

The history of the most remarkable tryals in Great Britain and Ireland, in capital cases.

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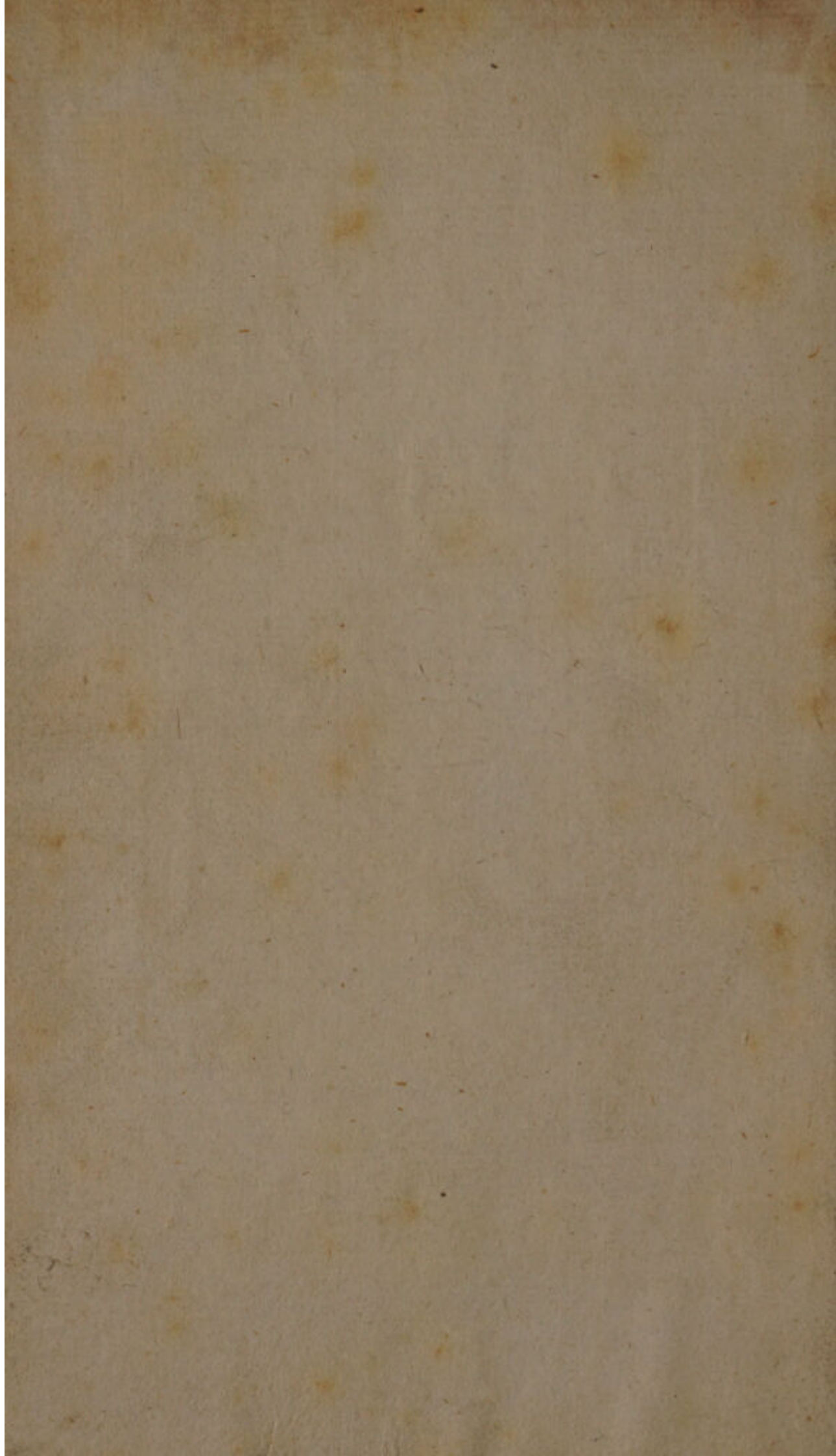


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HISTORY

THE
ROYAL
ACADEMY OF
SCIENCE
AND ARTS
OF
CALCUTTA



T H E
H I S T O R Y
 Of the Most Remarkable
T R Y A L S
 I N
Great Britain and Ireland,
 I N
Capital Cases,
 V I Z.

- | | | | |
|--|---------------------------------|---------------------------------|--|
| H E R E S Y,
T R E A S O N,
F E L O N Y,
I N C E S T,
P O I S O N I N G,
A D U L T E R Y, | }

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{ | R A P E S,
S O D O M Y,
W I T C H C R A F T,
P Y R A C Y,
M U R D E R,
R O B B E R Y, &c. |
|--|---------------------------------|---------------------------------|--|

Both by the unusual Methods of O R D E A L,
 C O M B A T, and A T T A I N D E R, and by the
Ecclesiastical, Civil and Common Laws of these
 R E A L M S.

F A I T H F U L L Y
 Extracted from *Records*, and other *Authen-
 tick Authorities*, as well MANUSCRIPT
 as P R I N T E D.

L O N D O N:
 Printed for A. BELL, in *Cornhill*; J. PEMBERTON,
 in *Fleetstreet*, and J. BROWN, without *Temple-
 Bar*, 1715. (Price 6 s.)

THE
HISTORY
OF THE
TRIALS
IN



*The Right Hon^{ble} Charles Viscount Bruce of
Ampthill (Son & Heir Apparent of Thomas Earl
of Ailesbury) & Baron Bruce of Whorleton*





THE
PREFACE.



THE Depravedness of Human Nature broke out so early, and was so great and universal, that Men soon found they were under a necessity of coalescing into Societies, and binding themselves to the Observance of Laws, in order to prevent the total Destruction, which a State of Nature must unavoidably have brought them to. And these Laws were of different Sorts; some imposing Capital, others Corporal Punishments, and some again pecuniary Mulcts only, upon the Violator of them.

A

And

The Preface.

And as new Crimes and Offences were committed, so new Laws were enacted, of which the Histories and Publick Acts of all Countries bear abundant Testimony. The *Romans* had no Law against *Parricide*, for Five Hundred Years together, because they could not think any one so wicked as to kill his Parents; *L. Ostius* being the first that slew his Father, even after the time of *Hannibal*, which occasion'd the *Pompeian Law*.

But 'tis not my Intention to launch out either into a Disquisition of Laws in general, or of the Laws of different Ages and Nations, but I shall confine myself only to those of our own Country, not under the several Denominations of them, but to such as are purely Capital; and even here solely to the History of the most Remarkable Tryals of such Persons as have either been violently suspected or positively accused

The Preface.

cused, as Guilty of the Breach of them ; and I have gone so far back as there any Histories or Records extant to direct me.

I am not unapprized that some may object against the very Title of this Book, or at least some Part of it, and say that *Ordeal* by Fire, Water or Combat, imply'd the Punishment of the Crime, and not a Form of Tryal to find out the Guilt or Innocence of the Person accused : I answer, it was indeed quite otherwise ; for these sorts of Tryals were not invented for the Punishment, but Indagation of the Guilty ; for when this was over, the Convicted Person was hurry'd to his Punishment, as being now found manifestly Guilty of the Crime laid to his Charge, and for which he was try'd by Fire or Water as aforesaid.

I would not have it understood, as if the Author's Intention had been to make a Collection of Try-

The Preface.

als only: It was partly so, but then to render the Work the more agreeable, he has made it as Historical as possible, and endeavour'd to shew the Causes which lead to such Tryals, and the Consequences that attended them, with the Variations which from time to time happened in the Constitution of our Government, to which no *Briton* ought wholly to be a Stranger; and by which it will very manifestly appear, how much 'tis mended, and that the Lives and Liberties of the People are now far better secured than they were in former Days.

I make no doubt but some of my Readers may be apt to find Fault, and say, I should have given them, as they might justly expect, more Particulars of several of the Tryals themselves. I should have been extreamly well pleased to have found it in my Power to gratify their Curiosity therein;
But

The Preface.

But, alas ! I believe I may venture to affirm, that they must in that Case almost expect Impossibilities from me ; there having not been many Things, I believe, either in Print or Manuscript, worth observation, that have escaped my Inspection and Curiosity.

Happy it had been, and truly Honourable to this Nation, if a most excellent Project set on Foot in the Reign of *Henry VIII* had gone on, which was this : After the Dissolution of the Monasteries, that Prince designed to have founded a House for the Study of the Civil Law, and the Purity of the *Latin* and *French* Tongues ; and therefore he order'd *Sir Nicholas Bacon*, *Mr. Thomas Denton*, and *Mr. Robert Carey*, to make a full Project of the Nature and Orders of such a House, who brought it to him in Writing ; and the Design of it was, That there should be frequent Pleadings and other Exercises

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Exercises in the *Latin* and *French* Tongues, and when the King's Students were brought to some Maturity, they should be sent with his Ambassadors to Foreign Parts, and train'd up in the Knowledge of Foreign Affairs, and so the House should be a Nursery for Ambassadors: Some were also to be appointed to Write the History of all Embassies, Treaties, and other Foreign Transactions; as also of all Arraignments and Publick Tryals at Home: But before any of them might Write upon these Subjects, the Lord Chancellor was to give them an Oath, that they should do it truly without Respect of Persons, or any other corrupt Affection.

It must be readily owned, that there are some Capital Crimes mention'd in the Title Page, of which there are no Examples given in this Volume: None indeed could yet be met with, after the
Exercises
most

The Preface.

most diligent Inquisition that could be made, within the Compass of Years to which the same has been brought down: If any should occur in our future Researches, its hoped it will not be deem'd a Breach upon the general Method proposed, of inserting Things according to a due Series of Time, to make a Retrospection, and to bring them into a succeeding Volume: This has not brought the Tryals down quite to the End of Queen *Elizabeth's* Reign, and therefore 'tis not my Intention to stop there, but upon suitable Incouragement to carry the Design forward to the present Century.

It would favour of too much Vanity to expatiate upon the Difficulties, which have been encountered with, in compleating this Volume: The Variety of the Subjects, together with the Remoteness and Obscurity of so many Centuries, are sufficient Testimonies that the
Task

The Preface.

Task was not easy, and that the Searching of Records, and turning over so many Authors, must require a deal of Time and Diligence.

Before I Conclude, I am to observe, that a short Tryal has slipped into this Volume, which is not directly a Capital Case, and therefore of Right had no Claim to have any Room here; it is a Tryal by Combat about a Title to an Estate, which, it seems, could not be decided by the Ordinary Course of Justice. There is nothing but the Singularity of it can carry the Face of an Excuse, and make the Intrusion appear with less Deformity.

THE Variety of the Subjects together with the Remoteness and Obscurity of so many Centuries are sufficient Testimonies that the Task



THE
 HISTORY
 OF THE
 Most Remarkable
 TRYALS
 IN
Great Britain, &c.

*Of Ordeal in general, and the several
 Sorts of it, and the Tryal of Queen
 Emma in particular.*



ORDEAL is a *Saxon* Word,
 and signifies the same as *Judg-
 ment*, being in the Opinion of
 some Authors compounded of
Or, *Alpha Privativa*, as in the
Greek, and *Dal Pars*, implying
 as much as *expers*; being artificially used for a
 kind of Purgation practised in Ancient Times,

B

where

whereby the Party purged was judged *expers Criminis*. Others, and perhaps more justly, will have *Or* to be *Magnum*, and *Dale*, or *Dele*, *Judicium* ——— *Op dat he ga to gober opdale. ad dei Judicium eat.* It was performed by Fire and Water, both hot and cold. The most remarkable Tryal by Fire recorded in *English History*, is that of Queen *Emma*, before the *Norman Conquest*.

This Lady was the Daughter of *Richard* the Second, Duke of *Normandy*, and marry'd to *Ethelred*, King of *England*, and the Mother by him, of King *Edward*, called the Confessor. She had a large share in the Administration of Affairs during her Son's Reign, and had so considerable an Interest, that *Goodwin*, Earl of *Kent* and of the *West-Saxons*, who had been chief Minister in several Reigns, was afraid of being eclipsed by her: The wicked Man to rid himself of the Competition, did not hesitate to make use of a scandalous Expedient, charging the Queen Mother with several Crimes, and getting some of the Principal Nobility to back him in his Information: Insomuch that the King, who, (let them Saint him as much as they will,) was but a weak and over credulous Man, contrived to make her a Visit, and despoiled her of her Money and Estate, under Pretence that she had enrich'd herself by Avarice and Acts of Injustice. The distress'd Queen used in this rough and arbitrary manner, retired to *Alwyns*, Bishop of *Winchester*, her near Relation: But this gave her Enemies an Opportunity to heap new Calumnies upon her, the Earl of *Kent*, commonly call'd Earl *Goodmyn*, more particularly

cularly giving out, that these Visits were only to carry on an infamous Correspondence.

The King who was of a Disposition easily to be imposed upon, was induced to oblige his Mother to purge her self by undergoing the Tryal of Fire *Ordeal*. *Robert Gemeticensis*, who had been lately promoted to the Archbishoprick of *Canterbury*, was a great Enemy of Queen *Emma's*, and took upon him to Impeach her, and Bishop *Alwyne* of *Winchester*, upon these Three Articles.

1. That the Queen consented to the Death of her Son *Alfred*; the villainous Contriver and Instrument of whose Death *Earl Goodwyn* himself had really been, in the Reign of the Danish King *Harold*.

2. That she used her Endeavour to hinder her Son King *Edward* to obtain the Crown.

3 That she kept scandalous Correspondence with *Alwyne* Bishop of *Winchester*.

As to the manner of her Tryal upon these Articles, the Archbishop, first, in conformity to the King's Directions, conven'd a Synod to inquire into the matter; the last Article, it seems, was what they most laid hold on.

It no where appears, that I can find, that the Queen was heard, and any way interrogated by the Assembly, concerning any of these Articles; the Resolution of the Synod, as reported by the Archbishop, was this:

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That *Emma*, the Queen Mother, should be Sentenced to go on her bare Feet over Nine Plough-shares heated red hot, in the Presence of the Clergy and the People in the Cathedral Church of *Winchester*, and if she receiv'd no harm by this Tryal, she was to be reputed Innocent, but if otherwise, to undergo a greater Punishment, which, 'tis presum'd, must be no less than Death.

The distress'd Queen spent the Night before the *Ordeal* in Prayer at *St. Smythin's* Tomb in the Church above-mention'd. Next Day, all the Preparatory Ceremonies being over, she walked over the Nine heated Plough-shares unhurt, in the Presence of the King and the Nobility of the Land. She was dress'd like an ordinary Person, naked to her Knees, and had her Eyes always fixed upwards. The Fire was so far from making any Impression upon her, that after she had walked out of the Church, and had trod upon all the hot Irons, she asked when they design'd to bring her to the Test: But being given to understand that the Danger was all over, she gave God Thanks for giving so full a Testimony to her Innocence.

Upon this, King *Edward* her Son, fell upon his Knees, asked her Pardon, and was willing to make Reparation to his injured Mother and the Bishop of *Winchester*, by submitting to Discipline. The Plough-shares, to preserve the Memory of the Miracle, were bury'd in the Cloyster of *Winchester*, and One and twenty Mannors settled upon the Bishoprick and Church of *Winchester*, Three of which were given by the King,
 Nine

Nine by Queen *Emma*, and as many by the Bishop himself.

Having already mentioned the Preparatory Ceremonies to the *Ordeal*, it may please the Curiosity of the Reader to see the Form of the Adjuration for *Ordeal*, or scalding Water, which was much the same.

One Pound of Iron is enough for a single Probation, and Three serves for a triple one; and none were to be present at this kind of Adjuration, but such as were Fasting: The *Litanies* being said, the Priest shall begin his Adjuration thus, in the Place where the Iron is heated, or the Water.

O God who hast done many wonders by Fire, who hast delivered thy Servant Abraham from being burnt by the treacherous Contrivances of the Chaldeans, who hast suffered the Bush to burn in the sight of Moses and not to be consumed; who hast delivered the three Children from the Fiery Furnace of the Chaldeans, by which many of them perished; who having destroy'd Sodom and Gomorrha by Fire, hast saved Lot thy Servant and his Family, who at the coming of thy holy Spirit hast decreed to separate the Faithful from Unbelievers by the Illustration of Fire; shew us in this Tryal of our wickedness, the Power of the same holy Spirit, by the Heat of this Fire distinguish the Faithful from the Unbelievers; that the Guilty upon a slight Touch of the same, upon the Account of the * Crimes about which Inquisition is made, may have Horror upon them, and their Hands or Feet in some measure burn; but that those who are Innocent may utterly escape and come off unhurt, thro' &c.

* Theft,
Murder,
Adultery,
&c.

Another.

O Lord who art a Just and Powerful Judge, the Author and Lover of Peace, full of Patience and long Suffering, who judges justly, and thy judgement is just, who look'st down upon the Earth and makest the same to tremble; thou, O Almighty God, who by the coming of thy Son, our Lord Jesus Christ, hast saved the World, and by his Passion redeemed Mankind, sanctify this hot Water, or this hot Iron. ✠ O thou who hast saved the Three Children, Sadrack, Misac and Abednego, who by the command of the King of Babylon, were cast into the Fiery Furnace, who ledest them forth by thy holy Angel, most merciful Father, the omnipotent Ruler of the World; suffer, O Lord, if any are innocent of the Crime or Crimes about which Inquisition is now made, who lay their Hand on this hot Iron, or thrust it into this scalding Water, that they may escape unhurt. And as thou hast delivered the Three Children before mention'd from the Fiery Furnace, and Susanna from a false Accusation, so, O Almighty God, vouchsafe to save the Innocent Hand, or Hands, from all manner of hurt. And if any who comes here really Culpable and Guilty of the Crime he is charged with, shall from a hardned Heart, and out of the Pride of his Mind, lay his Hand on this hot Iron, or put it into this scalding Water, O Almighty God, do thou vouchsafe to manifest and declare the same by thy most righteous and just judgement, that the Soul of him, or them, may be saved thro' Repentance; and if the Guilty Person, or Persons, shall by some Witchcraft, Herbs or Diabolical Arts, be so Heart-hardned, that he will not confess the Sin he has committed, we beseech thee, O Lord, that thou wouldst
 be

be pleased to manifest the same by thy right hand, thro', &c.

A Third.

O Lord who art the Restorer and Lover of Innocence, the author of Peace and whose judgments are just, we most earnestly intreat thee, that thou wouldst be pleased to bless ✠ and sanctify ✠ this red hot Iron, or scalding Water, appointed for the Tryal and Examination of any doubtful case, so as that the Innocent of those Crimes laid to his, or their Charge, who shall put their Hands or Feet to this red hot Iron, or Water, sanctified by thy blessing, may thro' thy bountiful Compassion escape unhurt: But if he who is Culpable and Guilty shall despise, and like a Tempter, undergo thy judgment; or shall by Herbs, Witchcraft or other kind of Sorceries, being intent upon hiding and concealing his wickedness, be resolv'd, thro' the malice of his Heart, to stand the Tryal of the Truth; O most just and most merciful God, let thy Power, which over-comes all things, together with thy Truth, which remains for ever, be made manifest, so as that Iniquity may not triumph over thy Justice; but let Falshood be subdued by Truth, that all that see it, may be free through thy Mercy of their Infidelity, who livest and reignest, &c.

When this is done, Holy Water is given to all present to Taste, and sprinkled all over the House; then the Iron is produced, which is taken in the Presence of them all by the supposed Criminal, and carry'd for the space of Nine Feet. His Hand is sealed up and kept so for Three Nights and then opened; if it be found and well, Thanks are return'd to God

for it; but if raw, and corrupt matter be found where the Iron touch'd, he is adjudged to be guilty and impure.

As to the Tryal by scalding Water, the Man shall take a Stone out of it, which in a simple Tryal shall hang down into it by a String to the length of a Hand's Breadth, but in a triple Probation, of a Cubit; and his Hand shall be sealed up and opened as before.

I have not been able to meet with any other Example of this kind of any Tryal or Exorcism at Home. There was indeed a notable one in *France* which is mentioned by *Hincmar*, Archbishop of *Rheims*, concerning the Divorce of *Lothair*, King of *France*, and his Queen *Tetherga*, by whom he was afterwards poison'd. That Author informs us, that that Lady by her Proxy, underwent the Tryal of scalding Water, and coming off without the least mark or impresson, was received by *Lothair* her Husband, and co-habited with him. The Form and Solemnity of this Tryal is mentioned by several Authors, particularly by *Mabillon*, but being much the same with that already recited, we shall avoid needless Repetitions.

