 fo. CCxxx as ‘being contemptuous of god, persewit all abays and religious places with great cruelty’. cf. fo, xxviii v.
\textsuperscript{162} Cody, II, 21; \textit{De origine}, 256.
\textsuperscript{163} Ibid., 26; \textit{De origine}, 262.
\textsuperscript{165} Cody, II, 29; \textit{De origine}, 265.
\textsuperscript{166} Ibid., II, 35, 37; \textit{De origine}, 271.
When we come to the period covered by both Histories, there are some significant differences in the second, which may be due as much to changing circumstances as to a change of heart. It has been suggested above that while Lesley’s first Historie is at best reserved about the overtures of friendship from England, with the notable exception of the marriage of James IV and Margaret Tudor, he had every reason to refrain from criticising the immediate ancestors of Queen Elizabeth. By 1578 he had less to lose and, arguably, more to gain if he could convince potential allies of English rapacity and duplicity. Certainly, previously neutral language describing Henry VIII and Somerset, and indeed Elizabeth herself, is given a much more pejorative tone, and even the effect of the marriage of the Thistle and the Rose is no longer ‘perfect peace and sincere amity ... love and friendship and mutual society ... wherethrough justice policy and richesse did flourish and abound’.\textsuperscript{167} Instead, ‘Both England and Scotland hoped for perpetual peace through this marriage which indeed was the occasion of true concord as long as Henry VII lived, but after his death both nations returned to their old habits and set to more cruelly’.\textsuperscript{168} The point is re-iterated. Mention has already been made of the conversion of the ‘ernist desire of the lustie Henry VIII’ to win glory in war to his ‘greedy desire to occupy Scotland either by marriage between Prince Edward and Queen Mary or to win Scotland by force of arms’. This ambition is not peculiar to Henry VIII: ‘the nobility of England made it their whole intent to occupy all Scotland’.\textsuperscript{169} There is no evidence that Somerset’s attempts to win Scots hearts and minds produced significant dividends.

It does not, however, follow that England’s enemy was always Scotland’s friend. Lesley is realistic about the ambitions of the French for Scotland, but the Queen Dowager’s reasons for going to France are more fully analysed in 1570 than in 1578, when a passage which could provide ammunition for those hostile to the French alliance is excised:

\begin{quote}
she thought she had deserved great favour and thanks of the nobility and people, and no less of the king of France and his nobility ... there was great appearance that the realm of Scotland should remain in all time coming not only joined with
\end{quote}

\begin{footnotes}
\item\textsuperscript{167} Lesley, Historie, 1570.
\item\textsuperscript{168} Cody, II, 121; De origine, 342-3.
\item\textsuperscript{169} Ibid., II, 296, 306; De origine, 484, 490.
\end{footnotes}
them in friendship as their principal confederate and ally, like as it had been continually by the space of viii hundred years preceding, but also now it might be made more subject and bound unto them, yea as a province joined unto France by marriage, as Brittany and Normandy are subject at this present ... but most principally to find all means by which she might obtain the government of the realm of Scotland and be regent thereof.\textsuperscript{170}

The citizens of a hitherto autonomous nation could well find the prospect of being ‘subject and bound’ to any foreign power intolerable. Yet in his attempt to identify the reasons for the unpopularity of the Frenchmen who surrounded Mary of Guise, Lesley does in 1578 write baldly if inconsistently, ‘the Queen utterly neglecting the Scots nobility admitted only Frenchmen to her secret counsel, with very few Scots’.\textsuperscript{171}

In 1570 he had referred dispassionately to her appointment of six advisors of whom two were described as Frenchmen. On two occasions the decisions attributed to French advice of ‘Dosie and Rubie’\textsuperscript{172} ‘cause murmur’ but whereas Lesley wrote in 1570 that in order to expel the French from Scotland letters were sent to Germany, the Latin version gives them a more specific purpose; ‘to bring in the Calvinist ministers whom they knew to be seditious persons and perfyt in the perversion of religione’. At this point two of Lesley’s major themes merge into one. By 1559, even more than before, it was impossible to separate faith from foreign policy which culminated in the marriage of the Queen of Scots to the future king of France. By then, too, the death of Mary Tudor, lamented in 1578 as ‘a woman of all virtues’ had led to the \textit{de facto} succession of Elizabeth, earlier described with the conventional courtesies as ‘ane beautiful and virtuous princesse’. Initially, Lesley relates her shortcomings to religion but he soon portrays her as a political threat, so enraged by King Henry’s adoption of the arms of both England and Scotland\textsuperscript{173} that she did all in her power to destroy France and Scotland with domestic feud, and first to lure the Scots from their duty to their Queen.\textsuperscript{174}

