

**A VINDICATION OF JAMES
HEPBURN, FOURTH EARL OF
BOTHWELL, THIRD HUSBAND
OF MARY, QUEEN OF SCOTS**

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A Vindication of James Hepburn, fourth earl of bothwell, third husband of Mary, Queen of Scots by J. Watts De Peyster

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J. WATTS DE PEYSTER

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A VINDICATION

OF

JAMES HEPBURN,



FOURTH EARL OF BOTHWELL,

THIRD HUSBAND

OF

MARY, QUEEN OF SCOTS.

"KIEP TREST" (*Be Faithful*).—BOTHWELL'S MORRO.

"ARE THESE THINGS SO?"—*The Act*, vii. l.

"Neither can they prove the things wherof they now accuse me."—*THE ACTS*, xxiv. 13.

"With him his Fortune played as with a ball,
She first has tossed him up, and now she lets him fall."

.. Verse on Medallion of Count GARNERUS, Royal Library, Copenhagen.

BY

J. WATTS DE PEYSTER,

"ANCHOR."

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1882.



JAMES HEPBURN, EARL OF BOTHWELL,¹

THIRD HUSBAND OF MARY, QUEEN OF SCOTS.

" But who that Chief?—His name on every shore
Is famed and fear'd—they ask, and know no more.
With these he mingles not but to command ;
Few are his words, but keen his eye and hand.
Ne'er seasons he with mirth their jovial mess,
But they forgive his silence for success.

* * * * *
' Steer to that shore !'—they sail. ' Do this !'—'tis done.
' Now form and follow me !'—the spoil is won.
Thus prompt his accents and his actions still,
And all obey, and few inquire his will.

* * * * *
Yet they repine not, so that Conrad² guides ;
And who dare question aught that he decides ?
* * * * *

Still sways their souls with that commanding art
That dazzles, leads, yet chills the vulgar heart.
What is that spell that thus his lawless train
Confess and envy, yet oppose in vain ?
What should it be that thus their faith can bind ?
The power of Thought,—the magic of the Mind !
Linked with success, assumed and kept with skill,
That moulds another's weakness to its will ;
Wields with their hands, but, still to these unknown,
Makes even their mightiest deeds appear his own.
Such hath it been, shall be, beneath the sun,—
The many still must labor for the one !
'Tis Nature's doom ; but let the wretch who toils
Accuse not, hate not him who wears the spoils.
Oh ! if he knew the weight of splendid chains,
How light the balance of his humbler pains !"

BYRON'S " *Corsair*," ¶¶ ii., viii.

¹ Curious to say, this name or title of Bothwell was spelled in documents of the time in twenty-four different ways.

² Alphonse de Lamartine, in his " Marie Stuart," or " Regina," says that Byron predicated his poem, " The Corsair," on the maritime career of Bothwell, Lord High Admiral of Scotland, with whose wife, Lady Jane Gordon (divorced to enable the Earl to marry Mary Stuart), the poet was indirectly connected through his mother's ancestry. See letters of Sir Gilbert Elliot (first Earl of Minto, 1, 2, note and 24, note), said to be kin, by some line of descent, with John Elliot, of the