They had in like manner about the middle Ages of Christianity another sort of Tryal by cold Water; upon which occasion the Adjuration began thus: When the Persons accused, or suspected, have fasted Three Days in the Presence of the Priest; they are then to be conducted to Church, and let the Presbyter Sing Mass before them all, and cause them to make their offering at that Mass; but when they come to the Communion, let the Priest be-
fore

fore they Communicate, interrogate and adjure them, saying, *I adjure you, or thee, as there is one or more of them, in the Name of the Father, Son and Holy Ghost, and by the Christian Religion which you profess, and by the only begotten Son of God, and the Holy Trinity, by the Holy Gospel, and by those Holy Relicks that are in the Church, and by that Baptism thro' which the Priest has regenerated you, that you presume by no means to Communicate or approach the Altar, if you have done or consented to this, or know who did it: It therefore they are Silent and say nothing, let the Priest draw nigh the Altar and Communicate, and afterwards let him give the Communion to those who are to be put into the Water.*

The Mass of Judgment begins. *N.*

N. Just thou art, O Lord, and righteous in thy Judgment, do to thy Servant according to thy mercy sake.

Pf. Blessed are the undefiled in the way.

Prayer.

Forgive we beseech thee. *O Lord, the Offences of thy Servants, that thro' thy Goodness they may be free from the Bands of their Sins, which thro' their frailty they have committed, and that by this Tryal they may by the Course of thy Justice, according to their deserts, be brought to the Test of Truth,*

Lesson

Lesson out of Leviticus.

IN those Days the Lord said unto Moses, saying; I am the Lord your God, do not steal, do not lye; let no one deceive his Neighbour, be not forsworn in my name, and do not blaspheme the name of thy God. I am the Lord, do not calumniate thy Neighbour, or oppress him by violence; let not the wages of thy hireling tarry with thee till morning; do not rail at the deaf, nor lay a stumbling-block before the blind; but fear the Lord thy God, for I am the Lord.

Another.

Ephesians.

BE ye renewed in the Spirit of your mind and put on the new man, who according to God is created in Righteousness and true Holiness.

For which laying a side a false Tongue, let every one speak the Truth to his Neighbour, because we are members of one another.

Be angry and sin not.

Let not the Sun do down upon your wrath.

Do not give way to the Devil.

He that hath Stole, let him steal no more, but rather let him labour with his hands, which is good, that he may have wherewith to contribute to the necessity of those that want.

Resp. Be merciful, O Lord, unto us for our sins, least the Heathens shall say, where, where is their God.

Help us O God of our Salvation, and deliver us, O Lord, for thy name sake.

Alleluia, God is a righteous Judge, powerful and long suffering: Shall he be for ever angry?

According

According to St. *Mark*.

IN those ——— As *Jesus* went on the way, came one running, and kneeling before him, asked him, saying, Good Master, what shall I do to obtain eternal Life. *Jesus* answered, why callest thou me Good? there is none Good but God.

Knowest thou the Commandments, he said, Which is, says he, do not Kill, do not commit Adultery, do not Steal, do not bear false Witness, do not Defraud, Honour thy Father and thy Mother. *Jesus* then looking on him, loved him and said unto him, There is one thing wanting, go sell all that thou hast, and give it to the Poor, and thou shall have treasure in Heaven, and come and follow me. Of. — The Lord will send his Angel into the midst of those that fear him, and will deliver them. Taste and see how good the Lord is.

Here they offer.

Priests. Let the mediation of thy Saints, O Lord, make our offering acceptable to thy mercy; and when our merits are defective, let their Intercession prevail to obtain forgiveness for us, through our Lord, &c.

The Preface.

O Eternal God! who not only dost forgive Sins, but also justifiest the Sinners: And dost not only pardon the Offences of the Guilty, but bestowest gifts and rewards upon them; we humbly beseech thee of thy great goodness, that thou wouldst not lay their past offences to the charge of thy Servants, but discover the Truth of this Crime to the Spectators,
so

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sofar forth that thy People may set forth the praises of thy Name, and acknowledge thee for the Author of this and the life to come, thro' Jesus Christ.

Benediction on the Tryal.

O God, of whom 'tis written, because thou art just and thy Judgments are true, deal with these thy Servants according to thy mercy, that they may not suffer for their past Offences, but in this according to their desert the Tryal of their Truth, by the Interposition of thy Blessing, may immediately follow, Amen.

And O thou, who art just and a lover of Justice, and from whose Countenance Righteousness does flow, grant that the Examination of thy Truth may not be prevented by the juggles of wicked People, Amen.

We beseech thee, mercifully to hear our Prayers, and graciously to pardon all their past offences, and if they are guilty, let thy bountiful goodness extend not to the destruction of them, but to the detection of the Truth of their Crimes, Amen.

Here let them take the Sacrament after the Priest, and let the Priest say,

Let this Body and Blood of our Lord Jesus Christ, serve you for a Tryal this Day.

Conf. The Lord is just and loves Justice, his Face beholds Righteousness.

The

The After-Communion.

HAVING partaken of the holy gifts, we earnestly pray, that the Receiving of this Sacrament may immediately clear us of our own Sins, and manifest a declaration of the Truth in respect to thy Servants, thro' our Lord, &c.

Mass being over, let the Priest make holy Water, and proceed to the Place where the People, one or more, are to be try'd. When he is there, let him give all of them some of the Water to drink, and afterwards let him adjure the Water to which he sends the Accus'd.

The Adjuring of the Water begins.

O God! who exercising thy Judgment on the Element of Water, hast by the universal Deluge destroy'd Millions of People, and was pleased to save righteous Noah and his Family. That God who didst drown the Egyptian Host in the Red-Sea, and commandest the Children of Israel to pass over undauntedly, pour the vertue of thy blessing + upon these Waters, and vouchsafe to shew a new and strange Miracle by them: That the Innocent from the Crime, * for which they are here try'd by means of Water, may be received and sink down into them, but that those who are guilty may be opposed and rejected, so as that their Bodies be not suffer'd to sink into it, which Bodies being devoid of substantial Goodness, are carry'd away with the wind of Iniquity; and let that which wants the Solidity of vertue want the weight or solidity of a real Substance in the Waters, thro' our Lord, &c.

* Tœst,
Murder,
Adultery,
&c.

Others

Others also.

I Adjure thee, O Element of Water! in the name of God the Father Almighty + who has created thee at first and commanded thee to be subservient to the necessities of Mankind; who has also required thee to separate thy self from the upper Waters: I adjure thee likewise by the ineffable Name of Jesus Christ, + the Son of the living God, under whose Feet the Sea and the divided Element is subjected and to be trod upon, who also was pleased to suffer himself to be baptized in the Element of Waters. I likewise adjure thee by the holy Ghost, who descended upon the Lord at his Baptism; and I adjure thee by the holy name + of the undivided Trinity, at whose pleasure the Element of Water divided, and the Children of Israel presently passed over dryshod; at the invocation of whom Elifeus also made the Ax which fell from the Handle swim upon the Water, that thou wouldst by no means receive these People into them if they are guilty of that which is laid to their charge; that is either indeed, or by their Consent or in their Consciences, or by any device whatsoever, but cause them to swim on the surface, and let no obstruction or delusion of Enemies so prevail, as to hinder the same to be seen. We also require thee, being thus adjured in Christ's Name, that thou wouldst obey us in his Name, whom every Creature serves, whom the Cherubins and Seraphims laud, saying, Holy, holy, holy Lord God of Hosts, who also rules and reigns for ever and ever, Amen.

Another.

Another.

I Adjure thee, O Element of Water, in the Name of the Father, of the Son, and of the holy Ghost + by the dreadful Day of Judgment, by the Twelve Apostles, by the Seventy two Disciples; by the twelve Prophets, by the Twenty four Elders, who are continually praising God; and by the Hundred and forty four thousand who follow the Lamb; by the whole Host of Angels, Archangels, Thrones, Dominions, Principalities, Powers, Vertues, Cherubims and Seraphims, and by the many thousands of holy Martyrs, Virgins and Confessors.

I adjure thee by the Blood of our Lord Jesus Christ, and by the four Gospels, by the four Evangelists, by the Seventy two Books of the old and new Testament, and by all the holy Writers and Teachers of the same.

I adjure thee by the holy Catholick Church, by the Communion of Saints, and by their Resurrection; that thou become exorcised, adjured and obdurate Water, against the Devil the Enemy of Mankind, and against those Persons who being seduced by him, have committed the Evil * laid to their charge, that thou wouldst by no means suffer them to enter into and sink in thee, but that thou wouldst repell and reject them, and not allow a Body to be admitted into thee, that is divested of the weight of Goodness, but that wants the weight of Vertue, and the weight of its own Substance; but let those that are Innocent of the said Crime, according to the nature of Water, be receiv'd by thee and sink into thee unhurt, thro' our Lord, &c.

* Theft,
Murder,
Adultery.
&c.

When the Water has been thus exorcised, let those who are to go into it, put off their
Cloaths,

Cloaths, and kiss the Gospel and the Cross, and let holy Water be sprinkled over them. All that are present ought to be fasting, and so let them be thrown into the Water; if they sink, they shall be reputed Innocent, but if they swim on the Surface, they shall be adjudged Guilty.

This Custom was used by the *English, Germans*, and most other Nations of *Europe*; but at last abolished by several Princes, who put down the usage, because it looked like Repeating of Baptism. It was likewise together with that of scalding Water, &c. condemned by the Council of *Lateran*, under *Innocent III.*

This is what Authors generally say concerning *Ordeal* and the other sorts; but as to the first *Spelman* in particular, affirms that it was a long time, if at all, before it was forbid by a positive Law. My Lord *Coke* says indeed, that it was at length taken away by the Authority of Parliament, these being his own Words, *Fuit ouste per Parliament & cao appiirt Rotulo Patentium de anno tertio. Hen. 3. Membrana 5. Car le Record dit. Provisum fuit per Regem & Consilium, &c.* You have the Record it self in *Spelman's Glossary*, with these Remarks upon it, *That what was ordain'd by King and Council, and confirmed with the King's Seal, had at that time without all doubt the Authority of Law.* But we cannot strictly call it a Parliament; neither was that Order or Law perpetual, but only for the present time, and was not directed to the Judges that went the Circuits in all the Counties, but besides those in the Record, who went into *Cumberland, Westmoreland* and *Lancashire* Circuits; to those that went *Somerset* and *Dorsetshire*;

setshire ones; the *Oxford, Kent, Essex* and *Herefordshire*; *York, Bedford* and *Buckinghamshire* Circuits; and those over which *Henry*, Bishop of *Lincoln* and his Associates presided, which were, *Lincoln, Nottingham* and *Derby*. But supposing the rest of the Judges had received the same Order, what then? we can find no Law any where enacted about it. But these sorts of Tryals by degrees from thence forward grew out of use, out of respect to the Canons and the Church of *Rome*. To confirm this Opinion, the said King *Henry III.* afterwards by his Charter bearing date the 16th of *March*, in the 11th Year of his Reign, granted to the Monks of *Semplingham*, that they should hold, &c. their Court and administer Justice with *Sak* and *Sok*, and *Thoe* and *Theam*, — and *Ordeal* and *Orest*, within the time and without, &c. Here also King *John* by his Charter dated *November* the 28th, in the 2d Year of his Reign, granted to *God* and the Church of the holy Trinity of *Norwich*, in all their Lands to hold *Sac* and *Soc*, &c. with Tryals of *Iron, Water* and *Combat*; so the said King *Henry III.* also confirm'd all by *Inspeximus*, on the 7th of *July*, in the 16th of his Reign. But we must judge cautiously of things in disuse and obsolete, which among others are confirm'd by *Inspeximus*. After the Law of *Ordeal* had lain dormant a long while, his great Grandson *Edward III.* on the 8th of *March* in the 3d Year of his Reign, confirm'd the foresaid Charter of *Henry III.* without any Intention of reviving *Ordeal*, tho' he added a Clause *As far as in us lyes*; but no Tryal of this kind, at least worth inserting, occurs to us from thence forwards, either in our Histories or Records.

*The History of the Tryal of Thomas,
Earl of Lancaster, for Treason,
&c. in the 15th Year of King Ed-
ward II. Anno 1322.*

THOMAS Plantagenet, Earl of Lancaster, was the Son of Edmund Earl of Lancaster, second Son to Henry the III^d King of England, and consequently had so much of the Royal Blood in him, and was so nearly ally'd to the Crown, that he was first Cousin to King Edward II. and next in Succession after himself and his Issue. The Greatness of the Earl made all that were aggrieved apply to him for Protection and Relief, who being a most strenuous Assertor of *English* Liberty, and an Enemy to Court Minions and Flatterers; he was frequently at ill Terms with his Prince in a loose and dissolute Reign. Its not my Business to enter upon a detail of the military Actions that happened between them, and the Reconciliations that were made; only I must observe from the Records of those times, which I cannot meet with in any of our Histories, that King Edward II. in the Twelfth Year of his Reign, on the 22^d of *October*, 1318, granted a Pardon to the Earl of Lancaster, and to his Adherents, whose Names were these:

Nicholas

<i>Nicholas Segrave,</i>	}	Kts.	<i>William le Trompour,</i>
<i>Robert de Noland,</i>			<i>Robert de Mere, de</i>
<i>Stephen de Segrave,</i>			<i>Burton,</i>
<i>William de Latimer,</i>			<i>Ingelard de Lynton,</i>
<i>Fulk le Strange,</i>			<i>Robert, the Son of</i>
<i>William Inchetis,</i>			<i>Matilda de Lynton,</i>
<i>Fulk, the Son of</i>			<i>Adam de Trompour,</i>
<i>Warine,</i>	<i>de Burton,</i>	<i>John de Migners,</i>	
<i>John Beek,</i>	}	Clerks	<i>John Deverney,</i>
<i>Michael de Melda,</i>			<i>William de Cheddele,</i>
<i>John de Kynirdesey,</i>			<i>John Chopcok,</i>
<i>Roger Peler,</i>			<i>Richard, the Son of</i>
<i>Thomas Owayn,</i>			<i>William de Hol-</i>
<i>Adam Tywe,</i>			<i>land,</i>
<i>Gilbert Owayn,</i>			<i>Roger de Gouche,</i>
<i>Hughle Harper,</i>			<i>Robert, the Son of</i>
<i>Henry Owayn,</i>			<i>Thomas le Cham-</i>
<i>John de Lynton,</i>			<i>berleyn.</i>
<i>Stephen le Parker,</i>			<i>Robert de Buckeley,</i>
<i>De Bretteby.</i>			<i>Adam de Radeclif,</i>
<i>Mr. Roger le Cu.</i>			<i>Roger de Radeclif,</i>
<i>John Pole,</i>			<i>Robert de Walleden,</i>
<i>Gilbert Scot,</i>	<i>Henry de Cornstall.</i>		
<i>Roger Page,</i>	<i>John de Radeclif.</i>		
<i>William Baddesley.</i>			
<i>John Owayn,</i>			

The Peace having lasted for some time, new causes of Difference arose, so that the Civil War broke out again, the Earls of *Lancaster* and *Hereford* heading the Party that opposed the Court, of whom *Lancaster* was at last taken Prisoner, and the manner of his Tryal and Condemnation here follows: Some may expect I should be more particular in my Relation of it: I am to let them know

The History of the most Remarkable

that what is here inserted is nothing but the Record it self, of which all our Historians come very far short in the Account they give of it.

It was now full Two hundred and fifty six Years since *William* the Conqueror came to the Crown of *England*, during which time, tho' there had been very many Insurrections and Civil Wars waged between our Kings and the Barons, yet not one Nobleman was try'd for his Life, and suffered Death by form of Law, till this great and unfortunate Earl, which is still the more remarkable, because of his near Relation to the Crown; but now we come to the Record it self, translated from the *Latin* Original.

PLEAS of the Crown held before our Sovereign Lord King Edward II. Son of Edward I. King of England, in the King's own Presence at Pomfret, on Monday immediately preceding the Feast of the Annunciation of our Blessed Virgin Mary, and the 15th Year of the said King's Reign.

Seeing that Thomas, Earl of Lancafter, who was taken Prisoner for the many Treasons, Murders, Burnings, Depredations and divers other Felonies, was brought before the King, where there were Present these following Peers, viz.

Edmund Plantagenet, surnamed of Wood- stock, Earl of Kent, the King's Brother.	Aymer de Valence, Earl of Pembroke.
John de Dreux, Earl of Richmond, (Duke of Bretagne)	John Plantagenet, E. of Surrey.
	Edmund Fitzallan, Earl of Arundel.

David

<p>David, Earl of Athol. † Robert, E. of Angus The Lord Hugh Spencer, the Father.</p>		<p>The Lord Robert de Malmesthorp, Chief Justice.</p>
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And several others the Peers of the Realm.

He calls to mind that the said Thomas, Earl of Lancaster, the King's Liege Men came to Burton upon Trent.

Together with Humphrey de Bohun, late Earl of Hereford, who was a Traytor to the King and Kingdom, being found with Banners display'd at Burrow Brigg, waging War against the King our Sovereign Lord, and there slain with Roger Damgery, and adjudged a Traytor; and also with some other Traytors and Enemies to the King and the Realm.

With Banners display'd, as in open War, in a hostile manner resisted and hinder'd our Sovereign Lord the King, his Soldiers and faithful Subjects, for three whole Days; so as that they could not pass over the Bridge of the said Town of Burton upon Trent as they ought to have done, and there feloniously slew some of the King's Men.

Wherefore the said King, in order to repress the Malice and Resistance of the said Earl of Lancaster and others, and to maintain the Peace and Tranquility of the Kingdom, to defend his People and the Right of his Royal Crown, and to repel and suppress the said Insurrection and Sedition, moved and sought for a Passage elsewhere over the Trent, and so rode with all his Power from thence towards the said Earl and others.

C 3

And

† Athol and Angus, Scotch Peers, were then reputed English, as being under the Dominion of England.

And whereas the said Earl of Lancaster had observed this, he, together with the other Traytors above-mention'd, as a Traytor and an Enemy to the King and Kingdom, set fire to the said Town of Burton, and feloniously burnt part of the Houses and Goods therein; and the said Earl of Lancaster thereupon, together with the other Traytors before mention'd, went out of the Town into the Field, where he display'd his Banners, and drew up his Men in an hostile manner to fight against the King himself, contrary to his Homage, Faith and Allegiance, which he owed to his said Sovereign Lord the King, waiting for the coming up of his said Sovereign the King into the Field.

Moreover, when the said Thomas, Earl of Lancaster, perceived that the King was upon the March, and drew near them with a great force, he, together with the other his fellow Traytors aforesaid, in Confusion betook themselves to flight, and actually fled.

And while during the Flight, our Lord the King stoutly pursued them, they committed several Depredations and Robberies, until the said Thomas, Earl of Lancaster, together with the Traytors aforesaid, with Horse and Arms, and Banners display'd, made an Attack upon the said Subjects that adher'd to the King, and were there present, some of whom he feloniously slew and vanquish'd, until the said Thomas, Earl of Lancaster, falling there into Confusion, was taken Prisoner; and some of the aforesaid Rebels were also taken: So that nothing was wanting on the part of Thomas, Earl of Lancaster, but that he, together with the other Rebels who accompanied him, would have routed and subdued the King in Battle.

Which Treasons, Slaughters, Burnings, Depredations and Hostilities, together with Horse and Arms
and

and Banners display'd, are very notorious and manifest, even known they are to the Earls, Barons, Gentry and Commonalty of the Realm: And therefore it is decreed, That the said Earl Thomas, for the said Treason shall be drawn, and for the said Murders, Depredations, Burnings, and Rebellion, hang'd, and for the said flight upon that account, beheaded.

Moreover, tho' the said Thomas Earl of Lancaster, hath in times past, several times carried himself wickedly and maliciously, contrary to his Homage, Faith and Allegiance, towards our Lord the King; to wit, when our said Lord the King had at Newcastle upon Tyne, got together Provisions, Horses and Armour, Jewels, and several other Goods and Moveables of great value, and in large Quantities; which Goods and Moveables the said Earl Thomas, with Horse and Arms, and a great Power of armed Men, took, despoiled, and carried off, and which Depredation and Offence our Sovereign Lord the King, out of his special Grace and Favour, forgave and pardon'd to the said Earl, and others his Accomplices in the said Depredations, in order to reclaim the said Thomas, Earl of Lancaster, and amend his Life.