Earlier Lesley had correctly identified the ambition of Henry II to obtain England for France, which underlay the proclamation that the Queen of Scotland was also Queen

\textsuperscript{170} Ibid., I, 234; \textit{De origine}, 153.
\textsuperscript{171} Cody, II, 354.
\textsuperscript{172} Henri Cleutiin, Sieur D’Oysel, and M. de Roubay.
\textsuperscript{173} Henry II, King of France 1547-59.
\textsuperscript{174} Ibid., II, 396; \textit{De origine}, 545.
of England, as the ‘caus of great trouble between Frenchmen, Scottishmen and
Englishmen in Scotland’. But of Lethington’s diplomacy which preceded England’s
armed intervention in Scottish affairs Lesley tells little. On the Scots’ relationship with
the English he allows Mary of Guise to have (almost) the last word: in a neat reversal of
Scottish expostulations to her in 1557 she maintained on her deathbed that ‘the English
used Scots but as instruments to serve their own turn; and the support of their own
safety, and not for the weal of any Scottish man’. With that judgement Lesley appeared
to concur. He had written in his epistle to Queen Mary in 1570 that ‘the knowledge of
their [English] history is most necessary to us before all other nations’. Curiously, he
does not mention in 1578, as he had in 1570, that ‘sindre Inglis buikis, ballettis, and
treteis was gevin furth be thame amangis the people, to move thame to sedition’.

At this low point in Anglo-Scottish relations the 1578 History ends. It offers no
support for the contention that Lesley was moving in the direction of unity with England
unless entirely on Catholic terms. But he always had an eye to the main chance - and he
would not have been the only Scot to attempt to link his fortunes to the rising sun. It is
also possible, though unproven, that, as Lockie suggests, Lesley had not relinquished all
hope of assistance from Elizabeth and was still hedging his bets. Certainly, the language he
uses of Elizabeth in his Relatio of 1578 is relatively mild, and the blame for Mary’s
imprisonment is put not on Elizabeth but on her ministers.

Lesley’s second History, alone, runs to almost one thousand pages. It is impossible
to do justice to the wealth of material he provides. But it may at least be suggested that his
‘Roman’ History in particular shows a breadth of vision and a range of reading which he
could not demonstrate in his purely polemical works. Further, perhaps as a result of his
own privations in the Tower, he is more aware than many of his contemporaries of the
suffering of those who paid the price of others’ ambitions in what he himself called ‘a

175 Lesley, Historie, 1570, 269.
176 Ibid., 269.
177 Another was John Gordon, the political maverick who had worked for Calvinists and Catholics in
turn before eventually becoming Dean of Salisbury, probably as a reward for his effusive welcome to
James I and VI in 1604.
world turned upside down’. Yet he shows little interest in attempts to improve their lot. Nor
does he debate the great political questions of the day in any depth. He does provide a mine
of information on which others can draw, and from which he himself can conclude, for
example, that rebellion does nothing but harm to its perpetrators and to the common weal.
Yet even here there is a gulf between precept and practice: while the bishop was
condemning rebellion in theory he was doing all in his power to subvert established
authority in England – but on the grounds that Elizabeth’s title to her throne was neither
ordained by God nor justified in law. Further, if one recurrent theme in 1578 is that
Elizabeth had usurped the throne which rightfully belonged to her cousin, another is that
neither she nor her ancestors had any legitimate claim on the obedience of Scots. Lesley as
historian is pursuing the objectives he had sought through his polemic and his plotting, but
by other means. However, although it seems incontrovertible that the Latin History was
inspired by political objectives, that is not to say that it was a purely political manifesto.
Time and again, he claims to be writing for the commodity of the common weal and to him
this clearly had a religious dimension. There seems no reason to doubt that the purpose
proclaimed in his dedication, to induce the Scottish people ‘to keep to the ways of their
fathers in all good things and especially in their ancestral religion’, was never far from his
mind. Many of the additions made between 1570 and 1578, including almost all the early
history on which he had not previously touched, were to point this particular moral, not
merely to adorn the tale. It would be possible to separate the Scottish, English and Roman
strands which combine together to make up the collected works of this complex
conspiratorial cleric. But without the Historie by John Lesley, ‘Scotsman’, the Scottish
dimension would be lost, and the perspective of the whole impoverished. In the quotation
with which this chapter began, Cody says both too much and too little: Lesley’s Libri Duo,
written for Mary’s spiritual consolation, were in no sense political, and the second part of
Cody’s sentence, ‘and [Lesley’s] politics were summed up in the maintenance of the cause
of Queen Mary and the Catholic religion in Scotland’ leaves out of account the bishop’s
strenuous efforts on behalf of her English claims. In terms of sixteenth-century politics,
Lesley’s History failed. It did not provide the dynamic which the Counter-Reformation
needed to ignite the ill-fated project described at the end of the *Relatio*, towards which Lesley directed many of his energies in 1578. But its influence is to be found in later historical writing, and arguably in the political attitudes of England's future king. It provided information and insights relevant to many aspects of Scottish History not easily accessible elsewhere, and was to be used as a valuable if not wholly accurate work of reference by most later historians of mediaeval and Renaissance Scotland. More immediately, it ensured that the sixteenth-century accounts of the momentous changes in which Lesley was himself a reluctant participant would not be shaped only by the malevolent imagination of George Buchanan.
CONCLUSION