THERE are few facts in history which are so startling as the general ignorance of the reading classes as to the real portraiture of some of the most remarkable characters who in so many cases have influenced nations, and in a few instances the world. These few resemble mountains like Ararat, which until within a few years have scarcely been explored at all, and have only been ascended by a small group of daring men. There are others, again, like Mount St. Elias, that loom up through centuries as that volcano is visible for an immense distance, yet has neither been climbed nor examined. In many respects the greatest man in history, with the exception of St. Paul, was Hannibal, and yet how very, very little is known of him except through his enemies, whose instincts and interests compelled a misrepresentation of him. It is true that in his case his own language, not only as a living and a dead one,—*i. e.*, in speech and writing,—and every exemplar of the Punic records, has perished from the face of the earth. He wrote his name, however, in blood and desolation so indelibly that his victories and his stratagems are "Household Words." The proverb "*Hannibal ad portas*" still signifies the presence of a terror imminent and dreadful. His wisdom, his virtues, how few are aware of them! And yet in both he was as pre-eminent as in valor and victory. He was a victim of the "Irony of Fate" and of the vices and virulence of political faction. He was greatest when no longer victorious, and the expression "Hannibal's Ring" signifies at once the refuge of despair and the ever-ready resource by which escape is only possible from the meanness and malice of triumphant enmity. Like the greatest Carthaginian, the greatest German, Frederick the Nonpareil, carried ever with him poison in a ring, determined not to survive the last humiliation. Hannibal was compelled to use it, Frederick was not. *GOD willed it to be so.* That is the only possible explanation.

Another of the same unhappy class is Richard III. of England. His character is the synonym for all that is bad except cowardice. Is this the true verdict?

"No! by St. Bride of Bothwell! No!"

The exact reverse is most probably the fact. Whence, then, is the popular and erroneous opinion derived? From Shakspeare's tragedy.

Park, the celebrated Borderer or Outlaw, who claimed to be, if not the head of his name, at least the chief of a powerful branch of the Elliots, and by hereditary right Captain of Hermitage Castle, and who was killed in a personal encounter with Bothwell near Hermitage Castle, in Liddelsdale.

This way of judging Bothwell from the nineteenth century standpoint of morality is ridiculous. He must be judged or gauged by his times. Some of the worthies of England were pirates, as he is falsely charged to have been, or, worse, abettors of piracy, sharing proceeds but not dangers. Hawkins, a great English admiral, was a kidnapper of negroes and father of the English-African slave-trade.

Was Shakspeare honest in his convictions? There are many reasons to believe he was not. He was a courtier. His success depended on the favor of a circle of influential men, who themselves were neither more nor less than sycophants of a Queen whose favorite food was fulsome flattery. No extreme of that cloying sweetness was unpalatable. Richard III. was the head of the House of York, Elizabeth's grandfather of the House of Lancaster. Richard had been one of the most potent factors in the Wars of the Roses, which for twenty-four years drove forth the Lancasterian Line and occupied their throne. If Richard was the rightful monarch, Henry VII. was a rebel and a usurper, and Elizabeth, branded with bastardy by a party at home and a creed everywhere, was likewise not the legitimate tenant of her royal seat. Shakspeare did not dare to do Richard justice, and his genius, perverted in this instance to a cruel crime, painted his historical picture to please the woman who wielded the sceptre with more than ordinary masculine force. The great Marlborough stated that all that he knew of English history was derived from Shakspeare's plays. How many who would not admit this truth are nevertheless under the same mesmeric influence? Physically Richard was not the deformity of popular conception. In many respects he was handsome. His mental gifts have never been denied. His intelligence was very extraordinary. In every kind of courage he was a hero. What remains to be examined? His morals. By what rule are they to be judged? His own dark era, or by the present of electric lights? The writer has examined several works which completely clear Richard from the crimes imputed to him. As was said of Louis Philippe, years after he was driven forth, "France will yet inscribe him among her good kings." Had Richard conquered at Bosworth Field, there is little question but that instead of being condemned he would have been "crowned"—to use the word in the French sense in regard to a successful competitor in art, science, or general literature—by posterity. These preliminary remarks must serve as a preface to the subject of this article, James Hepburn, Earl of Bothwell. The intention has been to lead up, step by step, the reader's attention to the consideration that follows. The Battle of Bosworth was fought 22d August, 1485. Just eighty-two years afterwards an engagement occurred in Scotland, at Carberry Hill, 15th June, 1567, which was equally decisive of the ascendancy of two men, James Hepburn, Earl of Bothwell, and James Stuart, Earl of Murray. The former, the most manly, like Richard III., lost his cause, and, like the Yorkist scion also, has been handed down to posterity blackened and blasted by a fury of obloquy as entirely false as utterly undeserved in many respects. The latter, like Henry VII., was as cunning as a fox, ever "looking through his fingers" at evil deeds by which he expected to profit without exposing his fingers to the heat by which the chestnuts for his eating were being roasted. It