Again, the said Thomas, Earl of Lancaster, having drawn a great number of Men together, with an Army came to several Parliaments of our Lord the King, and several times hindred our Sovereign Lord the King to hold his Parliaments, as the same of Right appertained to him and his Crown to hold, and several times declined to come into those Parliaments, pursuant to the King's Commands; but disobediently refused it, and also had frequently several Meetings and Assemblies against the King, in divers Places, and against his Majesty's express Orders to the contrary.

Moreover, seeing that several Offenders and others, the Disturbers of the King's Peace, whom the said Thomas, Earl of Lancaster, drew to his Part and Interest, have committed Murders, Depredations, and several other Felonies, for which they have deserv'd that Sentence of Death, should pass upon them, and that the said Earl of Lancaster has deserved the like Sentence of Death, for his keeping and entertaining of such Persons, according to the Laws and Usage of the Realm: Nevertheless, the said Earl coming into the Parliament of our Lord the King held at York, with a great Power of armed Men, brought the said King our Sovereign to grant a Pardon for the Breach of his Peace by him and the aforesaid Offenders in the Premises, even to the Number of a Thousand Persons, tho' the said Thomas, Earl of Lancaster, had sworn before to the Observance of some Constitutions, by which the King was not to Pardon the Breach of his Peace, in such emergent Cases as the Death of a Subject.

Again, seeing our said Sovereign Lord the King, in order to bring the said Earl to Good, as aforesaid, which Earl did all he could to oppose him, bestowed upon him several Possessions in Lands, Territories, and other Privileges, at several times, and allowed him certain Grants, several Favours and Pardon under his Great Seal; yet the same Thomas, Earl of Lancaster, with all his Power and Might, persisted in his Rebellion and Disobedience to our Sovereign Lord the King, and even persevered in his Malice against him.

Farther, the said Thomas, Earl of Lancaster, sent some Soldiers, out of his own Family, in the City of York, in order to draw the Community of the said City, and the Custody thereof into his own Hands; and the said Earl has also usurped to himself

self the Royal Authority divers ways and endeavoured to usurp it; to the end he might, so far as lay in his Power, dispossess our Sovereign Lord the King of his Dominions, and derbrone him.

Again, since the King our Sovereign Lord, when lately at York, commanded divers of the Nobility and others, his Subjects, with whom he had a mind to consult, to repair to York, there to consider about the King's Expedition against Scotland, the said Thomas, Earl of Lancaster, residing at that time in his Castle at Pomfret, sent to gather a great Power of armed Men, and his own People, to obstruct the Passages to York, as well by the Road ways as over the Bridges, and thereby hinder'd the Counsellors of our Lord the King, pursuant to his Royal Commands, to come to York, and so to attend his Person: And for as much as our Lord the King, being upon his departure from York towards the Southern Part of the Kingdom, came with his Houshold to pass over near Pomfret, the said Thomas, Earl of Lancaster, and his Men, sally'd out of the aforesaid Castle, and upon sight of our Lord the King, in a very base, despicable and tumultuous manner, exclaimed against him, to the great dishonour of our Sovereign Lord the King, as if the said King was their Enemy, and no King, nor their Sovereign.

Again, the said Thomas, Earl of Lancaster, together with the afore-mention'd Earl of Hereford, and others his fellow Traytors, endeavoured to form and conclude a Confederacy and Allyance with Robert de Bruce, Thomas Randolph, and James Douglas, and other Scotch Men, who were Enemies of our Sovereign Lord the King and his Realm; and that there has been found a certain Indenture of the said Confederacy and Allyance, upon the said Earl of Hereford, when he was
Slain,

Slain, as above-mention'd, in these Words. The Credentials of John de Denum to Robert King of Scots, to Thomas Randolph, Earl of Morif, Seneschal of Scotland, and to Master James Dowglas, or to any of them, as soon as he shall meet with them, on the behalf of the Earl of Lancaster and the Earl of Hereford, and their Allies, viz.

That the said King of Scots, and the said Earl of Morif, and Seneschal of Scotland, and Master James Dowglas, with their Power, shall come to the said Earls of Lancaster and Hereford, and their Allies, as soon as they are ready, to a certain Place appointed, where they may Rendevouse.

They shall offend all those whom the said Earls of Lancaster and Hereford, and their Allies, would have them offend, and protect all those whom they would have them protect to the utmost of their Power.

Farther, they shall come to the said Earls of Lancaster and Hereford to all Places, whither they would have them come, in England, Wales and Ireland, and there live and dye with them in the Defence of their Quarrel, without making any Pretence of Conquest or Sovereignty to the said Territories in England, Wales and Ireland, and the said King of Scotland, and the said Earl of Morif, Seneschal, and Master James Dowglas, are willing on the behalf of themselves and of their Forces, to assure and perform the same. But in case the said King of Scots should himself be hindred thro' Sicknes, or some other Impediment, to come in Person; that then the above-mentioned Earl of Morif, Seneschal of Scotland, and Master James Dowglas, or their Forces aforesaid, shall confirm and make good all that is above named.

When

When the said Earls of Lancaster and Hereford, and their Allies shall have their Quarrel decided, they shall use all their endeavours that a good Peace be concluded between the two Kingdoms of England and Scotland; so as that the one side may enjoy their Country of Scotland in as Peaceable manner, as the other theirs of England.

And farthermore, seeing the said Traytors, who adher'd to Thomas, Earl of Lancaster, have lately by force of Arms with their Army entered into the Castle and Town of Gloucester, appertaining to our Lord the King, possessing themselves of the said Town and Castle, contrary to the Pleasure of our Sovereign Lord the King, and there as well as at the Town of Brigdeworth, committed Depredations, Burnings, Murders and other Crimes; and the said Traytors fearing the approach of our Lord the King and his falling upon them, quitted the said Town and Castle of Gloucester.

And the said Traytors flying away from thence as soon as they could to the said Thomas, Earl of Lancaster, as unto their chief Refuge, Captain and Defender; which said Thomas, Earl of Lancaster, hereby notoriously manifesting his Treason and Rebellion, entertained those his fellow Traytors, and joined Forces with them, to fight against our Lord the King, and to kindle a War within the Kingdom, as aforesaid, and put his Men together with his before-mentioned fellow Traytors, to lay Siege to the King's Castle of Tikhall, and brought some Engines to throw great Stones into the said Castle, and at the Men who defended the same for our Lord the King, and continually for the Space of three Weeks together battered and assaulted the same, and slew some of the Men who were within it.

And afterwards the said Earl of Lancaster, when he had perpetrated all the above related Crimes,
Violences

Violences and Offences betook himself to flight, as aforesaid, directing his march towards the said Scots, who were Enemies to our Sovereign Lord the King and his Kingdoms, until he came to the abovenam'd Boroughbrig, where he was taken as aforesaid.

Wherefore our Sovereign Lord the King having duely weighed the great Enormities, and Offences of the said Thomas, Earl of Lancaster, and his Notorious Ingratitude, has no manner of Reason to shew any Mercy to him, in reference to the pardoning of those Crimes already mentioned, for which he is Condemned.

Nevertheless, because the said Earl Thomas, is most highly and most nobly descended, our Sovereign Lord the King, having due Regard to his high Birth and Quality, of his own meer good Pleasure, remits to the said Thomas, Earl of Lancaster, the Execution of two of the Punishments, as aforesaid, viz. That the said Thomas, shall not be drawn nor hang'd; but only that Execution be done upon the said Earl, by beheading him.

Again, Seeing Warin de Lisle, William Tochet, Thomas Mauduit, Henry de Bradeborn, William Fitz-William, and William Cheyney, being in like manner taken, and for the Treasons, Murders, Burnings, Depredations, and divers other Felonies by them committed, were by the Marschal brought before our Lord the King, the aforesaid Earls, Barons and other great Men of the Kingdom being there Present, our Lord the King calls to mind that the said Warin and the others beforementioned, came with the said Thomas, and other Traytors and Enemies to our King and Kingdom, to Burton upon Trent, with Banners display'd as in open War and in an hostile manner resisted and stopt our Lord the King, his Men and Family for three whole Days together, so as that they
could

could not pass over the Bridge of that Town, there wounded some of the King's Men, and others feloniously slew, and when they saw the King pass over the Trent towards them, with a great Power, the said Traytors and Enemies of the King and Kingdom, set fire to the aforesaid Town of Burton, and feloniously burnt part of the Houses and Goods, and so drew out into the Field in the Company of the said Earl Thomas and other Traytors, and there put themselves in Array with Banners display'd, in the Army of the said Thomas and other Traytors, and Enemies of the King and Kingdom, to attend the coming up of the King, and to wage War against him, contrary to their Homage, Fealty and Allegiance; and fled from thence together with the said Thomas and other Traytors and Enemies of the King and Kingdom, as far as Burroughbrig, in a felonious manner Robbing the King's liege Subjects, and the Country before them.

And there at Burroughbrig aforesaid, they attacked in a Hostile manner, with Horse and Arms and Banners display'd, the King's liege Subjects who had Authority from him, to resist Traytors and Enemies of the King and Kingdom; some of whom they wounded, and others they feloniously slew, contrary to their Homage, Faith and Allegiance.

And there was nothing wanting in the said Warin and the rest, but that they together with the aforesaid Thomas and the others his follow Traytors, would have beat and overcome the King himself.

All which Treasons, Murders, Burnings, Depredations, and Hostilities, with Horse and Arms, and Banners display'd, are manifest and notorious, and known to the Earls, Barons, Gentlemen and Commonalty of the Kingdom.

And

The History of the most Remarkable

And therefore 'tis adjudged, that the said Warin and others, shall be Drawn and Hang'd for the said Treasons, Murders, Depredations and Robberies.

In Witness, &c.

Given by the King at *York*, *May 2d.*

Its not to be doubted, but the Earl, who was a Person of a good Capacity, made a very stout Defence for himself so far as he was allow'd to do it, and such as the torrent of the Times and a Favourite Reign would allow of; but what pitty it is it should be no where extant on Record: The Example, as before hinted, was new, and to be sure would admit of a noble Argument against it. But as care was taken to Record the Proceedings against him, they were no less Sollicitous to suppress every thing that could be said in favour of him.

The unfortunate Earl in pursuance of the Sentence, was the very same Day he was try'd, so intent his Enemies were to get rid of him, beheaded at *Pomfret*.

It was generally allow'd that nothing contributed so much to the Earl's Death, as the King's Hatred to him for being the cause of the cutting off *Pierce Gaveston*, Earl of *Cornwall*, his Minion; tho' other things also concurr'd to this great Man's fall. The Earl was not only the greatest Peer in *England*, but 'twas believed in all *Christendom*; for when he began to levy War against the King, he was posses'd of five Earldoms, which were those of *Lancaster*, *Lincoln*, *Salisbury*, *Leicester* and *Derby*, besides other Lordships, Lands and Possessions, which made him to be much rever'd among
the

the People, and the rather, because of his great Almsdeeds, his Love to Religious Men, and Maintenance of a just Quarrel during the course of his Life, so that many resorted to his Grave, and giving out some Miracles had perform'd by him after his Death; he was reputed for a Saint by many, and the thing was carry'd so far that the King was forc'd to put out an Order to shut up the Church Door of the Priory where he was bury'd, to prevent any Offerings to be brought, or Devotion perform'd in that Place.

To conclude, History informs us, notwithstanding the King's great Enmity to the Earl as aforesaid, it was not long before he fore regretted his Death, which he discover'd upon the following Occasion. Some who were about him making earnest Application for a Pardon to a Person of a mean Fortune, and one of the Earl's Followers, and pressing the King hard upon it he, fell into a great Passion, exclaiming against those as unjust and wicked Counsellors, who would urge him to save the Life of a most notorious Varlet, and would not open their Mouths in favour of his near Kinsman, the Earl of *Lancaster*, *Who*, said he, *had he liv'd, might have been useful to me and the whole Kingdom, but this Fellow the longer he lives, the more mischief he'll do, and therefore by the Soul of God he shall dye the Death he has deserved.*

of

Of Tryals by Combat or Battle in
general.

A Tryal by way of Duel or Combat, made use of to prove the Justice of a Cause, and to determine Controversies which could not easily be cleared any other way, was not uncommon in former Days: The Custom began about the middle Ages of Christianity. The Northern Nations set it on foot, with whom it had been a practice in ancient Times of *Heathenism*, as *Paterculus* observes, *Armis lites suas discernere*, to determine their Controversies with Blows. Upon this view *Gundebaldus*, a *Burgundian* King, ordained in his Laws, Tit. 45. That if one Party, who had an Oath tendered to him should refuse to take it, and cast the Issue of the Cause upon a Combat, that then in case the other Party did not yeild to the Point, they should have the Liberty granted to Fight it out. Which way of terminating Disputes was afterwards allow'd by the *Germans*, *Bavarians*, *Lombards*, *Danes*, &c.

But the *Franks* seem'd more particularly concerned in this Custom, as appears by the Life of *Lewis the Debonnaire Bernard*, Earl of *Barcelona*, being admitted Chamberlain, and at last accused of an unlawful Correspondence with the Empress; He address'd himself to the Emperor, and desired he might be allow'd to clear himself according to the old Custom of the *Franks*. That is, That he might meet the Person who accused him within the Lists, and disprove

prove the Indictment with his Sword. This being allow'd, and no Body appearing to make the Charge good against the Count, he was suffer'd to purge himself by Oath, and so that Affair ended.

Nevertheless it was not lawful for any Subject to fight a Duel at his own Discretion, there was to be a legal Warrant in the case, and Judges appointed to allow of the Dispute, and adjust the Circumstance relating to it: When the Parties had leave to Fight, they deposited a Sum of Money in the Court, that afterwards the value of the Damages might be paid out of that Security by him, who was worsted, and this they called *Duellum vadiare*.

Sometimes the Pledges or Securities related to the Interest of the Lord, being left either in his Hands, or in the Hands of the Judges, that Part of them might be paid by way of Fine; and before these Securities were given in, it was reckoned a great Crime to pretend to Fight. It was likewise the Custom for the Challenger or Plaintiff to throw down his Glove, or some such thing before the Judge, which the Defendant, having first begg'd leave of the Court, took up, and by so doing shew'd his accepting the Challenge. Now after these Securities had passed between them, 'twas not in the Power of the Plaintiff or Defendant to agree the matter, without the leave of their *Lords*; for in case of his Refusal to take up the Dispute, they might be forc'd upon Fighting, and then the time of the Combat was assign'd, which was usually within forty Days: This seems to have been the Practice of the

English and other Nations of *Europe*, that allowed of such Decision by Arms.

As to the Weapons of the Combatants if they fought on Foot, they were *Swords* and *Shields*, but if on Horseback the Parties, and their Horses were arm'd *Cap-a-Pe*. If a Gentleman was impeach'd of a Capital Crime by a villain or inferior Person, the Gentleman had his Choice to fight on Horseback, if he pleased: And on the other side, if a Villain was challeng'd by a Gentleman, the Gentleman had the liberty to fight on Foot.

The Age in which a Man might be oblig'd to fight a Duel was One and twenty Years, and according to the *Provisions* in that case made by *Lewis IX.* of *France*, Women, Men above Sixty, Sick Persons, the Clergy and Monks, were excused from the necessity of Duelling, tho' the latter had sometimes their Champions that appear'd for them. The Penalty of those that yeilded or were worsted in the Duel, was either loss of *Member*, *Degradation* or *Hanging*, according to the Quality of the Crime.

There were several cases, in which it was not Lawful to fight a Duel; for which you may see *du Fresne* as to Foreign Affairs, which we shall not meddle with; but as to Counterpleas to the Battle in *England*, if the Appellant had any vehement Presumption or sufficient Testimony to prove that his Appeal was true, this would serve to put the Appellee from his Tryal by Battle, as if the Defendant were indicted of Felony before the Appeal commenced, or was taken within the manner, or with a bloody Knife, or other Weapon, over the Body of the Slain, or near him,
or

or that the Defendant had laid alone in the House with the Deceas'd, or that himself and others who lay there at the same time received no Blows nor Wounds in the Defence of the Slain, made no Hue and Cry after the Thieves or Murderers, would not confess who the Person was in the House with him, that had murdered the Deceas'd, committed the Felony or received the Man that was Slain into his House, who was seen to go in alive, but afterwards was found Dead there, and no Proof how he came to his Death.

2. If the Defendant should be taken with the manner, as in an Appeal of Death with a bloody Knife or other Weapon, he shall be barred from waging of Battle. And so shall he be, if taken with the manner in an Appeal of Robbery, which manner the Plaintiff must bring into Court, at the time when the Appellee offers to joyn in Battle, or otherwise he must plead that the Appellee was taken with the manner, which he would have brought into the Court if he could, or else he might say, That the manner was in the possession of another, and pray the Court to write for it; to which manner when brought into Court, the Defendant shall have no Traverse or other Exception, if the thing brought thither for the manner, varies not from those Goods or Things contain'd in the Appeal. Further, if the Appellee in an Appeal of Robbery be apprehended upon a fresh suit of Hue and Cry, and that some of the Money robbed be taken upon him; that is sufficient to put him by from waging Battle, tho' the Money cannot be distinguish'd from other Money; for by the Appeal the Plaintiff endeavours to at-

taint the Appellee of Felony, and also to have his Goods again; and perhaps, if it should be try'd by Battle, the Appellee might overcome the Appellant, tho' guilty of the Felony, and thereby retain the stolen Goods, without cause, and the manner was accounted so pregnant an Evidence in former Ages, that the Judges would arraign the Prisoner upon the manner taken in his Possession, as upon an Indictment.

3. Another good Counterplea for the Appellant is, that the Defendant taken and imprisoned for the Felony, broke Prison and escap'd, or endeavour'd it, the Appellee might indeed reply to the Counterplea and traverse the Arrest for Felony or breaking Prison, if he would; or he might plead the King's Pardon for breaking Prison, which Traverse or Pardon being try'd or allow'd, he should be restored to his tryal by Battle.

4. As there were Impediments on the Defendants Part, so were also on the Appellants against the Combat; such as vehement Presumptions of the Appellant's Weakness and Infirmities, as if he were within the Age of Fourteen or above Seventy, in Orders, a Woman or maim'd, whether by the Appellee at the time he robbed or any other; or, as some have affirm'd, whether he was maim'd by the Appellee or any other: Some would have it, that the Appellant, if above Threescore, is exempt from the Combat, unless he be minded to reject the Benefit of his Age and chuse to Fight.

5. The King's Person was exempt from the Combat, so were all others to whom he was pleased to grant such an Exemption; for
such

such a Grant was made to the Citizens of *London*; for so it was, that if a Citizen would bring an Appeal against another, and that the Defendant offer'd to wage Battle with him; the Citizen could, tho' willing of himself, waive that Privileges; but the Mayor and Commonalty must sue a writ out of *Chancery*, directed to the Judges where that Tryal should be made, reciting their liberty and praying for a stop to the tryal by Battle; and tho' in the said case the Plaintiff did count, that if the Defendant deny'd it, he was ready to prove it by his Body, yet the Defendant in his Plea could not take advantage of it; for they were but words of form only, and notwithstanding that conclusion he might take his tryal by the Country, or otherwise as the Law directed.

6. It was enacted by the Statute of 6th of *Richard II.* That if any Nobleman's Daughters, Ladies or other Women were Ravished, and after the Rape committed, did consent to the Ravishers; the Husbands if there were any, or their Fathers or other the next Relations, should have time to Prosecute, and might pursue against the same Offenders and Ravishers in that behalf, and Convict them, tho' the same Woman after the Rape had consented to the Ravisher. And in that case the Defendant was not to wage Battle, but the truth of the matter was to be try'd by the Country.

7. If one Appeal several Men of the same Felony, and they all joyned in Battle with the Appellant he is oblig'd to fight them all one after another, unless he is killed by one of them before he can engage the rest, and

if so, the others are discharged of the Appeal. But if, when the Appellant comes into the Field to fight with one of the Appellees, he'll confess his Appeal to be false in respect to him, yet that shall not discharge the rest of the Appeal, but they must proceed in their Tryal with the Appellant: Again, If one Man be appealed by Three of several Felonies, pleads not Guilty, and is ready to try it with his Body, he might fight with them all, one after another, and tho' he should overcome or kill one, this does not discharge him from the rest: But if Three Men appeal one but of one Felony, if the Appellee overcomes one, he is free from the other two; and if in that case the said two Appellants be Approvers, the other two shall be hanged.