Winzet’s eulogy, with which the Introduction opened, by claiming that Lesley ‘now by his books set forth, hath greater glory and renown’, implies that Lesley was even more distinguished for his writings, mostly conceived in captivity or exile, than for his achievement in high office. But any attempt to contrast Lesley’s writings with his work, defined as his diplomatic, legal and political activity, begs the question. Lesley, like many of those educated in the early sixteenth century had a strong sense of civic duty,¹ and his ideal was to follow Cicero in ‘employing his whole cure for the service of his country’. His outlook, shaped by his education, was essentially political, which need not imply that, as Cody asserted, ‘his politics can be summed up in the cause of Queen Mary and the Catholic Church in Scotland’. The personal devotion of this ‘servus addictissimus’ was, generally, beyond doubt, but his political aims looked beyond his queen, and his interest in the Catholic Church was not limited to the remnant of it within Scotland’s borders – as his activity in Rouen and in Rome itself bears witness. His works may have been conceived as an extension of his diplomacy by other means, but he cannot be dismissed as a propagandist – except in the sense in which almost all sixteenth-century historians on either side of the Catholic/Protestant divide used recent events and past history to re-inforce their views on the political questions of the day.

Lesley did not inherit his political objectives fully-formed. Rather, they developed with changing circumstances. After his departure from England for France rather than to Scotland at the end of 1573, he was free to write without fear of the consequences, though not necessarily without an eye to patronage. He had always insisted on Scotland’s autonomy and deplored attempts, whether by England or by France, to undermine it. The subjection of Scotland to any English overlord, whether Edward I or Henry VIII, was utterly unacceptable, but union by the natural order of succession was another matter. By 1580, to judge by the dedications of his revised books, he had come to see its advantages, which were probably implicit in his emphasis on the identity of language and manners shared by the English and the ‘better’ or more civilised element among the Scots. But he does not falsify past History. No

¹ Evident in the opening pages of the Discourse and in the preface to his Scots Historie.
reader could be in doubt about the attempts made by the English to impose union on their terms, but the blame is usually put on their leaders and Lesley, probably convinced that as an ally for Mary Queen of Scots France was now a broken reed, throws into relief the benefits of removing the occasion for bloodshed, burning and devastation in the Borders and on Scotland’s eastern sea-board: in union with England lay the only hope of lasting peace. The fact that he was quick to see the potential in unpromising situations and to try to turn them to advantage does not make him a ‘time-serving flatterer’, particularly since the advantages he envisaged were intended to be for the benefit of the common weal. His books need not be regarded as a series of rapidly outdated manifestos, to be discarded after a season. Lesley, unlike Boece, had never glorified war, and rarely failed to draw attention to the suffering it could cause. In Lesley’s case, feeling, roused by first-hand accounts of successive sackings of Edinburgh, was probably the basis of conviction; once he was convinced of the desirability of union he could, being the lawyer he was, produce evidence that it could be justified for the common weal, even if Lesley himself was likely to be one of those most obviously advantaged.

