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Abstract

This paper examines the culpability of Elizabeth and her Councillors in the execution of Mary, Queen of Scots, the woman who threatened to take Elizabeth's throne and life away from her.

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By Melissa Koeppen

This paper examines the culpability of Elizabeth and her Councillors in the execution of Mary, Queen of Scots, the woman who threatened to take Elizabeth's throne and life away from her.

On February 8, 1587, Mary, Queen of Scots was executed after being found guilty of conspiring in the Babington Plot to have her sister queen, Elizabeth I, murdered. When word of the execution reached Elizabeth, she argued that she had never ordered the execution. Elizabeth blamed the incident on her Secretary of State William Davison and Lord Treasurer Burghley. Davison claimed that under Burghley's instructions he had gone to Elizabeth to obtain the royal signature for Mary's death warrant. On February 1st, Davison said Elizabeth called for him and instructed him to have the death warrant sealed. However, Elizabeth claimed she had told Davison to keep the signed warrant secret and to keep it with him until further notice.¹ Davison argued that Elizabeth discussed assassination as an alternative to executing Mary. But when she drafted a letter to Sir Amyas Poulet, Mary's keeper during her imprisonment, regarding assassination of Mary, she received a discouraging response. Davison addressed this issue with Burghley, who then addressed the Council. It was Burghley who said that the Queen "had done everything she could do" but she had said to Davison, "she wanted to hear no more of it until it was done."²

Did Davison and the other Councillors go against the Queen's presumed wishes? Did Elizabeth use Davison as a scapegoat so she could claim innocence in the execution? Sir John E. Neale, former Astor Professor of English History at University of London, discussed the idea that Davison was Elizabeth's scapegoat. Wallace MacCaffrey, the latest key authority on Elizabeth and Emeritus Professor of History at Harvard University, insinuates it was the Councillors who pushed for the execution. Another key authority, Conyers Read, former Professor of History at Princeton University, University of Chicago, and University of Pennsylvania, insinuates that Elizabeth had more to do with the execution than she would admit, and he, like Neale, suggests that Elizabeth used Davison as her scapegoat. Since these historians have differing ideas, the primary evidence must be examined to find the historical truth regarding the trial and execution of Mary, Queen of Scots.

As early as 1584, Elizabeth's Councillors discussed the perceived threat Mary posed. Davison wrote to Sir Francis Walsingham and discussed his concerns that the Scottish king, James VI, was being "guided and governed" by his mother, Mary.³ In another correspondence, Davison wrote to Burghley to discuss Mary's influence on Scotland and the "dangerous state of things there."⁴ Prior to the Babington Plot, Elizabeth's Councillors had labeled Mary as a threat to Elizabeth's life and throne.

To further protect Elizabeth and her throne from assassination conspiracies, the privy council, on their own initiative, drafted the Bond of Association, which was essentially a written

¹ John E. Neale, *Elizabeth I and Her Parliaments*, vol. 2, 1584-1601 (New York: St. Martin's Press, 1958), 137.

² Conyers Read, *Lord Burghley and Queen Elizabeth* (Oxford: Alden Press, 1960), 367.

³ Markham John Thorpe, ed. *Calendar of State Papers Relating to Scotland*, vol. 1, *The Scottish Series, of the Reigns of Henry VIII, Edward I, Mary, Elizabeth 1509-1589* (London: Longman, Brown, Green, Longmans, & Roberts, 1858), 475.

⁴ *Ibid.*, 476.

oath signed by thousands of Englishmen.⁵ It was primarily the work of Walsingham and Burghley.⁶ Both these men saw Mary as the clear cause of Elizabeth's problems.⁷ The Councillors went so far as to condemn Mary and to pledge to refuse to "accept or favor any such pretended successor, by whom or for whom any such detestable act shall be attempted or committed...."⁸ In addition, the Councillors pledged that anyone who "shall pretend title to come to this crown by the untimely death of her majesty so wickedly procured (which God of His mercy forbid!) that the same may be avenged...."⁹ In the Bond of Association, it is evident that the Councillors perceived Mary as a threat to Elizabeth.

Elizabeth claimed she had known nothing of the Bond of Association until after it had been drafted and sealed copies were brought to her. Whether or not Elizabeth was actually aware of the drafting of the Bond of Association is not known. Neale speculates that not only did Elizabeth know about the drafting, but that she played a part in the writing of the first draft.¹⁰

The Act for the Queen's Safety, inspired by the Bond of Association, was also enacted in 1585. The interesting fact about the Act for the Queen's Safety is that there was a demand for Mary's death in Parliament while the Act was being discussed.¹¹ Even Parliament perceived Mary as a key threat to Elizabeth's life and throne.