8. All that has been said about tryal by Battle, may be apply'd as well to the Appeal of an Approver, who confesses himself to be a Felon, as to an Appeal commenced by a true Man.

If a Man be appealed of Felony and offers to wage Battle with the Appellant, but afterwards happens, not by his own Procurement, to become blind, he shall be discharg'd of the Combat. And so it is in a writ of Right; for in that case the Appellee hath pleaded such a Plea as the Law allows of, and his Incapacity to perform it comes from the Hand of God: But if after the Defendant has waged Battle with the Appellant, this last shall become blind, any way whatsoever, the Appellee shall be arraigned at the King's Suit.

This

This unaccountable Custom of putting an End to Controversies by Combat, has been severely censur'd by *Luitbrandus*, King of the *Lombards*. It has been likewise condemned by several Counsels, by some of which these Duelists stand excommunicated. Several Princes have also formerly endeavour'd to suppress this Custom, particularly our King *Henry II.* of *England*, and *Lewis IX.* King of *France*, which last forbid all sorts of Duelling in his Dominions: But it being found difficult to disengage perfectly from a Customary Practice, 'twas thought fit to qualify the matter, and bring it under Rules; The last mentioned Prince making it unlawful to engage in a Duel or Combat, unless in these four following Cases. 1st. That the Crime to be purged must be Capital. 2d, That the truth of the Fact must be beyond Question. 3dly, That the Person impeach'd was publickly scandalous for it; and 4thly, That the Charge could not be otherwise proved by legal Testimony.

But let us confine ourselves wholly to our own Practice in matters of Combat, of which there were two sorts; the one settled and adjusted in the Marshal's Court; and the other before the Judges at Common Law: Both of them were managed with much Form and Solemnity. We shall begin with that in the Marshal's Court; the History of which shall be taken from a Book drawn up in the Reign of King *Richard II.* by *Thomas*, Duke of *Gloucester*, the King's Unkle, who was Constable of *England* in right of his Wife *Elenor*, Eldest Daughter of *Humphrey de Bohun*, Earl of *Hereford*. It begins thus:

To his most Excellent, and most Potent Liege Lord, Richard, by the Grace of God, King of England and France, Lord of Ireland, and Duke of Aquitain.

May it please your Highness :

YOUR Liege Subject, *Thomas*, Duke of *Gloucester*, takes the liberty to acquaint your Highness, that since there has been a great many Duels fought within the Lists, in your Kingdom of *England*, in the Presence of my Reverend Lord and Father, your Grandfather, (on whose Soul the Lord have mercy) and likewise in your Highness's Reign and Presence, not to mention a great many more ancient Instances, and that several Persons, as Experience shews, have found Benefit by this Expedient. And since no martial Undertaking is more honourable than this way of dispute; the Cognizances and Regulation of which belonging to your Majesty, to the intent that the Combat may be fairly managed. And since there are great diversity of Methods, Orders and Customs concerning this matter; both in your Majesty's Kingdom and else where, which Customs and Laws of Duelling have not hitherto been set down in writing. For these Reasons that your Majesty and your Successors may with the greatest ease do Justice both to your Liege Subjects and to Foreigners, who are willing to end their Differences by Combat

bat before your Majesty; I your Majesty's Liege Subject and Constable, take the liberty to present your Majesty with this Book, concerning the Law and Management of Duelling: Not that I think it perfect and without faults; being conscious that it may be easily mended, and therefore I humbly beseech your Noble Highness, that your Grace will please to peruse this Book, and correct it, either by adding or taking away, as your Majesty shall think fit, taking the Opinion and Advice of those Noblemen and Knights, most remarkable for Prudence and Bravery, and who are supposed to have the best Skill in Military matters.

Imprimis, The Declaration, Bill or Libel of the Appellant or Plaintiff, and Defendant, shall be pleaded before the Constable or Marshall in their Courts; and when they cannot make out the Cause for want of sufficient Evidence, so that there seems a necessity of ending it by Blows, in that case the Constable is impowered to Authorize a Duel, as being the Substitute or Deputy of God and the King: The Duel being ordered by the Constable, he is obliged by his Office to appoint Time and Place, but so as not to fix it sooner than Forty Days after the Order, unless by the consent of the Challenger and the Defendant.

After this, the Constable is to appoint them their Weapons, (*viz.*) a long Sword, a short Sword and a Dagger; and here the Challenger and Defendant are to give sufficient Security, that they will appear at the Day assigned; the Challenger to spend his whole Strength upon the Defendant, and the Defendant to
do

do his best against the other. For this purpose the Challenger has the Day and Hour set him, to make good his Proof, and is obliged to be first in the Lists to discharge his Bail. In the mean time both of them are obliged not to molest, damnify or insult each other by themselves, or by any other of their Friends or Party. The Place or Field must be assigned by the King, and the *Lists*, that is the Rails and Inclosure set up and fix'd by the Constable: And here Care must be taken that the length of the Lists be Sixty Paces, and Forty in breadth; that they are strong and well fixed; that the ground be firm, hard and even, without any great Stone in it: They are likewise to have one Gate on the East-side, and another on the West; that the Rails be substantial and strong, and Seven Foot high or better.

We are likewise to take Notice that the Principal Lists are to be surrounded with others called *Faux Lists*, or false Lists, wherein the Constable's and Marshal's Servants and the *Sergeants at Arms*, are to be planted, to prevent all Tumults and Disturbances, contrary to the Rules and Proclamations of the Court if any disturbances arise contrary to the Respect due to the King's Majesty, or to the Laws of Duelling, for which purpose the Servants are to be arm'd at all Points.

The Constable may have as many of these Servants as he pleases, but the Marshal is to have no more than those appointed him by the Constable.

The King's *Sergeants at Arms* are to have the charge of the Gates of the Lists; and if any
Body

Body is to be arrested, they are to seize him by the Constable's or Marshal's Order.

Upon the Day of the Combat, the King is seated on his Throne, or upon a Scaffold, at the lower Step of which, there is to be a Place for the Constable and Marshal, who are oblig'd to be present.

Then the Bail of the Challenger and Defendant shall be call'd upon, to enter the Lists before the King, and brought into the Court as Prisoners, till the Plaintiff and Defendant appear within the Lists, and take their Respective Oaths.

When the Plaintiff or Appellant comes upon the Spot to make good his Challenge, he shall walk or ride to the east Gate of the Lists, appointed with such Weapons as the Court has assigned him, where he is to stay till introduced by the Constable and Marshal to the Gate above mentioned; and then the Constable is to ask him who he is that comes arm'd to the Gates of the List? What is his Name? and his Business? To this the Challenger answers, I am *A. de K.* the Appellant, and come hither, &c. to perform &c. Then the Constable shall lift up his *Beaver*, (or, as the old Manuscript has it, the visier of his *Basinet*) that he may see his Face perfectly, and be certain he is the Plaintiff; and being satisfied, shall order the Gates of the Lists to be opened, and bring him in with his Armour, Weapons, Provisions, and other lawful Conveniences, together with some of his Friends. Then he is to bring him before the King, and afterwards to convey him into his Tent till the Defendant appears. The same Ceremony is to be pass'd upon
on

on the Defendant excepting that he is to be brought in at the Western Gate of the Lifts:

The Constable's Clerk shall enter the Appearance of the Challenger, the Hour he came and that he walked on Foot into the Lifts. He is likewise to register his Harness or Armour, how many Weapons he was furnish'd with; what Provisions and other Necessaries he brought along with him. And the same method shall be used with the Defendant.

The Constable shall likewise take care that no Person belonging to the Challenger or Defendant, brings in more Weapons or Provisions than the Court has ordered.

And if it happens that the Defendant does not make his Appearance at the precise time assigned him by the Court, the Constable shall order the Marshal to have him summoned at the four corners of the Lifts, in these Words: *O Yes, O Yes, O Yes, C. of D. Defendant, makes your Appearance to do your Office and discharge your Bail, which you have undertaken to perform this Day before the King, the Constable and Marshal in your own Defence, against the Charge which A. of B. has brought against you.*

And if he does not appear exactly at the Hour, he is to be summoned a second time in the same manner; the Cryer adding in the end of the Summons, *Come, the Day slips away apace.* And if he does not appear then he must be summoned a third time, which must be done between the Hours of Nine and Three a clock in the manner above mention'd; only this last time the Cryer must say: *The Day slips away apace, and 'tis just upon the Hour of Three, make your Appearance there-*
fore

fore at the Hour of Three aforesaid, and no latter at your Peril.

Now tho' the Constable prescribes the Defendant his exact time, yet if he stays till full Three, or rather past, they cannot give Judgment against him, whether he is charg'd with High Treason or not; but the case is otherwise with the Challenger, who is oblig'd to appear exactly at the time set him by the Court; neither will the Impeachment of High Treason, or any other Pretence be admitted as an Excuse.

The Challenger and Defendant being entered into the Lists, with their Armour, Weapons, Provisions and Friends, according to the Appointment of the Court, the Constable is to ask the King, whether he please to assign any Lords or Knights for the remaining Ceremony? Or, whether his Royal Pleasure is, that the Parties should take their Oaths before his Majesty, or before the Constable and Marshal.

The Challenger and Defendant must likewise be searched by the Constable and Marshal, to examine whether they have any other than lawful *Weapons* about them; and if any such are found about them, they must be taken away; for neither Reason, good Faith, nor the Law of Arms, will endure any foul Play or tricking in a business of this Nature: And here we are to understand, that the Challenger and Defendant may make use of as good defensive Arms as they can.

Then the Challenger and his Friends shall be call'd, first by the Constable, and then by the Marshal, to take his Oath: And here the Constable shall interrogate him, if he has
any

any farther Protestation to make, and that he would deliver it fully in Writing; for after this time, it will not be in his Power to make any more Protestations.

The Constable's Clerk being ready, shall produce a Missal open, and then the Constable shall order the said Clerk to read the Challenger's Bill or Libel aloud, from the beginning to the end. When this Bill is read over, the Constable shall say to the Challenger; *You, A. of K. are well apprized of this Bill and Security, which you have given into the Court: Put your right hand here on the holy Book, and swear as follows. You A. of K. this Bill of yours is a true Bill, in all Clauses and Points, from the beginning to the end, and that it is your Design and Intention to make good the Contents of it against C. of B. So help you God, and the Contents of this Book.*

The Oath being thus taken, he shall be convey'd to his Place and the Constable shall order the Marshal to call in the Defendant, where the same things, *mutatis mutandis* shall be repeated.

The Constable shall order the Marshal to call in the Appellant once more, and then causing him to lay his Hand upon the Missal above-mention'd, shall say, *A. of B. you make Oath, that you neither have, nor will have, any thing or things (Mo Poynte ne Poynte) about you or upon your Body, excepting those allow'd you by the Court, viz. a long Sword, a short Sword, and a Dagger; neither will you make use of any Means or Assistances extraordinary, nor carry any Magical Stone, Plant, (Stone of Vertue, or Herb of Vertue) Charms mystical Experiment, or Character, nor any other sort of Magical business, a-*
bout

bout you, or for you by which you expect to gain a more easy Conquest of your Adversary C. of B. who is this Day to enter the Lists in his Defence against you; you likewise swear, that you place your Confidence in no other thing excepting God, your own Limbs, and the Justice of your Cause: So help you God, and the Contents of this Book.

This Oath being thus taken, he is to be carried back to his place, and then the same Solemnity is to pass upon the Defendant.

The Oaths being over, and the Servants and Friends of the Combatants remov'd from them, the Constable shall order the Marshal to call for the Challenger and Defendant, who being brought out of their respective Tents, shall be under Guard of the Constable's and Marshal's Servants, and the Constable shall speak to both of them as follows: *You A. of K. the Appellant, shall take C. of B. the Defendant by the Right Hand, and so shall you him interchangeably: And here we charge each of you, in the King's Name, and at the Peril of losing your Cause, if either of you fail in the Circumstances enjoyned; we charge I say, that neither of you be so spiteful as to do each other any Mischief, Prejudice, or Damage, by any unfair thrusting, or otherwise in shaking Hands.*

This Order being pronounc'd, the Constable shall bid them take each other by the Right Hand, laying their Left upon the Misfal, and shall say to the Challenger: *You A. of K. Appellant, make Oath, by the Sign of good Faith, which you put in your Adversary's Hand, C. of B. the Defendant, and by all the Holy Contents which you touch with your Left Hand, that this Day before Sun set, you will do your utmost, according to the best of your Strength and Skill, to*
make

make good your Impeachment against C. of B. your Adversary, to force him to yield and recant (creant to cry or speak) or else to kill him outright, before you go out of the Lists, within the time allotted you by the Court, upon the Faith of an honest Man, as God shall help you, and by the Contents of this Book. The Defendant takes the same Oath, mutatis mutandis.

Then the Constable shall order the Marshal to make Proclamation at the four Corners of the Lists, in this manner: *O yes, O yes, O yes, we Charge and Command, in the Name of the King's Constable and Marshal, that no Person of any Quality, Rank, Condition or Country, Great or Small, Native or Foreigner whatsoever, be so hardy as to presume to come within four Foot of the Lists, nor to Speak, Shout, Nod, nor make any Sign, Noise, or Sound, whereby either of the Parties, A. of K. the Challenger, or C. of B. the Defendant, may have any Advantage against each other, under the Penalty of forfeiting Life, Limbs and Goods, at the King's Pleasure.*

After this the Constable and Marshal shall remove all People out of the Lists, except two Knights, their Deputies, who, as the old *English* expresses it, shall be arm'd upon their Bodies, or *Cap-a-pee*; but then they are to carry in no Knife, Sword or other Weapon, which the Appellant or Defendant may snatch from them, and make use of: But the said Deputies of the Constable or Marshal shall each of them have a Pike, without a head, to part the Combatants, if the King should so order it, either to give them Breath, or for any other Reason his Highness shall think fit.

And

And here it is to be observ'd, that if either Meat, Drink, or any other lawful Conveniencies, are to be given to the Challenger or Defendant, after their Friends and Servants are remov'd, the furnishing of those things then belongs to the Heralds, who are likewise to make Proclamation in Court; which Heralds or Pursivants shall have a Place assign'd them by the Constable and Marshal, as near the Lists as conveniently may be, and so that they may see what passies, and be ready to execute their Office.

The Challenger in one Place being guarded by the Constable and Marshal's Order, and the Defendant likewise in another, and both of them prepar'd and arm'd by their Attendants and Keepers, the Marshal standing by one of them, and the Constable's Deputy by the other; the Constable himself being in his Place by the King, and the Combatants ready, as aforesaid, to encounter each other: The Constable shall pronounce, with an audible Voice, *Laissez les aller, Laissez les aller*; that is, *Let them fall on*: And then pausing a while, *Laissez les aller*; and then making another little Pause, *Laissez les aller, & faire leur Avoir au nom de Dieu*; *Let them take their Liberty, and do their Duty in God's Name*.

This being pronounc'd aloud, every Body is to stand off from the Combatants, that they may Charge each other, and do what they have a mind to. And now neither the Challenger nor Defendant are allow'd to Eat or Drink any thing without the King's Leave, under the Penalty of the Court, unless they do it by joint Consent.

The Combatants being thus engag'd, the Constable is oblig'd to observe the Dispute, with all the Niceness and Care imaginable; for if the King has a mind the Challenger and Defendant should be parted, to rest, or make a halt, or for any other Reason whatsoever, the Constable is to take Notice in what Condition they are parted, that they may be return'd again to the same State, Posture and Circumstances, in every particular. If the King has a mind they should Fight again, the Constable is likewise obliged to listen and look with all possible Exactness, and observe whether either of them mentions yielding, or any thing else material, for to him only it belongs to give in Evidence, and to record the manner of the Combat, and no other.

If the Duel is fought upon an Impeachment of High Treason, the Party beaten must, by the Constable's Order, be disarm'd within the Lists, a Corner of which must have a Gap made in them, thro' which he is to be dragged out by Horses from the Place where he was disarm'd, to the Place of Execution, there to be beheaded or hang'd, according to the Custom of the Court. This part belongs to the Marshal, whose business it is to inspect the Matter, and order the Execution; to walk, ride, and be always about the guilty Person, till the Execution is over, and all the Infamy and Punishment have pass'd either upon the Challenger or Defendant; for Reason, Equity, and the Laws of Arms, require that the Challenger should suffer the same Punishment with the Defendant, if he happens to be beaten or yields.

But

But if the King has a mind to put up the Quarrel, and make them Friends, not permitting them to Fight any longer, the Constable shall take hold of one of them, and the Marshal of the other, and bring them before the King; and as his Highness orders, the Constable or Marshal shall Conduct them to one side of the List being exactly even with one another: So that neither of them shall be the least Step before. For when the King undertakes to put an End to the Controversy, it would not be honourable nor fair, that one of them should be treated worse than the other. Now, as very old Men report the Custom, 'tis a sort of Dishonour to go first out of the Lists, in the Case of High Treason, or any other.

The *Poynte*, and *Armour broken*, are, as the old *English* calls it, the Heralds Fees, and likewise whatever the Challenger or Defendant snatches, or lets go, after they are enter'd the Lists; and so are all the Weapons and Armour of the Vanquish'd, whether Challenger or Defendant.

The *Lists* and *Rails*, which they call the Bars, and the Posts belong to the Marshal.

There are but very few Examples, either in our Histories or Records, of such sorts of Tryals as those by Combat. One that occurs to us was that in the 3d and 4th of the Reign of King *Richard II.* Anno 1380. between *Annesley* and *Katringon*; but first well set down one of another Nature, because first in order of Time.

*A short but very singular Tryal and
Acquitment of Cecely de Ryge-
way, for the Murder of her Hus-
band.*

THERE is nothing more singular in the whole Course of our Histories and Records, than the following Case and Manner of the Tryal of a Woman for killing her Husband; which in a few Words was thus. In the 31st Year of the Reign of that glorious Prince *Edward III.* and that of our Lord 1347. there was one *Cecely de Ryge-way* indicted for the Murder of her Husband; but she refusing to plead, and continuing Mute, notwithstanding all the Threats and Arguments the Judges could use to her: They adjudged her at last to fast Forty Days together in close Prison, without any Meat or Drink at all. This she actually did.

For Proof of this extraordinary Abstinence, I shall produce a Copy of the Record lodged in the *Tower of London.* It runs thus:

Ex

Ex Rot. Paten. de Anno Regni Regis Edwardi tertij 31. Parte 1. Memb. 11.

REX omnibus Ballivis Fidelibus suis, ad quos, &c. Salutem. Sciatis quod cum Cecilia qua fuit Uxor Johannis de Ryge way, nuper indictata de Morte ipsius Johannis Viri sui, & de Morte illa coram Dilect & Fidelibus Nostris Henrico Grove, & Socijs suis Justic. Nostris ad Goalam Nostram Nottyngh. Deliberand. Assign. Allocuta pro eo, quod se tenuit Mutam ad Penam suam extitit Adjudicata, ut dicitur, in qua sine Cibo & Potu in Arcta Prisonsa per Quadraginta dies vitam sustinuit, Via Miraculi, & quasi contra Naturam Humanam, sicut ex Testimonio accepimus fide digna. Nos, ea de Causa, Pietate Moti, ad Laudem Dei, & Gloriosa Virginis Mariae Matris sue, unde dictum Miraculum processit, ut creditur, de Gratia Nostra speciali Pardonavimus eidem Cecelia Executionem Judicij Prædicti; volentes quod eadem Cecilia a Prisonsa prædicta deliberetur, & de Corpore suo ulterius non sit impetita, occasione Judicij supradicti, in ejus, &c. testimonium R. Apud West. XXV. die Aprilis.

Per Bre. de Privatio Sig. llo

Convenit cum Record.