James VI and I, *rex pacificus*, was to find on his accession a host of congratulatory addresses, some of which, notably those by Gordon and Henry Howard, celebrated the advantages earlier identified by Lesley (and in a rather different spirit, earlier still by Henrisoun). Precisely what Lesley meant by the two kingdoms growing together ‘in faith’ is a more open question. Very little in Lesley’s past, and nothing in his position as suffragan of Rouen and beneficiary of largesse from Europe’s Catholic rulers, gives grounds for regarding him as a precursor of any ecumenical initiative, and, as Professor Pettegree has pointed out, ‘it was a determination to preserve England as a Protestant nation which gave James his opportunity’.  

It could be argued that the efforts of this ‘very busie man’, remarkably insensitive to the reactions of others, were bound to be counter-productive. ‘Not the stuff of which martyrs are made’, 3 neither was he a natural leader; after 1580, he was certainly considered to be a liability rather than an asset to the Counter-Reformation, however heroic his role in the siege of Rouen was reputed to be. His books, too, failed in their immediate purpose. But if he could

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3 Lockie’s phrase.
not secure Mary’s crown in her lifetime he could at least do something to protect her
posthumous reputation, and ensure that the field was not left clear for those who wished to
blacken it. Dr Wilkinson’s researches into French writings on Mary Queen of Scots have
shown the remarkable dearth of pro-Marian material in France until 1586; one of the two
striking exceptions is L’Innocence de la Reine Marie, half of which is taken from A Treatise
of Treasons. It might have been expected that, given Mary’s French upbringing, she could
count on at least moral support. Further, to quote Wilkinson, ‘Given that Mary would
eventually become such a towering symbol of the Catholic cause, it is remarkable that the
Catholic presses from the 1560s to 1586 chose, for the most part, not to follow her turbulent
career’. This he attributes to a consensus, even among hard-line Catholics, that the English
alliance was necessary to combat the menacing power of Spain and that therefore nothing
should be printed to antagonise Elizabeth I. The absence of French voices in defence of
Mary, at least until she had achieved the status of martyr, enhances the importance of
Lesley’s. By the time the Huguenot assault on her character began, after the massacre of St
Bartholomew, Lesley’s Defence had already been published, twice. He needed to write no
more defences of her character in her lifetime. In any case, unlike the French writers
responsible for the martyrology after her death, he had witnessed most of the events which he
described, or talked to those who had done so. We have seen in Chapter Two that in Scotland
some pamphlets and ballads could be found in Mary’s defence, and we have no means of
knowing how many more may have been suppressed. But that, in Cecil’s view, as early as
1569, ‘in the opinion of the world Mary’s cause seems just’, was largely the achievement of
the Bishop of Ross.

The world’s opinion did not go unchallenged. But what is of lasting interest and
importance are the grounds on which he based his appeal, and above all on the attitude to
resistance which underlies all the works we have considered. The grounds are lucidly and
concisely expressed in what is described in the catalogue of All Souls, Oxford, as ‘an
excellent piece against resistance and deposition of Princes’ headed ‘Testimonies to prove

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4 Wilkinson, ‘Mary Queen of Scots in the Polemical Literature of the French Wars of Religion’ (St Andrews
that the Queen's Majesty of Scotland is unjustly removed from her crown. Delivered by
the Bishop of Ross dated 4 March 1570. In about one thousand words this treatise
encapsulates all the arguments against resistance which appear at different points in his
books, while emphasising that the rulers of England, France and Spain could not be
indifferent to the outcome. Buchanan is refuted with the assertion: 'Kings of Scotland, as
in England France and Spain, are not chosen by noblemen but by succession' and their
family will govern 'as long as it doth continue with lawful issue'. He sweeps aside the
Calvinist claim that magistrates had a disabling authority by virtue of their office: 'Their
subjects be private men, neither can nor ought [they] in any cause whatsoever rise against
their princes to displace them'. This could be regarded as a palpable hit at Mair and
certainly at George Buchanan. The 'teaching of religion' is presented as unequivocal.
Ample evidence is found in First Samuel: 'whereby the right of a king is constituted there
is no liberty at all granted to any subject to resist ... if they be not loyal and obedient the
Lord will not hear them in the day of their tribulation'. Lesley, unlike James VI, makes no
distinction here between kings in their first creation and those of more recent times. The
duty of obedience is asserted without qualification: 'God would that the Jews should obey
even Nebuchadnezzar who possessed the kingdom wrongfully, oppressing them with
great violence and tyranny'. Jeremiah, by the commandment of the Lord, insisted not
only on obedience but on intercessory prayer for the oppressor. He 'exhorted and
admonished the people to pray for the health of the king of Babylon and Balthazar his
son'. The message is clear: 'we are not only restrained from taking up arms against
princes but are earnestly admonished to pray for their good health and long life. Yea
although they be the most terrible tyrants'. So we have Lesley, after the northern rebellion,
making the case against resistance in the most uncompromising terms. It would be
interesting to know for certain whether the date, 4 March 1570 was Old Style; if so this
denunciation of resistance must have been written after the promulgation, which Lesley