Before the Babington Plot broke, Mary was already under the careful watch of Sir Francis Walsingham.¹² Walsingham had given Poulet very repressive and detailed instructions for Mary's daily life. In addition, Walsingham took it upon himself to screen all of Mary's incoming and outgoing correspondence.¹³ When the first letters concerning the Babington conspiracy began to circulate, Walsingham gathered the necessary papers that were conclusive evidence that Mary had given "cordial approval" in the Babington Plot.¹⁴ Some of the most incriminating parts of Mary's letter to Babington include her discussion setting "the six gentlemen to worke, taking order vpon the accomplishinge of their desseinge" and her advice to Babington to "take hede of spies and false brethren...alreadye practiced by our enemies for your discoverie...."¹⁵ Since Walsingham had access to Mary's letters, it is very possible that he could have added postscripts to her letters being sent to Babington in order to gain additional information about the Babington Plot. Read discusses the idea that the first of the two quotes above concerning the six gentlemen may have been written by Walsingham in hope that a further response would help him gain even more information about the Babington Plot.¹⁶ As Read suggests, Mary's letters may have been screened by Walsingham, and since he had the ability to add to her letters, historians cannot know whether or not the letters are entirely her own.

⁵ Jayne Elizabeth Lewis, *The Trial of Mary Queen of Scots: A Brief History with Documents* (New York: St. Martin's, 1999), 91.

⁶ Neale, *Parliaments*, 16.

⁷ Read, *Burghley*, 293.

⁸ Lewis, *Trial*, 92-93.

⁹ Lewis, *Trial*, 92.

¹⁰ Neale, *Parliaments*, 17-18.

¹¹ Neale, *Parliaments*, 32-33.

¹² Mary was already under Elizabeth's seclusion due to her involvement in the Ridolfi Plot.

¹³ Conyers Read, *Mr. Secretary Walsingham and the policy of Queen Elizabeth*, (Cambridge: Clarendon Press, 1925), 3:4.

¹⁴ Neale, *Parliaments*, 104.

¹⁵ Conyers Read, ed. *The Bardon Papers: Documents Relating to the Imprisonment & Trial of Mary Queen of Scots*, vol. 17 (London: Office of the Society, 1909), 36-38.

¹⁶ *Ibid.*, 132.

When the Babington Plot broke in August 1586, the main conspirators were found guilty and executed. It was then that Councillors, judges, and a commission of peers went to Fotheringay Castle to try Mary for her knowledge of and conspiracy in the Babington Plot.¹⁷

Prior to her trial, Mary received a letter from her sister queen, Elizabeth. As her letter conveys, Elizabeth was quite upset with Mary's latest actions since Elizabeth felt she had "never proceeded harshly against" Mary, but rather had "protected and maintained" her.¹⁸ Prior to the Babington Plot, Elizabeth had already saved Mary from implications of being involved in the Ridolfi Plot and unsuccessfully attempted to preserve Mary's political authority and right to the English throne.¹⁹ Elizabeth reminded Mary that "these treasons will be proved to you..." Elizabeth seemed to be insinuating to Mary that those involved in trial had already found her guilty. Thus, Elizabeth pressed forward to instruct Mary to "act plainly without reserve" so that she could "obtain favor" from Elizabeth.²⁰ Elizabeth seemed to be torn by her anger toward her sister queen. She said she believes Mary to be guilty, but also suggested to Mary to try to obtain her favor. Elizabeth seemed to be trying to remain illusive about her actual thoughts concerning the matter.

Elizabeth also sent a letter to Burghley after hearing word that Mary was refusing to submit herself to trial. Elizabeth instructed Burghley that "upon the examination and trial of the cause you shall by verdict find the same queen guilty of the crimes wherewith she standeth charged..."²¹ It is interesting that a queen who became so distraught over Mary's execution would want her to be found guilty of the charges, which forced Elizabeth into signing Mary's death warrant. Maybe Elizabeth had pretended to be less involved in Mary's execution than she was.

Just prior to the trial, another letter whose author and recipient are unknown was sent from Fotheringay Castle to someone at the English Court. In the contents of the letter, the author discussed his interview with Mary prior to the trial. The author relayed that Mary was not willing to yield herself to the judgment of those inferior to herself and that he tried to convince her to "confess... plainlie the wronge she had done to hir Majestie to submitt hir selfe to the good pleasure of God."²² Whoever the author of this letter was, it is evident that someone tried to pressure Mary into confessing her guilt to the queen. It has been speculated that the letter was written by either Poulet to Walsingham or Burghley to Davison.²³ If the author was Poulet, the letter is merely an account of Mary's day. If the author was Burghley, the letter is more incriminating as to who was truly behind the ordering of Mary's execution. It clearly showed his prejudice against Mary and wish to see her removed as a threat to the Queen.