In *English* in runs thus :

THE King to all Bailiffs and other his
 Liege Subjects, to whom these Presents
 shall come, &c. Greeting : Be it known un-
 to you, that whereas *Cecily*, who was the
 Wife of *John Ryge-way*, was lately indicted
 for the Murder of the said *John* her Hus-
 band, and brought to her Tryal for the
 same, before our beloved and faithful *Hen-*
ry Grove, and his Brother Judges at *Notting-*
ham; but that continuing Mute, and re-
 fusing to plead to the said Indictment, she
 was sentenc'd to be committed to close Cu-
 stody, without any Victuals or Drink, for
 the space of Forty Days; which she mira-
 culously, and even contrary to the Course
 of Human Nature, went thro'; as we are
 well and fully assured of from Persons of
 undoubted Credit: We do therefore for
 that Reason, and from a Principle of Piety
 to the Glory of God, and of the blessed
 Virgin *Mary*, his Mother, by whom its
 thought this Miracle was wrought, out of
 our special Grace and Favour, pardon the
 said *Cecily* from the further Execution of the
 Sentence upon her, and our Will and Plea-
 sure is, that she be freed from the said Pri-
 son, and no further trouble given her upon
 the Account of the said Sentence, &c.

In Witness whereof, &c.

*The History of a Tryal by Combat
between Sir John Annesley, Knt.
and Thomas Katrington, Esq; in
the 3d and 4th of King Richard
II. Anno 1380.*

SIR *John Chandois*, a very famous Soldier in the Reign of *Edward III.* King of *England*, had for his many eminent Services in the *French Wars*, a Grant made him by that Prince, among several others, of the Barony of *St. Saviour's* in the Isle of *Constantine* in the Dutchy of *Normandy*, where he built *St. Saviour's Castle*; but dying at length without Issue, and leaving his three Sisters his Heirs, Sir *John Annesley*, as I take it, marry'd one of them; tho' most of our Historians say, she was nearest Cousin by Affinity to Sir *John Chandois*, as they express it: Be this as it will, the Command of that Castle being committed to the Care of Mr *Katrington*, to defend it against the Enemy; *Annesley* charg'd him, that he had sold it to the *French*, being otherwise under no manner of Necessity to give it up, seeing he was sufficiently provided with Men, Ammunition and Provision: And therefore since the same by Inheritance appertained to Sir *John Annesley*, in right of his Wife, if the other had not basely given it up to the Hands of the Enemy, he offer'd, for want of more sufficient Proof, to try the Quarrel by Com-

bat against *Katrington*; upon which this last was apprehended and clapt up in Prison; but soon after set at Liberty again.

John of Gaunt, Duke of *Lancaster*, during the late Sickness of his Father, King *Edward* III. governing every thing at his Pleasure, it was believed that *Katrington* obtain'd his Liberty for the time by the Interposition of the Lord *Latimer*, who had a great Interest in the Duke of *Lancaster*: So that Sir *John Annesley* could not obtain any manner of Satisfaction of his Adversary, till King *Richard* had been seated between three and four Years upon the Throne. Those Persons who had apprehensions they might have the like Offences laid to their Charge, put a Stop to the Business, till at length it was decided by the judgment of some redoubted and old Knights. That in respect it was a Foreign Controversy, which did not arise within the Confines of the Realm, and concerned the Possession of things beyond Sea, it was lawful to have it try'd by Battle, provided due Notification was first made to the Lord High Constable and Earl Marshal of *England*, and that the Combat was agreed to by both Parties; Upon which the Day and Place were appointed, and all things got ready, with Lifts rail'd, and so substantially made, as if they were to last to all future Ages. The Concourse of People that came to *London* to see this Tryal, was thought to exceed that at the King's Coronation, so desirous were Persons from all Parts to go to behold so strange and uncommon a Sight,

The

The seventh Day of *June* in the Year 1380. was the Day appointed, upon which the King, Nobility and Commonalty repair'd in the Morning to the Lifts, into which Sir *John Annesley* being well arm'd and mounted on a fine Horse, seemingly trapped, first enter'd as Appellant, waiting till the Defendant his Adversary came, and soon after the Defendant was summoned to come and defend his Cause, in the following form. *Thomas Katrington, Defendant, come and appear to save the Action, for which Sir John Annesley, Knt. and Appellant, has publickly and by writing appealed thee.* Being thus cited thrice to appear by a Herald, he came at the third Summons, likewise arm'd, being mounted on a Horse with Trappings embroider'd with his Arms. Upon his Approach to the Lifts, he alighted from his Horse, least, according to the Law of Arms, the Constable should lay Claim to him, if he enter'd with him within the Lifts: But this Precaution, as it happen'd, signify'd nothing, for the Horse, after his Master had alighted, ran up and down by the Rails, one while thrusting his Head, and at another time, his Head and Breast over; so that *Thomas*, then Earl of *Buckingham*, afterwards Duke of *Gloucester*, and the King's Unkle, as he was Lord High Constable, laid his Claim to him, and swearing that he would have so much of him as had appear'd over the Rails, the Horse was adjudg'd to be his Due, and so he had him.

But to the Business of the Combat. The Indenture was produc'd by the Marshal and Constable, which had been made and sealed in

in their Presence, with the Consent of the Parties; wherein the Articles were contained which the Knight had exhibited against the Esquire, and the same were read then aloud before all the People. *Katrington*, whose Conscience was thought to be so far from clear, that he was really guilty, seem'd to be ruffled and in much Confusion, and went about to raise Exceptions and to offer Reasons, to make them believe he was in the Right: But the Duke of *Lancaster* finding him thus demur upon the Matter, swore, that unless he would, pursuant to the Rules of Combat, and the Law of Arms, acquiesce with every thing contain'd in the Indentures, which were drawn up and executed with his own Approbation and Consent, he should be forthwith executed, as guilty of High Treason. The Duke, by expressing himself so fully and openly, was highly extoll'd, and thereby wash'd off the shrewd Suspicions that had been entertain'd of his Partiality in *Katrington's* Favour. *Katrington* hearing this, said aloud, that he durst fight with Sir *John* upon this or any other Quarrel, for he trusted, *says our Historian*, more to the Strength of his Body, and the Favour of his Friends, than to the Cause he had undertaken to defend: For he was indeed a very lusty Man, whereas the Appellant was among the least of those of a middle Stature. *Katrington's* Friends, in whom he most confided, and had most Expectations from, were the Lords *Latimer* and *Basset*, with some others, who nevertheless could in this Juncture give him no other Assistance than with their good wishes.

The

The Appellant and Defendant both, before they began the Combat, were oblig'd to take an Oath, that the Cause for which they were to fight, was Just and True, and that they had nothing at all to do with Witchcraft or Magick, by the Assistance whereof they might obtain the Victory over their Adversary; nor that they carry'd about them any Herb or Stone, or other kind of Charm whatsoever, by which Magicians were wont to triumph over their Enemies. When this was over, and that both of them had very devoutly perform'd their Devotions, they address'd themselves to fight, first with their Spears, then with their Swords, and last of all with their Daggers. They fought a long time, but at length the Appellant disarm'd his Enemy of all his Weapons, and bravely bore him down to the Ground: His design was to fall upon him, but the Sweat that ran down from under his Helmet dazzling his Sight, he fell down sidely at some distance from him; which being observ'd by *Katrington*, tho' he was in a manner quite spent in the Action, yet he made to the Knight, and threw himself upon him; so that many of the Spectators expected he would have been worsted, while others were in hopes he would recover his Feet again, and get the better of his Adversary.

The King in the mean time order'd Proclamation to be made, that they should proceed no further, and that the Knight should be rais'd up, his Majesty designing to decide the Matter between them: Others were also sent to take up the Defendant; but the
 Knight

Knight intreated those that came to help him up, to tell the King, he would be pleased to let them lye still, for he thanked God he was very well, and did not doubt but to obtain the Victory, if they would place his Adversary upon him in the same Posture as he was in before: But that being not granted, they took him up, and he was no sooner upon his Feet, but he chearfully walked to the King, without any Assistance; whereas *Kattrington* could neither stand nor go without two Men to support him, and therefore he was set in his Chair to rest, and see if he might recover his Strength.

The Knight when he came into the King's Presence, besought his Majesty and his Nobility to allow he might presently be laid on the Ground in the same Posture as before, and the other upon him, for he found his Adversary, thro excessive heat and the weight of his Armour, was grown exceeding faint, and his Spirits in a manner quite gone. Now the King and his Council finding the Knight resolutely bent to try out the Combat, and offering large Sums to obtain leave for it, decreed they should be both put into their former Posture. The Defendant in the Interim being seiz'd with a fainting Fit, fell out of his Chair, as if he would have dy'd away presently; upon which the By-standers threw Wine and Water into his Face, but they could do him no good, till they pull'd off his Armour and other Apparel; which was a Proof of the Knight's having obtain'd the Victory, and so indeed it was adjudged.

Kattrington

Katrington soon after began to come to himself, to open his Eyes, and to hold up his Head a while, but look'd very ghastly on those who were about him. This being told *Sir John Annesley*, he went up to him in Armour as before, for he had not yet put it off, and calling him Traytor and a wicked Perjurer, ask'd him, If he durst encounter with him any more; but *Katrington* having neither Sense nor Spirit to make him an Answer, Proclamation was made that the Combat was over, and that every body should repair to their own Homes.

Katrington immediately upon this being convey'd to his Lodgings, was put to Bed; but he soon grew raving Mad, and so continued till about Nine a Clock the next Day, when he gave up the Ghost.

The

The History of the Combat between Henry Plantagenet, or of Bolingbroke, then Duke of Hereford, afterwards of Lancaster, and King of England by the Name of Henry IV. and Thomas Mowbray, Duke of Norfolk, Earl Marshall of England in the Year 1397. and 21st of Richard II.

Historians do not rightly agree whether it was the Duke of *Hereford* or the Duke of *Norfolk* made the first Complaint; most of our modern Writers say, that the Duke of *Hereford* one Day in a familiar Conversation with the Duke of *Norfolk*, complain'd that the King too much undervalued the Princes of the Blood, and much discountenanc'd those of the Nobility from intermedling with publick Affairs; that instead of these he was wholly led by new and upstart Favourites, who had neither Abilities for the Affairs of Peace or War, but were generally hated and despis'd throughout the Kingdom, to the sullying of the King's Honour, and the endangering of the Government; that the Dignity of the Kingdom was much impair'd; matters of Peace and War being in unskilful hands, from whom no Good could be expected: That it was high time the King should look about him; for the Nobility was discourag'd

discourag'd, the Commons hopeless, and the People in general full of Murmurs and Discontents: He affirm'd, he said this not out of ill will to any Person, but out of Concern for the Publick and the honour of his Sovereign, and therefore he desir'd the Duke, who was one of the Cabinet Council, to lay before his Majesty those Dangers, and Deformities of State, that by repairing of the one, he might succesfully repel the other: They proceed and say, the Duke of *Norfolk* seem'd at first to approve of what the other had spoke; but afterwards misrepresenting his Words to the King, it occasion'd the Quarrel between them.

Other Authors of much more ancient Date, and very good Authority relate, That in a Parliament held at *Shrewsbury*, the Duke of *Hereford* accused the Duke of *Norfolk* of certain Words that passed between them, as they rode a little before between *Branford* and *London*, which tended highly to the King's Dishonour, and for a farther Proof thereof, says *Walsingham*, he presented a Petition to the King, wherein he Challenged the Duke of *Norfolk* to single Combat. The Petition was read in the King's Presence before both the Dukes; upon which the Duke of *Norfolk* declar'd, *That whatever the other said to his dishonour, It was a Lye.* Then the King asking the Duke of *Hereford* what he had to say: He took his Hood off his Head and reply'd, *My Sovereign Lord, I do Justify every Word contained in my Petition, and say, Thomas Mowbray, Duke of Norfolk, is a Traytor, false and disloyal to your Majesty, to your Crown and Dignity and all the States of your Realm.*

The

The Duke of *Norfolk* being asked what he had to say, answer'd *Right dear Sovereign, with your leave and all due Deference had to your Majesty, I say that your Cousin, Henry of Lancaster, Duke of Hereford, Lyes, like a Traytor as he is in that he hath or shall say any thing dishonourable of me*: Said the King, *No more, we have heard enough*; and then commanded *Thomas Holland, Duke of Surrey*, made Marshal of *England* for that Occasion, in his Name to take both the Dukes into Custody: The Duke of *Lancaster*, *Hereford's* Father, the Duke of *York*, his Unkle, the Duke of *Aumarle*, his first Cousin, Constable of *England*, and the Duke of *Surrey*, were bound for him Body for Body; but the Duke of *Norfolk* was not suffered to give Bail, and so was convey'd Prisoner to *Windsor Castle*.

There was a Day appointed about Six Weeks after the Dissolution of the Parliament held at *Shrewsbury*, for the King to go to *Windsor* in order to determine the Difference between the Two Dukes who had challenged one another. A Scaffold was erected within the Castle for the King and the Nobility and Prelates to sit on, and having taken their Places accordingly, the Two Dukes were brought before the King, and then Sir *John Bushy*, in the King's Name declar'd to all present, *That whereas the Duke of Hereford had presented a Petition to the King, who was ready to administer Justice to all Persons that demanded it; he therefore would now hear what both the Dukes had to say*; but first he commanded the Dukes of *Aumarle* and *Surrey* who were the one Constable, and the other Marshal, to go to the Appellant and Defendant,

dant, and to require them from him to accommodate Matters; but both of them resolutely answer'd, It was impossible for them to be reconciled. The King commanded they should forthwith be brought into his Presence; a Herald proclaiming with a loud Voice that they should appear each of them to shew his Reasons, or else without any more ado to become Friends.

The King himself upon their appearing before him, exhorted them to be reconciled, saying, *It would be their best way to do it.* Upon which the Duke of *Norfolk* having made his Obedience, said, *It could not be done, and his Honour saved.* Then the King ask'd the Duke of *Hereford*, *What it was that he demanded of the Duke of Norfolk, and what was the Reason that they could not be reconciled?* Upon this a Knight appear'd, and having obtained leave to speak for the Duke of *Hereford*, said, *My Sovereign Lord, Here is Henry of Lancaster, Duke of Hereford, and Earl of Derby, who says, and I also for him, that Thomas Mowbray, Duke of Norfolk, is a false Traytor to your Royal Majesty and the whole Kingdom. Farther, the Duke of Hereford says, and I for him, that Thomas Mowbray Duke of Norfolk, has received Eight thousand Nobles for the Payment of the Garrison of Calais, which he has not done: Again, That the said Duke has been the Cause of all the Treasons form'd in your Dominions these Eighteen Years, and that it was thro' his false Suggestions and evil Council, that your dear Uncle the Duke of Gloucester was put to death and murdered: Moreover, the Duke of Hereford says, and I for him, that he will prove this with his Body against the Body of the said Duke of Norfolk within the*

Lists. The King growing angry hereupon, asked the Duke of *Hereford*, *Whether those were his Words?* To which he answer'd, *My dear Sovereign, They are ; and I demand Justice should be done me, and that I may engage him in a Combat.*

There was also another Knight, who having obtain'd leave to speak for the Duke of *Norfolk* said, *Most dread Sovereign, Here is Thomas, Duke of Norfolk, who answers, and I for him, That all that Henry of Lancaster has said and declar'd, with all due Deference to the King's Majesty and his Council, is a Lye ; and the said Henry of Lancaster hath falsely and wickedly Lyed like an unworthy and disloyal Knight and both has been and is a Traytor against your Majesty, your Crown and Kingdom. This I will prove and defend as becomes a Loyal Knight, with my Body against his. I therefore beseech your Majesty and your Council, that you would be pleased in your Royal Wisdom, to consider and observe what Henry of Lancaster, Duke of Hereford, such an One as he is, has said.*

The King then asking the Duke of *Norfolk* if these were his Words, and whether he had any more to say. The Duke answer'd, *Royal Sir, I own I have received such a Sum in Gold for the Payment of the Garrison of Calais, which I have done, and do aver, that that Town is as well provided pursuant to your Commands, as ever it has been, and that there never was any Complaint made from thence to your Majesty by any Body against me. Most dread Sovereign, as to the Voyage I made into France, about the Business of your Marriage, I received of you no Money at all of any kind, nor for that made by the Duke of *Aumale* and my self into Germany. I must own that I*
once

once lay in wait for the Life of the Duke of Lancaster, who sits there, but that he has forgiven me, and there is a good Understanding between him and I, for which I give him my hearty Thanks: This is what I have to answer, being ready to defend my self against my Adversary, and therefore I beseech your Majesty that I may have a Combat with him, and that righteous Judgment be given thereupon.

This done, and the King having for a short time advised with his Council, the two Dukes were again commanded to appear, so as that their Answers might be heard, and his Majesty having commanded them once more to be interrogated, whether they would not agree and be Friends, they both absolutely refused it; and the Duke of *Hereford* about the same time throwing down his Gauntlet, the other took it up. The King being fully assured of their Obstinacy, Swore by St. *John Baptist*, that he would never endeavour to Reconcile them again; and therefore Sir *John Bushy* in the King and Council's Name, declar'd, That it was their Resolution and Pleasure, that they should have a Day of Battle appointed them at *Coventry*. Authors cannot exactly agree as to the Day; some saying it was upon a *Monday* in the Month of *August* Anno 1398, and the 21st of King *Richard II.* others upon St. *Lambert's-Day* the 17th of *September*, and some on the 11th of the same Month.

This is not very material; the appointed time being come, the King went to *Coventry*, where the two Dukes were ready according to the Rules and Orders prescrib'd them. They had each of them a splendid Retinue of Noble men and Gentlemen, who accompany'd

them upon so solemn an Occasion. The King had order'd a stately Theatre to be built, and Royal Lifts erected. The Duke of *Hereford* on the *Sunday* before they were to engage, went after Dinner to wait upon the King, who had taken up his Lodgings in a Tower belonging to Sir *William Baget*, about a quarter of a Mile without the Town; and the Duke of *Norfolk*, next Morning about break of Day, went also to Court to take his leave of the King. The Duke of *Hereford* arm'd himself in his Tent, which was pitch'd near the Lifts, and the Duke of *Norfolk* put on his Armour between the Gate and the Barrier of the Town, there being a fine thick Wood towards the Gate that none might see what was done in the House.

The Duke of *Aumale*, High Constable of *England* for the Day, and Duke of *Surrey*, Earl Marshal, placed themselves well arm'd and appointed between them, and when they saw their time they enter'd the Lifts, with a very great Retinue, of Servants clad in rich Liveries, and every Man having a Tip-staff in his Hand to keep the Field clear and in good Order.

About the Hour of *Prime*, came *Henry*, Duke of *Hereford*, to the Barriers of the Lifts, mounted on a White Courser, with his Caparison of Blew and White Velvet richly imbroydered with Swans and Antilopes, and arm'd at all Points. The Constable and Marshal came to the Barriers, and asking him who he was, he answer'd, *I am Henry of Lancaster, Duke of Hereford, and come hither to do my Endeavours against Thomas Mowbray, Duke of Norfolk, so as to prove him a Traytor, false to God, the King, Kingdom, and my self.*

Having

Having thus spoke, he presently took his Oath upon the Holy Evangelists, that his Quarrel was just and true, and therefore demanded Liberty to enter the Lifts. Upon which he put up his Sword, which before he held drawn in his Hand, pulled down his Beaver, and signing himself with the Sign of the Cross, took his Spear in his Hand and passed the Barriers, dismounted, and sat down in a green Velvet Chair, placed in a Travers of green and blew Velvet at one end of the Lifts.

Soon after King *Richard* himself enter'd the Field with great Splendor and Magnificence, being attended by most of the Peers of the Realm, and among others was the Count of *St. Paul*, who came out of *France* on purpose to see this famous Combat. The King had a train of about Ten thousand Men, in order to keep the Peace and prevent all Tumults. When he had seated himself, a King of Arms made a Proclamation, forbidding all Persons, in the Name of the King, the High Constable and Marshall, to approach or touch any part of the Lifts, upon Pain of Death; except only such as were appointed to Order and Marshal the Field. The Proclamation being over, another *Herald* cry'd aloud, *Behold here Henry of Lancaster, Duke of Hereford, who is enter'd the Lifts to do his Duty against Thomas Mowbray, Duke of Norfolk, Defendant, upon Pain of being adjudged a Traytor and a Coward.*

On the other Hand, the Duke of *Norfolk* hovered on Horseback before the Barriers of the Lifts; the Caparisons of his Horse being of Crimson Velvet, richly imbroydered with Silver Lyons and Mulbery Trees. He first

took his Oath that his Quarrel was just, before the Constable and Marshal, and then enter'd the Field, crying aloud, *God assist the Just Cause*; and then alighting from his Horse placed himself in a Crimson Velvet Chair, at the other End of the Lists opposite to his Adversary.