University Ph.D. 2001), 257.
5 All Souls MS cc II fo. 123-4
himself had done much to further, of the Bull of Pius V, enjoining it.\textsuperscript{6} Since Lesley must have known that he was suspected of intrigue with Norfolk, it is possible that he was merely seeking approval by an exemplary profession of obedience. Yet nothing in this treatise is contradicted by anything in the works which we have considered above, with the obvious exception of the \textit{Treatise of Treasons}.

Lesley often warned of the dangers of divine retribution.\textsuperscript{7} ‘Albeit many kings in Scripture were overthrown and murdered by their subjects we never read that God allowed the fact but most vigorously took vengeance and punished the murderers’. Retribution would assuredly come, but not through a king’s own subjects: ‘when God was minded to trouble the kings of Judah for their sins he did it not by Jews but by the Babylonians, Assyrians and Egyptians’. Also in what Lesley, euphemistically, calls ‘the time of grace and truth’, Peter and Paul charged servants to obey their masters ‘how hard and rough soever they be; they that resist shall receive to themselves damnation’. Even Nero should be obeyed, not only for fear of vengeance but for conscience sake’. He touches on a dispute between the Catholic polemicist Dr Harding and Bishop Jewell of Salisbury ‘having the rebellious attempts of scots by his adversaries cast in his teeth’, clearly approving the cleric who ‘condemneth as wicked and detestable rebels ... all that under colour of religion pull down or banish their natural anointed sovereign from her estate’. Patristic sources are cited: ‘If our supreme magistrate be wicked burdensome or irreligious we say with St Ambrose “let our weapons be prayers and tears.”’ Lesley passes over Civil law in one sentence, to the observation of Peter Martyr whom, interestingly, he describes as a zealous labourer in God’s vineyard: ‘If it be lawful for the people to put down their princes that reign unjustly, no king is or prince should at any time be in safety’. This clearly was a consideration of which Elizabeth was already aware. But probably no-one then in England could have written with such authority: ‘There is no story in the annals of Scotland that doth make anything for maintaining disobedience to Princes’. Nor is there such a story, or a sentence, in any of Lesley’s authentic works.

\textsuperscript{6} I am most grateful to Dr Norma Potter, Librarian of All Souls, Oxford, for discussing this point with me, and for allowing me to use this manuscript.

\textsuperscript{7} Most starkly in the second edition of the \textit{Defence}. 
Lesley was an expert lawyer, usually with a brief to defend. Before the case for the Queen’s defence was thrust upon him at the age of forty-one, there is no evidence that he had written anything original at all. Not given to speculation or theorising, he thought logically, but, though, like all civil lawyers, he was well versed in natural rights, his mind ran on precedents either in English or Scots law, or in biblical and classical sources. A tendency to argue by analogy can obscure his reasoning. But, within the limits imposed by his mind-set and circumstances, he put on record not only the events of Scotland’s past and his own turbulent lifetime, but also the justification for a highly traditional and consistent attitude to the resistance debate and to a lesser extent to the pre-Reformation Kirk. Finally, he re-examined with some originality questions concerning the nature of kingship, the rights and capacities of women, and the future relationship between Scotland and her most powerful neighbour.
APPENDIX I

Works by or ascribed to John Lesley

1569 *The defence of the Honour of the right highe mighty and noble Princesse Marie Queene of Scotlaxe and dowager of France, with a declaration as well of her right title and intereste to the succession of the crowne of Englannde, as that the regiment of women is conformable to the lawe of God and nature*. Imprinted at London in Flete Strete, at the signe of Justice Royall against the Blacke bell, by Eusebiius Dicaepophile. Anno Dom. 1569.

   Book I Defence of the Honour.