was not until over three centuries had elapsed that Bothwell found a defender, one Dr. Petrick, who published in German (imprint, Berlin and St. Petersburg, 1874) a complete vindication of Bothwell, which, strange to say, agrees not only in idea and expression, but often in the very words with the views taken by the writer, as set forth in "A Study: Mary, Queen of Scots," published at New York in February, 1882. With the indefatigable research of a German critic,—in this respect unexceeded and seldom equaled by historical investigators in other countries,—with an analysis of animus, argument, anecdote, allusion, and authorities worthy a chemist in search of arsenic in a corpse, and with the logic of an experienced lawyer, Dr. Petrick demolishes the corrupt testimony on which Bothwell has been condemned, and accumulates rebutting evidence on which he must be acquitted. If ever there was an ambitious, hypocritical, astute, and bold competitor for sovereign power, from which he was debarred by illegitimate birth, it was this Earl of Murray. Subservient to the clergy through policy, he found it the best investment of his life, and it served him not only while he lived, but has been equally precious to his memory. With their long black cloaks Knox and the preachers covered him, stained with political crimes, from the stigma of individual fraud, and calculated personal ingratitude to his forgiving sister, Queen Mary, and veiled the truth from the eyes of the people, and then threw their sanctimonious robes over his corpse, as a similar protection to his reputation, after he had been shot by Bothwellhaugh.

Murray was the favorite of the clergy, who are evil cattle to provoke, and invaluable friends if cunningly cultivated. Charles Martel preserved France from Mahometanism, but taxed the priesthood for the benefit of the troops which enabled him to triumph, and the priests consigned the savior of Western Christendom to eternal fire, obloquy, and misrepresentation. The Puritans and their descendants wrote the history of the United States, and they arrogate to New England the origin of a greatness due far more to New York and Hollandish-Huguenot influence. Even so it was with Bothwell. The parties he opposed in policy and in arms have furnished the particulars of his story.

One of the recent German biographers of Mary remarks that the blacker Mary's champions succeed in painting Bothwell the whiter they hope thereby to make Mary appear; but here is a fit application of the motto selected by the Marquis de Nadaillac for his great work, "*Les Premiers Hommes et les Temps prehistoriques*," "*FACTA NON VERBA*," adding (ii. 463, (1)), "Abuse is never argument, and it has always seemed to me that those who resort to abuse as a weapon do so because they have nothing more available."

And here let it be remarked, although in a measure out of place, but for emphasis, scarcely one who united in betraying Mary and

Bothwell but expiated their sins by the assassin's bullet, in brawl or battle, on the scaffold by the cord or axe, in the gloom of a cell or a dungeon, or some other unnatural end.

Every human being is a product! Mary was the natural result of ancestry, education, elevation, time, place, and circumstance. The same remarks apply to Bothwell. Mary was not a worse woman than her grandmother, her mother-in-law, her sister-in-law, nor the majority of the ladies by position in France and in Scotland. To judge her by public opinion to-day would be just as reasonable as to subject the Bishops in Scotland just prior to her accession to the same touchstone that would be applied to the private and public life of a prominent clergyman in the Middle States at present. Burton is almost stunning in his revelations of the morals of the spiritual as well as temporal aristocracy of Scotland at that time. He tells us (iii. 186) during the reign of James V., father of Mary, "A great tide of profligacy had then set in upon Scotland, and the clergy were the leaders in it." "Priests," said Garibaldi, "are [and have been, in many instances] the greatest scourges of mankind." True! Aye!