This done, the Marshall viewed their Spears, to see that they were of an equal length; he delivered one Spear himself to the Duke of *Hereford*, and the other he sent by a Knight to the Duke of *Norfolk*. Then Proclamation was made by a Herald, that the Traverses and Chairs of the Combatants should be remov'd, and commanded them, in the King's Name, to mount, and prepare themselves for the Encounter.

The Dukes soon mounted and closing their Beavers, cast their Spears into their Wreaths, and when the Trumpet sounded, *Hereford* advanced some Paces with a great Semblance of Courage towards his Enemy: The Duke of *Norfolk* was just beginning to advance, when the King threw down his Warder, and the Heralds cry'd *Ho, Ho*. Then the King was pleas'd to command their spears should be taken from them, and that they should return to their respective Chairs again, where they remain'd for two long Hours, while the King was deliberating with his Council what was most proper to be done to terminate this grand Controversy without Bloodshed. Being at length come to a final Resolution; the Herald commanded Silence, and Sir *John Bushey* the King Secretary, read the Sentence contained in a long Roll of Paper to this effect. *That Henry, Duke of Here-*
ford

ford shall within Fifteen Days depart the Kingdom, and not return before the Expiration of the Term of Ten Years, except the King pleases to repeal the Sentence, and this upon Pain of Death: And that Thomas Mowbray, Duke of Norfolk, because he had sown Sedition in the Realm by his Words, should likewise depart the Kingdom, and never return into England, nor come near the Confines thereof, upon Pain of Death; and that the King should receive the Income of his Estate, till such time as those Sums of Money, which he had received for the Payment of the Garrison of Calais, were fully repaid and satisfy'd.

The Sentence being thus read, the King commanded both the Parties to come before him, and to make Oath that they would never willingly come into one another's Company, or hold any manner of Correspondence whatever. It was also decreed, that no Body from thence forward should presume to Petition the King in behalf of either of the Parties. The Duke of *Norfolk* in great Discontent of Mind departed for *Germany*, seeing his hopes utterly dash'd, that the King would have bore him out in this matter, and from thence travell'd to *Venice*, where he dyed soon after. Its remarkable that this Duke was banished on the very same Day of the Year, whereon the Duke of *Gloucester*, the King's Unkle, was by his Advice and wicked Contrivances barbarously Strangled at *Calais*.

As for the Duke of *Hereford*, he took his leave of the King at *Eltham* in *Kent*, where he struck off Four Years of his Banishment; in going to which, the People in all Places flock'd in mighty Throngs to see him, and bewail his Misfortunes and their own, whom

they look'd upon to be the Bulwark of the Government. It would seem very strange in our Days, that the King and Council should adjudge any Peer, nay, one of the meanest Subjects, into Exile upon the Account of a Quarrel which could not be decided by the Sword or any form of Law, for want of proper Witnesses to prove the fact. It would be esteem'd a very arbitrary Proceeding, against which a Remedy would quickly be found in Parliament; but God be thanked we live in better times, and under Administrations well regulated by Law, for the Liberty and full Property of the Subjects; who are liable to Banishment on no Account unless for the basest Thefts.

The

As for the Duke of Hereford, he took his leave of the King at Elham in June, where he staid off four Years of his Banishment; in going to which, the People in all Places flock'd in mighty Throgs to see him, and bewail his Misfortune and their own, whom

The History of the Tryal of Richard Fitz-Alan, Earl of Arundel, for Treason in the 21st of Richard II.

Richard Fitz-Alan, the Sixth Earl of *Arundel* of that illustrious Family, and the Ancestor of divers Heroes, one of whom even by his Enemies, the *French*, was stiled the *English Achilles*, made a great figure in the History of his Time. He was in the 2^d Year of the Reign of King *Richard II.* made Admiral of the Fleet in the Western Seas, and soon after to the Southward; about Five Years after which, he was engaged in the War against *Scotland*. In the 9th of that King, he was joyned in Commission with the Duke of *Lancaster* for the Tryal of *Michael de la Pool*, and others of the King's Favourites, which laid the Foundation of his Ruin in the King's Breast. The Year following he was constituted Admiral of the whole Fleet, and obtained a memorable Sea Victory over the *Flemings, French* and *Spaniards*; and likewise destroy'd the *French* Forts at *Brest* in *Bretagne*; but he was about this time, thro' the Envy of the Duke of *Ireland*, in danger of being cut off: Whereupon he with the Earl of *Derby*, afterwards King of *England*, and the Earl of *Warwick*, taking Umbrage and raising Forces, soon met at *Haringhay* Park; but others interposing their good Offices a Pacification ensued, which ended in the Ruin of several Persons who mislead the King.

Things

Things taking a turn thus in favour of the Earl, he was by general Consent in Parliament made Governor of the Town and Castle of *Brest*; and soon after being Admiral, Lieutenant and Captain General of the Sea, with Commission to treat of a Peace with *John de Monford*, then Duke of *Bretagne*, and setting Sail, he soon met the Enemy whom he defeated; he sunk and took Eighty of their Ships, and burn'd and spoil'd several Places on shoar, putting to flight all that made any Resistance. But the Scene changing very much about the 15th of the same Reign, he was remov'd from being Admiral, and two Years after seeing the Stream run violently against him he obtained a Dispensation from attending the Parliament then sitting; but it prov'd no Security to him at last, for the King being inveterate against him and others, who had formerly been active against his Favourites, he worked him on with fair Promises, till he had got him into his Power and sent him Prisoner to the Isle of *Wight*, from whence he was brought to his Tryal.

In the mean time, *Edward Plantagenet*, Earl of *Rutland*; *Thomas Holland*, Earl of *Kent*; *John Holland*, Earl of *Huntington*; *Thomas Mowbray*, Earl of *Nottingham*; *John Beauford*, Earl of *Somerset*; *John de Montacute*, Earl of *Salisbury*; *Thomas*, Lord *Spencer*; *William*, Lord *Scroop*, Lord Chamberlain, took upon them to be Appellants at *Nottingham* against this Earl, and against *Thomas Beauchamp*, Earl of *Warwick*, and Sir *Thomas de Mortimer*. *Hollingshed* says, they were suborned to appeal against them in Parliament which was term'd the Great Parliament, that met at *Westminster*: The King at the opening

opening of it made heavy Complaints of the Misbehaviour and Seditiousness of divers Lords, while he was young, and instanced in an especial manner the Undutifulness of the Earl of *Arundel* to the Queen, who was three Hours together upon her Knees before him, on the Behalf of *John Calverley*, one of her Esquires, and all the Answer she could get was this, *Pray for your self and your Husband, for that is the best thing you can do, and let this Request alone*; and all the Importunites she used, could not save the Gentleman's Life.

This pack'd Parliament readily chiming in with the King's Desires, they soon made void all manner of Charters of Pardon, and particularly a second Special Pardon which the Earl of *Arundel* had obtain'd for himself; upon which the Appellants laid Treason to his Charge, especially the Infurrection form'd by him at *Haringhay Park* near *Highgate*, in a traiterous manner against the King; and they gave in Bail that they would prosecute their Appeal.

Now the brave Earl of *Arundel* was arraigned in a Red Gown and Scarlet Hood; *John*, Duke of *Lancaster*, the King's Unkle, who was High Steward of *England* for the Day, seeing him thus apparel'd, he immediately commanded the Lord *Nevil*, in a manner that seems something Arbitrary, to take off his Hood and Girdle

What particulars we have remaining of this Noble Lord's Tryal are very singular: The Articles of Appeal being first read, the Lord High Steward declar'd to him, that he had been taken up and imprison'd for his manifold Treasons and Rebel-
 lions,

lions against the King, and that he was now, upon the Address of the Lords and Commons, requir'd to answer for such Crimes as were to be laid to his Charge, and so either clear himself or suffer for his Offences according to Law; then he more especially charged him with having traiterously role in Arms with the Duke of *Gloucester* and the Earl of *Warwick*, against the King in breach of the Peace and to the disquieting of the Realm. His Answer to this was, *That this was not done by him with any ill Intentions against the King his Sovereign's Person, but rather for the Benefit of the King and Kingdom; if People would put a right Construction upon it, and took it as it ought to be.* Being charged with being a Traytor, this he deny'd with a noble Resolution of Mind, and insisted to have the Benefit of the Pardon which had been granted him, protesting that he would not recede from the favour of the King and his Grace.

Here the Duke of *Lancaster* saying to him, *Thou Traytor, that Pardon is revok'd.*

The Earl reply'd, *Thou lyeest, I never was a Traytor.*

Here the Lord High Steward rejoyned, *Why didst thou purchase thy Pardon of the King, if thou wert not Conscious of any Guilt?*

He answer'd, *He did not do this out of fear of any Crimes committed by him, but to put a stop to the malicious Aspersions of those, who neither loved the King nor himself; but were his implacable Enemies among whom, said he, thou art one; and as for my being Guilty of any Treason, I am sure thou hast more occasion for a Pardon than I.*

It looks very hard that the King must shew himself of a Party against this brave Earl, for he now commanded him with his own Mouth to make his Answer to the Appeal; to which the Earl reply'd, *I cannot but discern that these Persons have accused me of Treason, and produced their Appealments; but I do aver that they all lye, for I never was a Traytor; but I do still insist upon the Benefit of my Pardon, which your Grace was pleased to grant me within these five or six Years, when you were at full Age, and of your own free Will and Pleasure; the King saying thereupon, That he had granted it in such a manner that it should not be against himself. The Duke of Lancaster added, Then it signifies nothing. To which the Earl answer'd, As to such a sort of Pardon, I know less of it than thou dost, who wert at that time beyond Sea.*

Here Sir John Bushy, Speaker of the House of Commons, taking the Word, said, *That Pardon is revoked by the King, the Lords and his faithful Commons.* The Earl answer'd, *Where are those faithful Commons, I know thee and thy Companions very well, that you are got together, not to do Justice, for the faithful Commons of the Land are not here, and therefore the People commiserate and bewail my hard Fate; and I very well know, that thou hast ever been a perfidious Fellow.* Upon which Bushy and his Adherents cry'd out, *Pray observe, our Sovereign Lord and King, how this Traytor endeavours to raise Jealousies between us and our Representatives in the Country.* Upon which the Earl boldly answer'd, *You lye, I am no Traytor.*

It was not enough that the King, the Lord High Steward and the Speaker should thus
fickle

stickle so much against the Earl, to say nothing of the Appellants and others, but the Earl of *Derby*, who some time before had been a great Advocate for Liberty and the Good of his Country, must enter into the Lists against the Brave, but Unfortunate *Arundel*; For he stood up and said, *Didst not thou say then to me at Huntington, when we first drew together in order to make an Insurrection; That the most advisable thing of all was in the first Place to seize the King's Person? The Earl of Arundel reply'd, Thou lyeest in thy Teeth; I never entertained a Thought concerning my Sovereign Lord the King, but what was just and made for his Honour.*

Now the King took the Noble Prisoner up again saying, *Didst thou not say to me in the time of thy Parliament, in the Bath behind the White-hall, that Sir Simon de Burley deserved to be put to Death upon several Accounts? And I made Answer, I know no Reason why he should suffer Death, and yet you and your Companions traitterously took his Life from him.*

Finally, The Lord High Steward ask'd the Earl, *Whether he had not associated himself with the Persons above-nam'd, and in Conjunction with them enter'd in Arms into the King's Presence, against his Royal Will and Pleasure? To this he answer'd, That he could not deny but that he did so; and this is the only Question he answer'd in the Affirmative.*

Here the Speaker Sir *John Bushy*, with open Mouth, mov'd that Judgment might be pronounc'd upon the brave Earl, as a Traytor, and directing himself to the King, said, *Your faithful Commons ask and require it may be done accordingly.* The Earl turning his Head aside,

aside, calmly reply'd, *They are not the King's faithful Commons that require this, but thou, and what thou art, I very well know.*

Then the Eight Appellants standing on the opposite side, threw down their Gloves, and offer'd to fight with him Man to Man, to justify the Prosecution of their Appeal, which had already been read: Upon which the Earl spoke thus; *If I were at Liberty, and that it might stand with the Pleasure of my Sovereign, I wou'd not refuse to prove you all Lyars upon this Account.*

The Duke of Lancaster, Lord High Steward, here asking the Earl, *Whether he had any more to say in Answer to the Charge which had been exhibited against him:* He reply'd, *That the King had been graciously pleas'd to grant him a general Pardon, which he insisted might be allow'd of.* The Duke told him, *That Pardon was annulled by the Prelates, Peers, &c. in Parliament, and therefore advis'd him to make some other Answer.* The Earl told him again, *he had another Pardon under the King's Great Seal, granted him long after by the King's own Motion;* which he also insisted to have allow'd: The Duke told him, *the same was also made void.*

The Earl offering to say no more in his own Defence, the Lord High Steward pronounc'd Sentence upon him, as in Cases of High Treason, in these Words — Richard, I John, Steward of England, *adjudge thee to be a Traytor, and Condemn thee to be drawn and hang'd, and to be beheaded and quartered, and thy Lands both intailed and not intailed, from thee and the Descendants of thy Body, to be Confiscated.* Here the Duke having made a short pause, he proceeded, saying, *The King, our Sovereign*
Lord

Lord, of his meer Mercy and Favour, because thou art of his Blood and one of the Peers of the Realm, has remitted all the other Parts of the Sentence but the last, and so thou shall only lose thy Head.

Such was the Malice of the Earl's Enemies, and the Severity of the Times that he was, immediately after the Sentence was pronounc'd, convey'd thro' the City of *London* to *Tower Hill* to be executed, being accompanied by Six Lords, who were order'd to see it done. Three of these were *Thomas Mowbray*, Earl of *Nottingham*, who had marry'd the Earl of *Arundel's* Daughter, *Thomas Holland*, Earl of *Kent*, his Grandson by his Daughter *Alice*, and *John Holland*, Earl of *Huntington*, *Kent's* Unkle, who surely ought to have excused themselves from so unnatural an Attendance and Office, were it only but for Decency sake. But thither they rode, mounted on itately Horses, and attended with a great Body of arm'd Men, and the fierce Bands of *Cheshire* Men, carrying Axes, Swords, Bows and Arrows, marching before and behind the Earl; who, when he was lead out of the Court, desired they would loosen his Hands, that he might dispose of what Money he had about him between that and *Charing Cross*

When he came to *Tower Hill*, (others say *Cheapside*) the Place of Execution, the Noblemen that attended him, press'd him very much to acknowledge his Treason against the King, which he utterly refused, affirming, He was not a Traytor either in Word or Deed; and perceiving the Earls of *Nottingham* and *Kent*, his near Relations, were busy among the rest to forward his Execution, he spoke thus to them: *Indeed it would have better become you to have*

have absented your selves, than to have been here engag'd in this Work; but the Time will soon come when People shall be as much astonish'd at your Misfortune, as they are now at mine. This done, and having forgiven the Executioner, he desired he would not torment him long, but strike off his Head at one Blow. Then feeling the Edge of the Sword, whether it was sharp enough; he said, *it was very well*, and so kneeling down, the Executioner at one stroke severed his Head from his Body; both which together were convey'd to be buried in *Augustine Fryars Church in Bread-street, London.*

The Death of the brave Earl was much lamented by the People, no Man of Quality in the Kingdom, a little before his Fall, being more esteem'd and honour'd than he; so Noble and Valiant he was, that every body spoke honourably of him. It was commonly reported that the King, after he had thus cut him off, was tormented with terrible Dreams, fancying he saw the Earl appear to him with a menacing Aspect, which put him into horrible Frights, and made him Curse the Day that ever he knew him: And he was the more disquieted, because it was fam'd Abroad, that the People took the Earl for a Martyr; insomuch, that some went to Visit his burying Place for the Opinion they had conceived of his Sanctity: And whereas it was whisper'd up and down, that his Head was fasten'd again to his Body, the King Ten Days after his Burial, sent some Noblemen at Ten a Clock at Night to see the Body taken up, and to inform him of the truth of that Report; which being found to be a meer
 G Fiction,

Fiction, he order'd the *Fryars* to take down his Arms, which were set up near his Grave, and to cover the Grave in such a manner that it might not be perceived where he was buried; tho' there was afterwards a stately Monument of Marble erected there for him.

What it was that mov'd *Henry* Earl of *Derby*, afterwards Duke of *Hereford* and *Lancaster*, and at length King of *England* by the Name of *Henry IV.* to act the Part you have heard, against the Noble Earl of *Arundel*, is not known, and very amazing; seeing when about two Years after he had got King *Richard*, for Male-Administration, alledg'd against him, into his Power, one of the Articles he procur'd to be exhibited against him was this: *That tho' the Earl of Arundel upon his Arraignment pleaded his Charter of Pardon, yet he could not be heard, but was in a most vile and shameful manner suddenly put to Death*; and he took Care that *Thomas*, the Earl's Son and Heir, should in the first Year of his Reign be restored in Blood, and the Judgment against his Father reversed.

The Tryal of Richard, Earl of Cambridge, for Treason against Henry V. King of England.

RICHARD, Earl of Cambridge, was the Second Son of *Edmund of Langley*, Duke of York (Fifth Son of King *Edward the Third*) by *Isabel* his Wife, second Daughter and Co-heir to *Peter*, King of *Castile and Leon*: He was surnam'd of *Coningsburg* from the Place of his Birth in the County of *York*. He was not honoured with any Title till the second Year of *Henry V.* who created him in Parliament Earl of *Cambridge*, which Earldom had been before enjoyed by his Father and Elder Brother; for which Dignity he made the King a very ungrateful Return the Year following, in joyning and conspiring with *Henry Lord Scroop of Masham*, then Lord Treasurer, and a great Favourite of the King's, and *Sir Thomas Grey of Northumberland*, Knight, to plot his Death at *Southampton*, as he was there shipping his Army for *France*.

Motives of Ambition undoubtedly laid the first Foundation of the Earl's Ruin. He had marry'd the Lady *Anne Mortimer*, Sister, and afterwards Heir to *Edmund*, Earl of *March*, and Daughter of *Roger Mortimer*, Earl of *March*, Son of *Philippa*, only Daughter and Heir of *Lionel*, Duke of *Clarence*, third Son of King *Edward III.* which House of *Clarence* and its Descendants had certainly a prior Right to that of *Lancaster*, which was but the Fourth.

By whom this Conspiracy was first mov'd, how form'd, and after what particular manner to be executed, we cannot meet with any Account. What History informs us, is, that they promised the *French King Charles VI.* for a Million of Gold to kill *Henry* in his Voyage; or if they could not do that, to deliver him into his Power; and that they might make their treacherous Design to look the more plausible, they discovered it to *Edmund Mortimer*, Earl of *March*, pretending it was out of a real Desire of restoring him to his Right, that they had taken up such desperate Resolutions; and tho' they expected not his Concurrence, yet they must expect an Oath of Security from him for their own safety, in a Matter of so great Danger to themselves, as well as of Importance to him. The Earl, either not very desirous of the Crown, when so worthy a Prince as himself, and so great a Friend to him was in Possession; or else suspecting that this Conspiracy arose from other Causes than what was pretended, refused at first to Swear to them; but being very importunate with him to do it before they parted, he at length consented, upon Condition they would allow him an Hour, (*Goodwin* says till next Morning) to consider of it, which they granted.

The Earl having thus got his Liberty to consult what he had best to do, went to the King, and discovered the whole Plot, as they had related it to him, advising him to provide for his own Safety. The King, tho' much surpriz'd at the Baseness of his Friends, yet did not so much distrust the Discovery as to neglect himself. Before he discover'd what

he

he knew of the Conspiracy, he ask'd the Conspirators themselves, *What those deserved that could be guilty of such a Treason: They merited,* say the Traytors, *to expire in horrid Torments, to deter others from the like Crimes.* Then the King causing them to be apprehended, they were brought to an Examination before himself and the Nobles present with him, and they confess'd the Crimes laid to their Charge.