   Book II touching the right title and interest of the Ladie Marie Queen of Scotland, to the succession of the crowne of England.

   Book III wherein is declared that the regiment of women is conformable to the law of God and nature.

Printed at Rheims by J. Fognaeus, but some copies also printed in England.

1570 *A Treatise concerning the defence of the Honour of the Right, High, Mightie aand Noble Princesse, Marie Queene of Scotland, and Douager of france, with a declaration, as wel of her Right, Title and Interest to the Succession of the Croune of england: as that the regiment of women is conformable to the lawe of God and Nature*. Made by Morgan Philippes, Bachelor of Divinitie, An.1570. Leodii. Apud Gualterum Morberium. 1571.

   The first Booke *A Defense of her Honour*. (Also printed in Anderson, Collections, III).

   The second Booke touching the succession. *A Treatise touching the Right, Title, and Interest of the mightie and noble Princesse Marie, Queene of Scotland, to the succession of the crowne of England*. Made by Morgan Philippes, Bachelor of Divinitie, assisted with the advise of Antonie Browne Knight, one of the Justices of the Common Pleas. An 1567. Leodii. Apud Gualterum Moberium 1571.

   The third Booke *For the regiment of women*. Imprimatur: Louvain. 6 March 1571.

   'Hos tres libros ... iudicavi merito edendos esse.


1584 A Treatise touching the Right, Title and Interest of the most excellent Princesse Marie, Queene of Scotland, And of the most noble king Iames, her Graces sonne, to the succession of the Crowne of England. Wherein in conteined aswell a Genealogie of the Competitors pretending title to the same Crowne: as a resolution of their obiections. Compiled and published before in latin, and after in Englishe, by the right reverend father in God, John Lesley, Byshop of Rosse. With an exhortation to the English and Scottish nations, for uniting of them selves in a true league of Amitie, An 1584. All Britaine Yle (dissentions over past) In peace and faith, will growe to one at last.

1586/7 Du Droict et Tiltre de la Serenissime Princesse Marie Royne d’Escosse, & de tres-illustre prince Iacques VI. Roy d’Escosse son fils, à la succession du Royaume d’Angleterre ... par R.P. en Dieu M. Iean de Lesselie Evesque de Rosse, Escossois ... nouvelleement mis en Francois par le mesme Autheur. A Rouen, De l’Imprimerie de George l’Oyselet.
1587 Declaration del Titulo y derecho que la Serenissima Princesse Dona Maria reyna de Escocia, tiene a laa Succcession del Inglaterra ... Compuessto por eel Reverendissimo Senor Don Iohan Lesleo Obispo de Rossa Escoces ... traduzido de yngles en latin y du latin en Espanol por el mismo author.

* [J. Lesley?] A copy of a letter sent out of Scotland, by an English gentleman of credit and worship serving there, unto a friend and kinsman of that desireth to be informed of the truth and circumstances of the slanderous and infamous reports made of the Queen of Scotland at that time restrained as prisoner in England upon pretense to be culpable of the same (undated).

J. Leslie, Discourse conteyning a perfect Account given to the most vertuous and excellent princesse Marie Queen of Scotland ... of his Charge and Proceedings during the time of his Embassage, from his entrie in England in September 1568 to the 20th March 1572. Printed in James Anderson, ‘Collections’, III (Edinburgh, 1727).

J. Leslie, Diary April II-October 16 1571, David Laing (ed.), (Bannatyne Miscellany, III Edinburgh, 1855), 111-57.

* J. Lesley, The Historie of Scotland from the death of King James I in the year 1436 to the year 1561, ed. T. Thomson. (Bannatyne Club, 38, Edinburgh, 1830).

J. Leslie, *Relatio* (or in BL MS Yelverton liv fos. 105-8 *Narratio*) *De Statu Reginae Scotiae principis eius filii et totius Regni brevis narratio ab anno 1542 usque ad 78*, printed as Appendix to D.M. Lockie, ‘A Contemporary Life of Mary Stuart’ in *UBHJ*, IV (1953), 138-145’.


[?] *A Treatise of Treasons*, (Louvain, 1572).
APPENDIX II

List of Manuscript translations of Lesley's *Relatio* made by Francesco Marcaldi with the place where each was written and its present location. This list is taken from David McNaught Lockie's unpublished 'Brief Bibliography of the works of Francesco Marcaldi' and is included with his permission. Unless otherwise stated, the title of each is 'Narratione della Regina di Scotia'.