"Some families (he adds, iii. 308-9) of the poorer landed gentry held in relation to churchmen a position that could not but subject them to humiliation. Their sisters or daughters were the known concubines of rich ecclesiastics, and held rank accordingly. For many of the clergy who lived in concubinage, according to the letter of the law, there was doubtless the plea that morally they led a life of married domesticity. . . . Every man who practiced it was a law unto himself. There was no distinct sanction drawing, as the law of marriage draws, an obvious, unmistakable line between domesticity and profligacy."

"And of many of the great, rich churchmen, such as Cardinal Beaton and his successor, it was known that they did not profess these humble domestic views, or place themselves in the position of dissenters from the Church, by affecting the life of married persons. They flared their amours in the face of the world, as if proud of the excellence of their taste for beauty and the rank and birth that had become prostrate to their solicitations. It seemed as if their very greatness as temporal grandees enabled them to defy the ordinary laws of decorum, while their spiritual rank secured to them immunity from that clerical punishment which it was their duty to pronounce against less gifted sinners."

If professed moralists were to undertake to apply the elastic laws of Moses and the real interpretation of the Seventh Commandment to the lives of Scottish magnates, and contrast Bothwell with those who ought to have set an example, they would have to pronounce a merciful judgment on him.

Mary Stuart—to whom might be applied with more real justice than to the lady for whom they were originally intended the lines of Alfieri, addressed to his beloved Louisa, Countess of Albany:

"Bright are the dark locks of her braided hair,
 Grecian her brow, its silken eyebrows brown;
 Her eyes—oh, lover, to describe forbear—
 Life can their glance impart, and death their frown!
 Her mouth no rosebud, and no rose her cheek
 May emulate in freshness, fragrance, hue;
 A voice so soft and sweet to hear her speak
 Inspires delight and pleasures ever new;
 A smile to soothe all passions save despair;
 A slight and graceful form; a neck of snow;
 A soft white hand, and polished arm as fair;
 A foot whose traces Love delights to show;
 And with these outward charms, which all adore,
 A mind and heart more pure and perfect given;
 For thee thy lover can desire no more,
 Adorned by every grace and gift of Heaven."

—Mary Stuart, the Fate of Bothwell, was a conscienceless flirt, but not altogether the bad woman that all but her devoted champions conclude. She was a good wife to her first husband, Francis II. The very ardor of her love killed him. After his death she had fancies, guilty in some senses, but not criminal. It is very likely that in the early time of her widowhood she had a sneaking kindness for Bothwell. The French proverb, "To agree too well is sometimes dangerous," applied to their case. Darnley, who made a trip to France in the wild hope of winning her, soon after Francis died, she would not look at. She preferred D'Amville, one of the noblest Frenchmen of the day, who was in love with her. He was married. It is insinuated that a suggestion was made to him that the obstacle of a wife might be easily removed. In spite of his passion he was a gallant gentleman, and tore himself away from the temptation. Chastelar and Gordon were fancies. Mary did not hesitate, as do most women of her kind, to sacrifice both to expediency, the first as a sop to public opinion, suspicious in regard to herself, and the second to the momentary pressure of politics. "What a pity," cried Knox, "the de'il should ha'e his abode in sic' a piece of bonnie painted clay!" "Mary," quoth Laurie Todd, "was a deep, dissembling, polite woman."

"Bathsheba's [Mary's] was an impulsive nature under a deliberative aspect. An Elizabeth in brain and a Mary Stuart in spirit, she often performed actions of the greatest temerity with a manner of extreme discretion. Many of her thoughts were perfect syllogisms; unluckily they always remained thoughts. Only a few were irrational assumptions, but, unfortunately, they were the ones which most frequently grew into deeds." The Duke d'Aumale, in his "History of the Condés," styles her justly the "MEDUSA OF BEAUTIES,"—admirable, perfect comparison; excellent. "Ada [Mary] is the magnetic mountain of the Fairy Tale: she attracts every one; every one is wrecked, burned. She has nerves of steel and a heart of granite."