Whatever has been said by our Historians concerning the Confession of the Earl of *Cambridge*, his being hir'd by the *French* to commit Treason, and that many were of Opinion, he chose rather to lay so, to preserve, as much as lay in him, the Rights of his Posterity to the Crown; it appears quite otherwise by his Indictment, and his Confession and Supplication to the King, both which we shall give you in their proper Order. His Indictment ran thus: *That Richard, Earl of Cambridge, of Coningsburg, in the County of York, and Thomas Grey of Heton in the County of Northumberland, Knt. had, on the 20th of July, in the Third Year of the Reign of King Henry V. at Southampton, conspired, together with a Power of Men, to have led away the Lord Edmund, Earl of March, into Wales, and to have procured him to take the Government of the Realm, in case that King Richard II. were dead, with a purpose to issue out a Proclamation, in the Name of the said Earl, as Heir to the Crown, against King Henry, by the Name of Lancaster, Usurper; and farther, to have convey'd a Banner of the Arms of England, and a certain Crown of Spain set upon a Pallet (laid in Gage to the said Earl of Cambridge) into Wales; as also that the said Conspirators had appointed certain Persons to go into Scot-*

land to bring thence one Trumpington, and another resembling, in Shape, Favour and Countenance, King Richard; and Henry, Lord Scroop, of Masham, was likewise indicted, as consenting to the Premises.

All our Historians say, that the Earl being thus indicted was found guilty; but by whom and after what manner and form they are wholly silent. I know not whether the following Commission from the King to his Brother the Duke of Clarence, may not puzzle rather than dilucidate the Proceedings against him. You have it here in *Latin* from the Record, with the *English* Version, if I have been able to give the right meaning of some Sentences in it.

*Rex carissimo Fratri suo, Thomæ Duci
Clarentiæ, Salutem.*

Sciatis quod nos,

DE Fidelitate, Circumspectione & Industria vestra plenius Confidentes.

Constituimus locum nostrum & Vicem Gerentem, Ad audiendum Recordum & Processum, Coram dilectis & fidelibus nostris, Johanne Comite Mareschallo, & Socijs suis Justiciarijs nostris, ad diversas proditiones, felonias, Conspirationes & Confederationes, in Comitatu Southamptonia factas & perpetratas, audiendas & terminandas, assignatis.

Et ad Judicium versus Richardum Comitem Catebrigie Chivaler, & Henricum de Scroop de Masham Chivaler, Juxta id quod vobis per Recordum & Processum predicta Constare poterit; vocatis vobis paribus, Predictorum Comitum & Henrici, per vestrum

& earundem parem Assensum, hac instante die lune Reddendum, & ad executionem ejusdem Judicij finaliter Procedendum.

Dantes vobis & Concedentes, plenam, tenore presentium, Potestatem, Auctoritatem, & mandatum speciale, ad omnia & singula nomine nostro, ibidem faciendum, exercendum & Concedendum, que nos faceremus seu facere possemus, si ibidem Personalliter interessemus.

Promittentes nos, ratum, gratum & firmiter habituros quicquid per vos nomine nostro factum, Gestum, sive concessum fuerit in Premissis, vel aliquo Premissorum.

Damus autem prefatis Justiciarijs, ac alijs quarum Interest, tenore Presentium, firmiter in mandatis, quod vobis in Premissis, in forma predicta faciendis, intendentes sint & consulentes, prout decet.

Mandavimus enim iisdem Justiciarijs quod recordum & processum predicta, cum omnibus ea tangentibus, habeant coram vobis ad diem supradictum.

In cujus, &c. Teste Rege apud Southampton, quarta die Augusti.

Per ipsum Regem.

The King to his most dear Brother, Thomas Duke of Clarence, Greeting.

Be it known unto you that We,

Confiding in your Fidelity, Circumspection and Industry,

Do constitute you to be our Lieutenant and Vicegerent, to hear the Record and Process before our trusty and beloved John, Earl Marshal, and others our Justices aforesaid with him, and appointed to hear and determine several Treasons, Felonies, Conspiracies and Confederacies, done and perpetrated in the County of Southampton.

And to do Justice in reference to Richard Earl of Cambridge, Knight, and Henry Lord Scroop of Masham, Knight, on this present Monday, as things shall appear to you, according to the Record and Process above-mentioned, you being call'd the Peers of the said Earl and Lord Scroop, by yours and their Peers Assent, and finally to proceed to the Execution of the Sentence upon them.

We yielding and giving unto you full Power Authority and special Command by these Presents, to do, exercise and grant in our Name all and singular things, in the same manner as we should or might do ourselves if we were there present, promising that we shall accept, ratify, and hold good, whatever shall be done, acted or yielded to by you in our Name, in the Premises, or any of them.

We

‘ We also give strict Charge to the afore-
 ‘ said Judges and others, to whom it may
 ‘ belong, by vertue of these Presents, that
 ‘ they do attend, and give their Advice to
 ‘ you, as becomes them, in respect to the
 ‘ Premises transacted by you in the afore-
 ‘ said form.

‘ For we do Command the said Judges,
 ‘ that they do produce before you on the
 ‘ Day prefix’d, the aforesaid Record and
 ‘ Process, with every thing that relates to
 ‘ them.

In Witness whereof, &c.

*Witness Our self at Southampton on the 4th
 of August.*

By the King himself.

One shou’d think at first sight, that the Duke of *Clarence*, notwithstanding the Expressions of Lieutenant and Vicegerent, was on this Occasion, and by this Commission, constituted Lord High Steward of *England* for the Day, and that *John Mowbray*, Earl of *Nottingham* and Earl Marshal, was one of his Peers; but there are other Expressions about the Judges producing the Record and Process, which so darken the Matter again, as if the Earl had been try’d already, and that now he was to receive Sentence from his Peers.

The Earl, not to be wanting to himself, wrote the following Letter and Petition to the King on the 6th of *August*; which, because you may have a taste of some of the best *English* which was writ in that time, we give it you from the Record, in his own Words and Spelling.

Richard

Richard Earl of Cambridge.

My most dreadfulle and Sovereynne Lege,
Lord.

LYKE to zowre Hynesse, to wete, touchyng the purpose cast agens zower hys Estate, havynge the Earl of Marche by his owne assent, and by the assent of my self, (whereof I most me repent of all wordly thyngs) and by the Accorde of the Lord Scrop and Sir Thomas Grey, to have hadde the forseyd Earl intre the Lond of Walys without yn zower Lycence, takyng upon hyn the Sovereynthe of zis Londzys yonder mains Persones whych they callen Kyng Richard hadde nant ben a lyve, as y wet wel that he wyz not a lyve.

For the wych poynt I putte me holy in zowre Grace.

And, as for the forme of a Proclamatyoun, wych schulde hadde bene cryde in the Earle Name, as he Heyre to the Coronne of Yngland, ageyns zow, my Lege Lord, calde, calde by an untrou Name, Henry of Lancastre usurper of Yngland, to the entent to hadde made the more Pople to hade drawne to hym and fro zow.

Of whych crye Scrope knew not of by me, but Grey dyd, haveyng wyth the Earle a baner of the Armes of Ynglonde, having also the Coronne of speyne on a palet, wych my Lege Lord, is one of zowre Weddys.

For the wych offence I putte me holy in zowre Grace.

And, as for the purpose, takyn by un frovyle and Wederyntoun, for the bringyng of that Persones, wych they name Kyng Richard, and Henry Percy oute of Scotland, wyth a Power of Scottys, and theyre

theyre Power togedirs seruyng to theyre able to give-
zow a Battaylle, of the wyck entant, Syr Thomas
Grey myst off, I also but nauth Scrop as by me,
of the w^{ch} knowyng I submitte me holy unto zowre
Grace.

And as for the taking of zowre Castelles in
Walys, Davy Hawel made me behest so there
were a Steryng in the North, of the wyck peynte I
putte me holy in zowre Grace.

And as touchyng the Erle of Marche and
Lucy hys Man, they seydyn we both that the
Erle was nauth schreven of a gret whyle, but as
a hys confestours, putte hym in Penance to clayme
that they callyddyn hys ryth that woo be that
tyme that ever I knew heny thyng that ever to hym
longyd, of the which Poyntes and Artvcles here
be ore wretyn, and of all odyr wyck now arne
nuoth in mynde, but trwly as it as heny to my
mynd fallyn, I se has dwly treuly certefye zow there-

Bysekynge to zow my Lege Lord for hys Love
that suffryd Passoun on the Good Fryday, God
have zee Compassyoun on me zour Lege Man.

An dys heny of these Persones, whos Names arne
contenyd in zix ylle, woldyn contrary the Substance
of thys I have wretyn at zix tyme, I schalle be
ready with the myth of God, to make them good as
zee my Lege Lord, wylle Awarde me.

His Petition.

My moit dreadfulle and Sovereayne Lege
Lord.

Richard York zowre humble Subgyt and verry
Legeman, bezeke zower Grace of all manner
Offences wyck I have done, or assentyd to in heny
kinde, by steryng of oder folke Eggynge me there
to, wherbyn I wote wel I have hyle offendyd to
zowre Hynesse.

Besechyng

Besechyng zow at the Reverence of God, that zow to take me into the Hands of zowre mercyful and pytouse Grace, thenkyng zee wel of zower gret goodnesse.

My Lege Lord, my fulle truste in that zee wylle have Consideratioun thanuth that myn Persone be of none valem zowre by Goodnesse, where God hath zet zow in so hye Estat to every Legeman, that to zow longyth plenteosely to geve Grace, that zow like to accept zys myn symple Request, for the Love of our Lady, and of the Blyssfulle Holy Gost

To whom I pray that they mot zowre hert enduce to a Pyte and Grace for theyr hye Goodnesse.

It could as little have been expected, that Henry would have spar'd the Earl's Life, as that King James in our Days would have pardon'd the Duke of *Monmouth*; and therefore the Earl, *Scroop* and *Grey* were all three beheaded, and the Earl's Head and Body interr'd in the Chappel of *God's-House* at *Southampton*. As for the Earl of *March*, the King granted him a Pardon, bearing date on the 7th of *August* the same Year at *Southampton* in the usual form, but he dyed afterwards without Issue; the Earl of *Cambridge's* Son, by *Edmund's* Sister, becoming Heir to the House of *Clarence*, laid claim to the Crown, and *Richard's* Grandson actually dispossest the House of *Lancaster*, and obtain'd it by the Name of *Edward IV.* And this Claim proceeding from the House of *Clarence*; I should rather chuse to distinguish the two contending Branches, by the Houses of *Clarence* and *Lancaster*, than that of *York* and *Lancaster*.

The History of the Tryal of Sir John Oldcastle, Lord Cobham, for Heresy, in the Year 1413. and afterwards for Treason 1417.

IN the first Year of the Reign of *Henry V.* King of *England*, there was a Synod of the Clergy convened at *London* by *Thomas Arundel*, Lord Archbishop of *Canterbury*, in order to suppress those People whom they called *Lollards*, according to the Chronicle of *St. Allans*, of which Sect the Lord *Cobham* was reputed to be the Head and chief Promoter. The general Proctors exhibited their Complaints against him that he maintained suspected Preachers in the Diocesses of *London*, *Rocheſter* and *Hereford*, contrary to the Minds of their Ordinaries; that he not only sent the said Preachers thither, but he supported them by force of Arms, notwithstanding the Synodical Constitution before made to the contrary, and finally they charged him with Heterodoxy with respect to the Sacrament of the Altar, Penances, Pilgrimage, Image-Worship and Ecclesiastical Jurisdiction, and so they resolved forthwith to order a Process out against him for a most pestilent Heretick.

But some of that Body having either more Prudence or more Moderation than the rest, were of Opinion they should not give so rashly into that matter, considering that the
Lord

Lord *Cobham* was a Man of great Quality, and at that time in the favour of his Prince, and therefore they thought it most advisable to make the King first acquainted with it, to know what his Majesty thought of it. The Archbishop, Bishops, and the greatest part of the Clergy, thought fit thereupon to go without any delay to wait upon the King, who then kept his Court at *Kenington*, and there open their Complaints against that noble Lord, in a very ample and aggravating manner: The King having given them a favourable Audience, answered, That considering the Nobility and Knighthood of the Lord *Cobham*, he desired they would go tenderly to Work, and if it were possible, without proceeding to rigorous Means and Severities, he might be reclaim'd and brought back to the unity of the Church: He also promised them that in case they, if they were not content, to take some farther Deliberation in so momentous an Affair; that he would himself seriously confer with his Lordship about it.

Accordingly the King sent for the Lord *Cobham*, and no body being present but themselves, he advised him to submit himself to his Mother the holy Church, and as an obedient Child to acknowledge himself to be Culpable.

Cobham taking what the King said to him very kindly, made answer, *Most worthy Prince. I am always ready and willing to obey, because I know you are a Christian King and the appointed Minister of God, bearing the Sword for the punishment of Evil Doers, and the safety of those that do Good. Unto you next to the eternal God, I own entire Obedience, and I subject unto you as I have*
ever

ever done all that I have, whether in respect to Life or Fortune; being ready at all times to perform whatever you shall in that, my Lord, command me. But as for the Pope and his Spiritualities, I owe them neither Suit nor Service; for as much as I know him by the Scriptures to be an Antichrist, the Son of Perdition, an open Enemy of Almighty God, and an Abomination standing in the holy Place.

When the King had heard this, and found his Lordship, as he thought, irreclaimable; and that the Archbishop waited upon him in order to know his Resolution, his Highness left it entirely to the Convocation to proceed against him, according to their own methods, and to punish him according to his Demerits. The first thing they did was to cite him to appear personally before them, to answer to such Articles as should be laid to his charge, and of which he was suspected to be guilty. The first Citation was sent to the Castle of *Leds* or *Leeds*, where his Lordship at that time resided. When the Officer came thither, he was asked, How he durst enter into a Nobleman's House without his Leave? And so he was sent away without delivering his Message.

The Convocation being disappointed herein, the Archbishop sent for one *John Buller*, who was then Door Keeper to the King's Privy-Chamber, and engaged him by Promises and Rewards to do the Business under colour of the King's Name; accordingly *Buller* taking the Summons, went to the Lord *Cobham's* House, and having Admittance, acquainted him that it was the King's Pleasure he should obey that Citation, but his Lordship suspecting the Fraud, answer'd, *That*
he

he would never comply with those Devilish Practices of the Priests. The Archbishop being acquainted with this Answer, and that it was not advisable to send any body privately to cite him again, for fear of endangering his Life; he resolv'd at length to have his Lordship cited by a Publick Proceſs: And therefore he order'd, That on the *Wednesday* before the *Nativity* of the *Virgin Mary*, in the Month of *September*, citatory Letters should be set upon the great Gate of the Cathedral of *Rochester*, which was but three *English* Miles distance; charging him to appear in Person before him on the 11th Day of the same Month and Year, without admitting of any Excuse whatsoever; but the Lord *Cobham's* Friends soon pulled down the Citation, and it being put up afterwards in the same Place by the Archbishop's Order, it underwent the same fate.

The Non-Appearance of the Lord *Cobham* was soon adjudg'd to be contumacious, and therefore the Archbishop adjudg'd, denounced and condemn'd him for being guilty of the highest Contumacy, and being farther inform'd, how truly I will not determine, that the Lord *Cobham* laugh'd at all this, despis'd his Proceedings, contemn'd the Power of the Church, the Dignity of the Bishops, and the Order of Priesthood, of all which he was accus'd; he hastily proceeded to open Excommunication of him, and commanded him to be summon'd anew to appear before him on a Day prefix'd; adding most severe menaces withal, that if he did not obey, he should meet with worse usage; and the more effectually to compass his Ends, he requir'd the
Civil

Civil Power under the Penalty of the Curses and Interdictions of the Church, to assist him against that Seditious Apostate, Schismatick, Heretick, Disturber of the Publick Peace, and great Adversary of the Holy Church.

The Lord *Cobham* being sensible of the Dangers which beset him from almost all Quarters, wrote a Confession of his Faith, and having Sign'd and Seal'd the same, wherein also he answer'd the four Principal Articles exhibited by the Archbishop against him; he took it along with him, and went forthwith to wait upon the King in hopes he might find Favour at his Hands. He began with the Apostles Creed, and for a farther Declaration of his Belief, he added, *That he stedfastly believed there was but one Almighty God, in and of whose Godhead there were three Persons, Father, Son and Holy Ghost; and that these three were the self same God; he also believed that the second Person in the blessed Trinity, in due time, as it had been foreordained, took Flesh and Blood upon him of the Virgin Mary, for the Salvation and Redemption of all Mankind, lost by Adam's Fall.*

He believed farther, that Jesus Christ our Lord, being both God and Man was the only Head of the whole Christian Church, and that all that have been, or shall be saved, were Members of that most Holy Church, which he thought, consists of three Parts; and the first of which were now in Heaven, being the Saints from hence departed; who while they were here below, conform'd their Lives to the most holy Laws, and pure example of Christ, renouncing the Devil, the World and the Flesh, with all evil Lusts and Concupiscences. The Second were in Purgatory, (if there was any such

Place in the Scripture) waiting for the Mercy of God and a full Deliverance from Pain. But he wrote contrary to this to the Parliament. The Third were here upon Earth, and what was called the Church Militant, since they struggled Day and Night against the crafty Devices of Satan, the flattering Prosperities of the World, and the Filthiness of the Flesh.

He said, That this last part by the just Appointment of Divine Majesty, consisted of three Parts, viz. The Priesthood, Knighthood, and the Commons; that it was God's Pleasure, that the one should assist and not destroy the other; that the Priests in the first Place being excluded from all worldly Affairs, should wholly conform their Lives to the Example of Christ and his Apostles: That their Time should always be employ'd in Preaching and rightly Expounding the Scriptures, and in setting a good Example of Holiness to the other two sorts: They should also be more modest, gentle, kind and humble-spirited than the rest.

Within the bounds of Knighthood are all those included, who bear the Sword by virtue of their Office; these are to maintain the Laws of God, and to see that the Gospel be purely taught, and to Conform their Lives to the Holy Precepts thereof, excluding all False Teachers, nay, they ought rather to hazard their Lives than bear with such Ordinances as are either a Blemish to the Eternal Truths of God, or obstruct the free Progress of them, whereby Schisms and Heresies might arise in the Church; the Source of which, he supposed, were certain erroneous Constitutions, which cunningly crept in under the cover of Hypocritical Falshood, for peculiar Advantages. They were also to defend the People of God from Oppressors, Tyrants and Robbers, and to see that the Clergy should be maintain'd

tain'd and supported, as long as their Doctrine was Pure, their Prayers and the Sacraments duly Administer'd; but if they found them act otherwise, they were oblig'd, by virtue of their Office, to force them to alter their Course, so as that all things might be perform'd according to the Rules which God had prescribed them.

That the Third and last part of the Church consisted of the Commonalty, whose duty it was to be truly Faithful and Obedient to the foremention'd Members of God, viz. Their King's, Civil Governors and Priests. Their real Business is to follow their respective Callings and Occupations, whether they be Traders Handicrafts, or Husbandmen; so as to be helpful to one another, and always in their Stations performing God's just Commands.

He believed over and above all this, That the Sacraments of the Church were necessary for all Christians, and that Care should be taken to have them always duly administred according to Christ's Ordinance and Primitive Institution, and that for as much as he was most maliciously and falsely accused of disbelieving the Sacrament of the Altar, to the Offence of many, he testified thereby unto all Men that this was his Faith in that respect, that he believed there was contain'd in that Sacrament the very Body and Blood of Christ under the Similitude of Bread and Wine, nay, the very same Body which was conceiv'd of the Holy Ghost, born of the Virgin Mary, was Cruciyed, Dyed and Buryed, rose again the Third Day, and was then glorified in Heaven.

He concluded thus: This is also my Belief; That God requires no more of Christians in this Lie, than only to obey the Precepts of that most holy Law. If any Prelate of the Church require more, or any other kind of Obedience than this to

be used, he despises Christ, exalts himself above God, and so becomes an open Antichrist. All the Promises I believe in particular, and generally every thing which God in the Scriptures hath left us to believe; earnestly intreating my Liege Lord and Sovereign, that this my Confession may be impartially examined, by the most pious, wise and learned Men in the Kingdom; and if they find it every way agreeable to the Truth, let it be so taken, and my self thereupon reputed a good Christian; if it appear to be otherwise, let it be utterly Condemn'd; but so as I may be taught a better Faith from the Word of God, and I shall at all times very devoutly yeild Obedience thereunto.