1578 Dec. 6, Florence. Now in Edinburgh University Library, Laing Mss.
1580 Feb. 8, Siena. New York, Pierpoint Morgan Library.
1580 March 6, Venice. Paris, Bibliotheque Nationale, Manuscrits Italiens 2307.
1580 March 8, Venice. Location unknown, but mentioned by Scott. [Possibly E.U.L. Ms. Laing iii 238 which bears name of Francesco Marcaldi and date 5 March 1580].
1580 April 11, Rome. BL Add. Ms. 9292 fos. 94v-105v. copied 'from Ms in Vatican Library.
1580 April 11, Rome. PRO Roman Transcripts LXXVII.
1581 April 8, Venice. BL Harleian Ms. 4158.
1581 May 29, Venice. Location unknown (Scott quotes Nicolson, 165, who says it was given to him by John Evelyn).
1581 Dec. 15, Bologna. Location unknown but mentioned by Scott.
1582 May 1, Milan. Milan Ambros. cod. E4.
1582 May 15, Milan. Turin National Library cod. 0 VII 38.
1583 Jan. 21, Cremona. Location unknown but mentioned by Scott.
c. 1584. Described as 'Relatione di Scotia del Sig. Ran Marcaldi 1548-84'.
1586 March 17, Turin. Turin National Library.
1587 Feb., Perugia. Perugia Communal Archives Ms 1140 N. 42. Mentioned by G.M. Monti in Archivo Scientifico VIII (1933-4), Royal Institute of Economic and Commercial Science of Bari.


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BUL misc. NRA 32504  Treatise on the succession.

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MSS Gg.iii.34, 10117.
MS III 34 116-44.

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MS Laing iii 392 fos. 12-48 The title of Mary Queen of Scots.
MS Laing iii.239 Vita della Regina di Scotia ‘F.M.’ (Italian translation of Lesley’s
Relatio;; attributed by Lockie to Francesco Marcaldi ), 24 Jan 1580.
MS Laing iii.238 similar, bears name F. Marcaldi., 5 March 1580.
MS Laing iii 392 fos. 50-100 ‘Dialogue between Sgts Brown and Fairfax on the purpose of
the  ... succession’.

British Library
BL Add. 48027 (formerly Yelverton, 31), Discourse.
BL Add. 48048 ( formerly Yelverton 53), Historie.
BL Add. 48027 fos. 284-91.
BL Cotton Caligula C iv fo.201-237 (early 17C) Lesley, Discourse.
BL Cotton Caligula C iii, fo. 4-40 Diary.
BL Cotton Caligula B IV fos. 1-94. Plowden, The two bodies of the king.
BL Hargrave 199.
BL Harl. 555 fos.1-10 John Hales.
BL Harl. 555 fos. 11-47 The Argument and Aunswere of Sir Nicholas Bacon.
BL Harl. 537 fos. 50-55 Harley 555.
BL Harl. 849 fos.1-38 Edmund Plowden, A treatise proving that the Quene of Scotts is not
disabled . . .with Prologue and section on will of Henry VIII.
BL Harl. 4627, art 2. Anon., Allegations against the surmised title of the Quine of Scots and
the favorers of the same. [also printed copy in BL C. 55. c. 3.)
BL Lansdowne 254, fols. 185-98 The Argument and Answere of Sir Anthony Browne knyght
unto the Matters of Sir Nicholas Bacon knyght ; same as Harl. 555 fos. 11-47, above.
BL La. ccliv 18.
BL La. dccclx.
BL Sloane 16 fo.46.
BL Sloane 827 fos. 1-18.
BL Sloane 1427 fos. 7-31v. Discourse.
BL Stowe 272 fo.2.
BL Stowe 273 Answer to Ross.

**Inner Temple Library**
MS Petyt 530 Vol. A (Historie).

**Lambeth Palace Library**
MS 566 Piae Afflicti (Lesley’s hand).

**PRO**
SP 53/9/7PRO Discourse.
PRO Royal Wills E. 23 (4) The will of Henry VIII.

**Northamptonshire Record Office**
F(M)P 226 Fair copy of first part of 223.
F(M)P 225a Discourse conteining a true declaration of the friendlie and honest parte kept at all times by the Bishop of Ross toward the late Duke and others that were touched in the late proceedings.

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