During Mary's trial, the Councillors and commission of peers had a condescending attitude toward Mary. In various statements made by Councillors at the trial, they made it widely known that they had already found Mary guilty and there was very little she could do to save herself. At the beginning of the trial, Mary learned she was basically being tried as one of Queen Elizabeth's subjects under the Bond of Association and Act for the Queen's Safety. While Mary

¹⁷ Neale, *Parliaments*, 104.

¹⁸ G. B. Harrison, ed. *The Letters of Queen Elizabeth I*. 2d. ed (New York: Funk & Wagnalls, 1968), 181.

¹⁹ Anne McLaren, "The Quest for a King: Gender, Marriage, and Succession in Elizabethan England," *Journal of British Studies* 41 (July 2002): 284.

²⁰ Harrison, *Letters*, 181.

²¹ Leah S. Marcus, Janel Mueller and Mary Beth Rose, eds. *Elizabeth I: Collected Works* (Chicago: University of Chicago Press, 2000), 288-289.

²² Read, *Bardon Papers*, 65.

²³ Read, *Bardon Papers*, 64.

protested and declared, "she was no subject," the Councillors pressed on by proclaiming since she had been kept under Elizabeth, she was under "the common law of England."²⁴ The laws that Mary and the Councillors discussed during the trial are the same laws previously discussed, which were specifically designed with Mary in mind. Looked at this way, the Councillors were very close to bringing about their goal of ending the threat to Elizabeth's life and throne. Toward the beginning of the trial, Sir Francis Gawdy explained which parts of the law Mary had offended in her role in the Babington Plot and asserted that Mary "knew of it, approved it, assented unto it, promised her assistance, and shewed ways and means." Then the Babington Letters were read to the court, after which Burghley explained that "the whole letters... have been read openly, for the circumstances do give assurance what matters you dealt with Babington about." However, Mary argued that if her letters had not been taken from her and she had the convenience of her Secretary, she would be better able to defend herself against these allegations.²⁵ Burghley replied by saying, "neither your papers or secretary will avail you... [for you] have affirmed that you sent those Letters to Babington." Mary responded by calling Burghley her adversary, and he replied that he was an "adversary to Queen Elizabeth's adversaries."²⁶

The records of Mary's trial were compiled by the notes of those present, who included two persons designated as writers. It would have been nearly impossible to write by hand every word uttered in the courtroom. In addition, Mary spoke very broken English due to her time spent in France. Therefore, how accurately were the writers able to record her statements? Whose spoken words were left undocumented? Which statements in particular? Did the two journalists favor Mary or Elizabeth, and if so, did they allow this to influence their notes of the trial? A completely accurate record of trial is unattainable due to the faultiness of its records.

When Mary's trial concluded, Parliament gave speeches and had open discussion about Mary's sentencing. They also held audiences with Elizabeth. During the audiences held between Parliament and Elizabeth, Elizabeth gave two speeches. In her first speech, she declared that if it were not for "the safety and welfare of my whole people, I would (I protest unfeignedly) most willingly pardon her."²⁷ If Elizabeth were trying to draw the attention away from herself and unto her subjects and make it seem as though she is more worried about her subjects than her own life, then why did she write to Burghley and tell him to have Mary found guilty? At a later point in her first speech, Elizabeth asserted that Mary was bound to the English laws but reaffirmed that the late act "was no ways prejudice to her."²⁸ Rather, Elizabeth explained that the law was in place to warn her, but since Mary still acted against the Queen and the law "was in force," there was no reason not to "proceed against her according to the same."²⁹ But, if the laws almost explicitly name Mary, then why did Elizabeth feel the need to restate that they were not prejudiced against her? It seemed that this was just another way for Elizabeth to maintain her image of innocence. Furthermore, Elizabeth explained that because of "this last Act of Parliament" she must "order for her [Mary's] death."³⁰ The Councillors' plan to somehow remove Mary as a threat had worked. Elizabeth felt her hands were tied in the matter due to the

²⁴ Lewis, *Trial*, 96-97.

²⁵ Lewis *Trial*, 106

²⁶ Lewis, *Trial*, 106.

²⁷ Lewis, *Trial*, 109.

²⁸ Lewis, *Trial*, 109.

²⁹ Lewis, *Trial*, 109.

³⁰ Lewis, *Trial*, 110.

Acts of Parliament, which the Councillors had drafted with specific language aimed toward Mary.

Eventually, Mary's sentence was issued and proclaimed in the English countryside and towns. Immediately following the proclamation, Walsingham drafted and Burghley endorsed the warrant for Mary's execution. Soon after, Burghley drafted the necessary papers permitting Poulet to surrender Mary for execution.³¹ The speed at which these men drafted these documents show that the Councillors were adamant about having Mary executed. In addition, during the drafting of the proclamation, Burghley wrote a letter to Davison in which he expressed his wishes that the Queen would allow for execution and follow the advice of her own people rather than foreigners.³² Burghley had, thus far, played a pivotal role in the proceedings against Mary and continued to do so. In late December of 1586, Elizabeth had Burghley draft Mary's execution papers. The papers were then given to Davison to obtain Elizabeth's signature when the time called for it.³³

On February 1, 1587, Elizabeth signed Mary's death warrant.³⁴ Just after Davison had obtained Elizabeth's signature, he told Sir Christopher Hatton that the warrant had been signed, but he feared how Elizabeth would behave when the execution was called for. Both men then went to Burghley, who decided that the Privy Council should be summoned to discuss the matter of Mary's execution. At the meeting, it was Burghley who suggested that they send the warrant under their authority and relieve Elizabeth from that extra burden.³⁵ Did Elizabeth's Councillors fear she would be unable to go through with the execution and think it better to end the threat to Elizabeth's life and throne behind her back? It seems that the Councillors were willing to undermine Elizabeth's authority and chance their own lives to remove Mary as a threat.

Around the same time Elizabeth signed the warrant, she sent a letter to James VI. James had requested that his mother be sent into the neutral custody of a foreign prince. In her response, Elizabeth asked if James thought her "so mad to trust my own life in another's hand and send it out of my own?"³⁶ She also refers to the "absurdity of such an offer."³⁷ In this letter, Elizabeth placed the focus on James's offer rather than on the circumstances surrounding Mary at the present time. She did not say she was unwilling to give Mary to a neutral prince because she was either considering signing the execution warrant or had already done so. Elizabeth withheld from James any more of a response than was necessary. It seemed that Elizabeth intentionally focused this letter's content on James's request to divert attention from her intention to sign Mary's death warrant.

After Mary's execution, Elizabeth wrote another letter to James. Elizabeth referred to Mary's execution as a "miserable accident which (far contrary to my meaning) hath befallen."³⁸ Elizabeth claimed innocence in calling for Mary's execution, but what she wrote next left a sense of doubt as to her innocence in the matter. She told James that she had "now sent this kinsman of mine... to instruct you truly of that which is too irksome for my pen to tell you."³⁹ While one may infer that Elizabeth sent a kinsman to explain the actual happenings of Mary's execution,

³¹ Neale, *Parliaments*, 134.

³² Neale, *Parliaments*, 134.

³³ Neale, *Parliaments*, 136-137.

³⁴ Neale, *Parliaments*, 137. At this time the conspiracy surrounding the execution of Mary began.

³⁵ Simon Adams, *Oxford Dictionary of National Biography*, 13.

³⁶ Harrison, *Letters*, 186.

³⁷ Harrison, *Letters*, 186.

³⁸ Harrison, *Letters*, 188.

³⁹ Harrison, *Letters*, 188.

one cannot but wonder if that was truly the case. Could Elizabeth have sent this kinsman to explain what she would not want left documented on paper? Elizabeth would have known to not leave a self-incriminating paper trail regarding her true role in Mary's execution. Thus, she sent a kinsman to explain the actual circumstances relating to Mary's execution. The truth behind what this kinsman actually told to James will forever stay a mystery because these words were just spoken in a private audience and not documented in a letter, just like Elizabeth wanted.

The final question remains: was it the work of the Councillors that called for the execution of Mary, Queen of Scots, or did Elizabeth I play a more active role than she wished to admit? I believe the Councillors did not need to have their arms twisted to call for Mary's execution. They perceived Mary as a threat and made it their top priority to remove her. While MacCaffrey is correct that the Councillors played the active role in the execution, Elizabeth's perceived inability to make a final decision and her alleged spoken words to Davison influenced the Councillors to call for the execution without Elizabeth's official consent. Read was correct in his insinuation that Elizabeth played a key role in Mary's execution. Based on the evidence, Neale's theory that Davison was Elizabeth's scapegoat holds true. Why else would she have still paid him his secretary's pension until 1603?⁴⁰ In the end, the Councillors succeeded, but it was Elizabeth who was in the position of power.

Elizabeth was inferior to no one. She had the power to send kinsmen to discuss matters that were not suitable to write in a letter. Elizabeth also had the ability to order Davison to send Poulet a letter urging him to burn letters that contained statements of Elizabeth's anger towards Poulet's noncompliance to assassinate Mary."⁴¹ She had the ability to have her word believed over any other and make Davison her scapegoat. Absolute historical truth is "dependent on somebody having the power to make it true."⁴² Elizabeth had the ability to control what was recorded and archived. She had the power to write history.

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⁴⁰ Adams, DNB, 16.

⁴¹ John Morris, ed. *The Letter-Books of Sir Amias Poulet: Keeper of Mary Queen of Scots* (London: Burns and Oates, 1874), 364-365.

⁴² Keith Jenkins, *Re-Thinking History* (New York: New York, 1991), 38.

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