The Lord Cobham having offered this his Confession to the King, praying him, with all Submission and Humility, to Read it over: The King refused absolutely to receive it, but commanded it to be deliver'd to them who were his proper Judges. Having failed to obtain this Favour, he demanded, in the King's Presence, an Hundred Knights or Esquires might be suffered to come in for his Purgation, who, he knew, would acquit him of all Heresy. Again, he offered, pursuant to the Law of Arms, to Fight with any Man, whether Christian or Heathen, in Defence of his Faith, the King's Majesty and his Council only excepted. Finally, he protested in all Humility before all Persons there present, that he would decline no manner of Punishment, which according to the Law of God, should be inflicted on him; but always subject himself unto it with the Meekness of a Christian.

All this avail'd the brave Gentleman nothing; the King seem'd to be so far a Party, which was beneath the Dignity of so great and magnanimous a Prince as *Henry V.* that he suffer'd the Lord *Cobham* to be summoned Personally in his Privy Chamber to appear before the Court; upon which his Lordship told the King that he had appealed from the Archbishop to the Pope, and therefore he could by no means be his Judge; and there-upon producing his Appeal in writing, he shew'd all due respect to his Majesty, who being much more dissatisfy'd than before, said angrily to him, *That he should not prosecute that Appeal, but continue in Custody till such time as the Pope allow'd of it, and then the Archbishop, whether he would or not, should be his Judge.*

Now the Lord *Cobham* refusing to Swear that he would in all things submit himself to the Church, and so to undergo such Penance as the Archbishop should think fit to enjoin him: He was again arrested by the King's Command, and convey'd to the Tower of *London*, To keep his Day, (for so they express'd it) that the Archbishop had set before in the King's Chamber.

When the Day came, which was the 23d of *September*, his Lordship was brought before *Thomas Arundel*, Lord Archbishop of *Canterbury*, *Richard Clifford*, Bishop of *London*, and *Henry Bolingbroke*, Bishop of *Normich*, by Sir *Thomas Morley*, Kt. Lieutenant of the Tower, where he left him for a time, and then the Archbishop spoke thus: *Sir John, In the last general Convocation of the Clergy of this our Province, you were detected of certain Heresies, and by sufficient Witnesses found Culpable, upon which*

you were, pursuant to the Forms of the Spiritual Court, cited to appear, but utterly refused it; so that continuing in your Rebellion and Contumacy, you were at last both privately and publickly Excommunicated; nevertheless, we never yet appear'd backward to grant you any Absolution, neither do we still do it, if you would but *submissively* ask it, as you ought to do.

If you observe the Archbishop only calls his Lordship *Sir John*, which undoubtly was contrary to the Custom of that as well as the present Age; it being ever usual to address to a Person in his highest Quality, and the Lord *Cobham* being a Peer of the Realm, it might have been expected he had call'd him *My Lord*; tho' it must be own'd Knighthood was exceeding Honourable in those Days, and perhaps to say *Sir John* only was not intended as any manner of diminution to his Dignity. Be it as it will, the Lord *Cobham* seem'd as if he had not heard what the Archbishop said, his Thought being otherwise taken up, and so desired no Absolution, but said he would be glad if the Archbishop and his Brethren would give him leave to make a Confession of his Faith he had always held, and thereupon taking an indented Writing out of his Bosom, which was an Answer to the Articles of which he was accused, and having read it aloud before them; when he had done, he deliver'd it to the Archbishop, and the same runs thus:

I John Oldcastle, Kt. Lord of Cobham, make known unto all Men, That I call Almighty God to Witness, that it has been, now is, and by the Grace of God, ever shall be my Design and Inclination, fully and
firmly

sincerely to believe all the Sacraments which God has appointed in his holy Church; and more particularly I do explain my self in respect to the Four following Articles; That I do believe the most holy Sacrament of the Altar is Christ's Body in form of Bread, the same Body that was born of the blessed Virgin, that was Crucified, Dead and Buryed, which Body is now glorified in Heaven.

As for the Sacrament of Penance, I do believe its necessary for all those that shall be saved to forsake Sin, and to do Penance for Sins already committed, making a sincere Confession thereof, having an unfeigned Contrition for the same, and give due satisfaction pursuant to the divine Law, otherwise he cannot be saved; which Penance I desire all Men to do.

Then for Images, they be not matter of Faith, but were ordered since the belief was Zewe of Christ by the Permission of the Church to be Calenders to lewd Men, to put them in Mind of the Passion of our Saviour, and the Martyrdom and holy Lives o' other Saints; and that whoever he be, that pays Adoration to dead Images, which is due only to God, or puts his trust and hopes in them, which he should place in God alone, or affects one of them more than he does another, he is guilty of that abominable Sin of Idolatry. (Maumetry.)

I am also of Opinion that every Man on Earth is a Pilgrim towards Happiness or Misery; that he that knows not, will not know nor keep God's holy Commandments here in his Life time, tho' he goes in Pilgrimage all the World over, and dies so, shall be damned, and that he who knows God's holy Commandments, and keeps them to the End, shall be sav'd, tho' he never went in Pilgrimage in his Life, as Men use now to go to Canterbury, Rome, or any other Place.

The Archbishop, Bishops with several other Doctors there present, having heard his Answer read, he was order'd to withdraw, and after they had consulted together, resolv'd, That his Answer was too general. He was sent for in, and the Archbishop, in the Name of himself and the rest of them, said to him. *Come hither, Sir John There are many Good and Catholick Things contain'd in Your Writings, we must own, but you ought to consider that this Day was appointed for you to Answer to some other Point, relating to those Articles of which you have taken no manner of Notice in your Paper, and therefore we do expect you should explain your self more fully concerning them. As for Instance, whether you hold, affirm and believe, that the material Bread remains in the Sacrament of the Altar, or not, after it has been rightly Consecrated by the Priest? Farther, whether you hold, affirm or believe, in reference to the Sacrament of Penance, where a sufficient number of Priests may be had, every Christian is necessarily bound to make a Confession of his Sins to a Priest ordained by the Church, or not?*

To this the Lord Cobham reply'd, That he had already declar'd his Mind to them, and that he would give them no other Answer to their Articles than what was expressly contain'd in his Writing. Upon which the Archbishop said unto him, *Sir John, have a Care what you do; for if you do not give distinct and positive Answers to the Things laid to your Charge, especially at the time set for you to that End; the Ecclesiastical Law is, that being once cited by a Judge, we may openly proclaim you a Heretick. Do as you will, reply'd my Lord Cobham, I'll stand to what I have said. So that whatever Questions*
the

the Archbishop or Bishops afterwards ask'd him, he refer'd them to the Instrument he had given them in Writing, to which he would adhere even to Death. This is all they could get out of him that Day, which surpriz'd and made them not a little uneasy.

However the Archbishop advised him again to Answer, and at last declar'd to him what the Church of *Rome* had determined in those Affairs, to which the Lord *Cobham* answer'd, *That he would both readily believe and observe what the Church, instituted by Christ, had determined, or whatever God required him either to do or believe; but that the Pope with his Cardinals, Archbishops, Bishops, or Doctors, Prelates of that Church, had a lawful Power to determine such things as were not wholly consistent with his Word, he said he would not affirm at that time.* With this, the Archbishop advised him to consider well of the matter till the 23th, when they expected a direct Answer from him, especially as to this Article, *Whether the material Bread remained in the Sacrament of the Altar after the Words of Consecration, or not?* Hereupon he promised to send him those matters clearly determin'd in Writing, that he might be the more capable to make his Answer. This the Archbishop sent next Day to him to the *Tower*, under the Title of *The determination of the Archbishop and Clergy*; and the Substance of it here follows:

‘ The Faith and Determination of the
‘ Church concerning the Sacrament of the
‘ Altar is this: That after the Sacramental
‘ Words are once pronounced by the Priests
‘ in

‘ in the Mass, the material Bread is turned
 ‘ into Christ’s Body, and the material Wine,
 ‘ which before was Wine, is turn’d into
 ‘ Christ’s real Blood; so that from thence
 ‘ forwards there remain’d no material Bread
 ‘ nor Wine in the Sacrament, which were
 ‘ there before the Consecrating Words were
 ‘ pronounc’d; How do you believe this Ar-
 ‘ ticle?

‘ The Church has determin’d that every
 ‘ Christian here upon Earth ought to come
 ‘ to Confession to a Priest ordained by the
 ‘ Church, if he can come at one; what say
 ‘ you to this Article?

‘ Christ appointed the Apostle *St. Peter* to
 ‘ be his Vicar upon Earth, whose See is the
 ‘ Church of *Rome*, and has granted the same
 ‘ Power he gave to *Peter*, to all his Succes-
 ‘ sors, whom now we call Popes, by whose
 ‘ Authority Prelates, such as Archbishops,
 ‘ Bishops, Parsons, Curates and other Officers
 ‘ are appointed, whom Christians, pursuant
 ‘ to the determination of the Church of
 ‘ *Rome*, are to obey; How do you like this
 ‘ Article?

‘ The Church has declar’d, That ’tis Meri-
 ‘ torious in a Christian to go on Pilgrimage
 ‘ to holy Places, and there especially to Wor-
 ‘ ship holy Relicks, and the Images of Saints,
 ‘ Apostles Martyrs, Confessors, and all other
 ‘ Saints besides, that are allow’d to be so by
 ‘ the Church; What say you to this Article?

The 25th of *September*, *Anno 1413*. being
 come, on which the Lord *Cobham* was to ap-
 pear again; the Archbishop ordered his Ju-
 dicial Seat from the *Chappel* of *St. Paul’s* to
 the

the *Dominican Fryars* within *Ludgate*. The Persons there present besides the Archbishop were :

Richard Giffard,
Bishop of *London*.

Henry Woodlock,
Bishop of *Winchester*.

Benedict Nichols,
Bishop of *Bangor*.

The Doctors whom the Archbishop call'd to his Assistance, and that were there present, were :

Henry Ware,
Official of *Canterbury*.

Philip Morgan,
Doctor of *Laws*.

Howel Kiffin,
Doctor of the *Canon Law*.

John Kemp,
Doctor of the *Canon Law*.

William Carleton,
Doctor of the *Canon Law*.

John Witnam,
Of *New College, Oxon*.

John Whitehead,
An *Oxford Doctor*.

Robert Wobewell,
Vicar of *St. Laurence Jewry*.

Thomas Palmer,
Warder of *Fryars Minors*.

Robert Chamberlain,
Prior of the *Dominicans*.

Richard Dodington,
Prior of the *Augustines*.

Thomas Walden,
Prior of the *Carmelites*.

All these were Doctors in Divinity, and besides them, *John Stephen* and *James Cole*, both Publick Notaries, were appointed to write down the Proceedings ; to say nothing of the vast Appearance there was of Priests, Monks, Canons,

Canons, Fryars, Parish Clerks, Bell Ringers, Pardoners, &c.

One of the first things the Archbishop did in Court, was to call for a Mass Book, and to make all the Prelates and Doctors there present, to swear they would every one of them, sincerely do his Duty that Day, and that without any Regard had to Fear or Favour, Hatred or Affection, to any Party whatsoever, nothing should there be sworn, said or done, but was consonant to Truth, as they would answer for the same in the Presence of God, and all the World at the last Day. This done, the two Notaries were also sworn faithfully to set down the Proceedings of the Court, and to speak their Minds of Things, if they knew otherwise, before they registred the same.

Sir Robert Morley, Lieutenant of the Tower, having brought his Prisoner, the Lord Cobham, into the Court, the Archbishop said to him, *My Lord Cobham, I am certain you cannot be unmindful of the Proceedings against you on Saturday last, in the Chapter House of St. Paul's, which are too long to be now repeated: I told you then you were accused for Contumacy and Disobedience to the Church in hopes you would humbly beg for Absolution. To this the Lord Cobham with a chearful Aspect made Answer, God says by his Holy Prophet, Maledicam Benedictionibus vestris; I shall Curse whom you Bless: Upon which, without any Notice taken of these Words, the Archbishop continued his Discourse, Sir, I then kind'y offered you Absolution, if you would have desired it, and I still do the same, provided you seek it in a due manner and form, as the Church requires.*

To

To this the Lord *Cobham* reply'd, *This I do assure you, I will not do, for I have never yet offended you.* Then kneeling down upon the Pavement, and lifting up his Eyes towards Heaven, said, *I confess before thee, O eternal and living God, that in the Frailty of my Youth I have grievously sinned against thee, by reason of my Pride, Passion, Gluttony, Covetousness and Uncleaness: Many Men I have injured in my Wrath, and I have committed many other horrible Offences; O Lord, be merciful to me.* And then standing up, with Tears in his Eyes, he said with a loud Voice, *Behold, Good People, behold, they have never anathematized me for violating God's Law and his Commandments; but they do most cruelly persecute me and other Men, upon the Account of their own Laws and Traditions, and therefore both they and their Laws, according to the Divine Promise, shall be utterly destroyed.*

The Court could not but shew Resentments at these Words, and the Archbishop having said some things in Justification of their Proceedings, he began to examine the Lord *Cobham* as to his Faith, and was answer'd thus by his Lordship: *I do fully and faithfully believe the whole Law of God; I believe all that to be true which is contain'd in the Holy Scriptures; and lastly, I believe all that my Lord God would have me believe.* This said, the Archbishop required him to give his Answers to the Writing they had the Day before sent him to the Tower, by way of the Church's Determination in respect to the four Articles of which he was accused, especially that about the Sacrament of the Altar, and what his Belief was concerning it.

The Answer the Lord Cobham made, was, That he had nothing to do with that Writing; but he said, This was his Belief concerning the Sacrament, That his Lord and Saviour Jesus Christ, sitting at his last Supper with his Disciples, the Night before he suffer'd, took Bread, and giving Thanks to God the Father, bless'd it and broke it, and so gave it to them, saying, Take, eat all of it. this is my Body which shall be broken for you; do this hereafter in Remembrance of me. This I do thoroughly believe, said he, this is the Faith I am taught by the Gospels of St. Matthew, St. Mark, and St. Luke; as also by the first Epistle of St. Paul to the Corinthians, and the second Chapter.

Then the Archbishop asked him, whether he believ'd it to be Bread, after the Consecration, or the Sacramental Words were pronounced over it.

The Lord Cobham reply'd, I believe Christ's very Body to be in the Sign of Bread in the Sacrament, the same Body that was born of the Virgin Mary, that suffer'd on the Cross, was dead and buried, and rose the Third Day from the dead and is now glorified in Heaven.

Now one of the Doctors of Law saying, that after the Sacramental Words are pronounced, there is no Bread left, but only the Body of Christ, the Lord Cobham upon that spoke to Dr. John Whitehead, there present; You said once to me in the Castle of Couling, that the Sacred Host was not Christ's Body; but I then oppos'd you, and proved his Body was there; tho' the Fryars and Seculars could not agree about it, but differ'd in their Opinions: You may remember these were then my Words upon the Occasion.

Then

Then a great part of the Court made a Shout, and cry'd aloud, *We all say it is God's Body*; and several of them very angrily ask'd him, *Whether, after the Consecration, it was material Bread or not.* The Prisoner looking then very earnestly upon the Archbishop, and saying, *I firmly believe it to be Christ's Body in the form of Bread*; Sir, do not you believe it to be so? The Archbishop reply'd, *Yes marry do I.*

Then asking him, whether the Bread, after the Priest had consecrated it, was only Christ's Body, or not; he answer'd, *It was Christ's Body and Bread both, which he proved thus: As Christ's Body living here on Earth had both the Divinity and Humanity in it, and had the invisible Divine Nature cloathed with the Human Nature, which was only visible in him: So in the Sacrament you have the very Body of Christ and the Bread; that which we see with our Eyes, I believe to be Bread, and that the Body of Christ, consisting of his Flesh and Blood, is concealed under it and invisible any other way than by Faith.* Further, to prove that it is Christ's Body and also Bread, after the Words of Consecration, its very plainly express'd by one of your own Doctors, I mean Gelafius, in his Book against Eutiches, saying, *As the self same Sacraments, by the Operation of the Holy Spirit, pass into a Divine Nature, and yet still retain the Property of their former Nature; so that Principal Mystery declares it remains one true and perfect Christ.*

The Court thereupon smiled upon one another, and many of them haughtily cry'd out, *Its a pestilent Herefy.* The Archbishop in the next place, ask'd, what Bread it was? And the Doctors also question'd him as to the Materiality of it or not? The Lord Cobham reply'd,

reply'd, *The Scripture makes no mention of the word material, and therefore I have nothing to do with it ; but this I say and believe, that it is Christ's Body and Bread ; for Christ said in the sixth Chapter of St. John's Gospel, Ego sum Panis vivus, qui de Cælo descendi : I who came down from Heaven, am the living and not the dead Bread. Therefore I say, as before, that our Lord Jesus Christ is true God and true Man, so you have Christ's real Body and Bread both in the blessed Sacrament.*

Then the Court with one Voice cry'd out, *This is Heresy ; and one of the Bishops standing up, said, Its down right Heresy to say that it is Bread, after the Words of Consecration are once pronounced, but only Christs Body. The Lord Cobham upon this said, I am sure St. Paul the Apostle was as Wise as you are, and yet he in his Epistle to the Corinthians calls it Bread : The Bread that we break, said he, is it not a partaking of the Body of Christ. You see he calls it Bread, and not Christ's Body ; but the Means, whereby we receive Christ's Body.*

The Court in Answer to this. said, *St. Paul must be otherwise understood, for 'tis certainly Heresy to say it is Bread, after the Words of Consecration, but only Christ's Body. The Lord Cobham ask'd them, How they could make that appear ; that it was against the Determination of Holy Church ?*

The Archbishop taking up the matter, told the Noble Prisoner, *Sir John, we sent you a Writing concerning the Belief of the blessed Sacrament, clearly determined by the Church of Rome, our Mother, and by the Holy Doctors. I know of none, said Cobham, more Holy than Christ and his Apostles ; and as to the Determination you mention, I know*

I know it is none of theirs, because it does not agree with the Scriptures, but is directly opposite to it; but if it be the Church's, as you say, it has been hers only since she received the grand Poison of worldly Wealth, and not before.

The Court, to stop his Mouth, ask'd him if he did not believe in the Determination of the Church: *No*, says he, *for the Church is no God; the Word In is mention'd but thrice in the whole Creed, in reference to our Belief, viz. In God the Father, In God the Son, In God the Holy Ghost. The Birth, Death, Burial, Resurrection and Ascension of Christ, have no In prefix'd to them, but in him; neither have the Church, the Sacrament, the Remission of Sins, the Resurrection of the Body, and Life everlasting, any other In, than in the Holy Ghost.*

One of the Lawyers taking him up roundly, and saying, *That is but a word of Office, but what is your Belief concerning the Church?* The Lord Cobham reply'd, *My Belief is, as I said before, that all the Scriptures contain'd in the holy Bible are true; all that is grounded upon them, I thoroughly believe; for I know it is God's Will I should do so: But as to your Lordly Laws and vain Determinations, I have no manner of Regard to them; for your Works plainly shew you are no Part of God's holy Church, but very Antichrists, as being obstinately bent against his Holy Law and Will. The Laws that you have enacted, no way tend to his Glory, but only to your own Vain-glory and base Avarice*

The Court being nettled with this Discourse, declar'd it to be abominable *Heresy*, to disbelieve the Determinations of the Church. Then the Archbishop asking the Lord Cobham, *What he thought of Holy Church;* his An-

swer was, *My Belief is, that Holy Church is made up of such Members as shall be saved, and of whom Christ is the Head: One part of this Church is in Heaven with Christ; another, you say, in Purgatory, and the Third here on Earth.* Then the Archbishop ask'd him, *Can you tell who is of this Church?* And said he, *Yes indeed can I.* Then Doctor Walden, Prior of the Carmelites, took him up, saying, *You cannot be certain who is yet; for our Saviour in St. Matthew says, Nolite Judicare, presume to judge no Man. Now if you are in this Text forbid to judge your Brother or Neighbour, much less are you to judge your Superiors.* The Lord Cobham reply'd, *Our Saviour says also in the same Chapter, that the evil Tree is known by his Fruit, so is a false Prophet by his Works, let them seem never so glorious; but that you omitted You have also these Words in St. John, Operibus; and in another place, Justum Judicium Judicate: When we know a thing to be true, we may pass our Judgment on it without Offence; for David says also, Rectè Judicate filij Hominum, always judge Right by the Children of Men; and as for your Superiority, if you were of Christ's Flock, you would be meek and no proud Superiors.*

Dr. Walden not pleased with what the Lord Cobham had said, told him he made no Difference of Judgments; *You do not distinguish between Evil Judgments, which Christ has forbid, and Good Judgments, which he has commanded us to have. Rash and Right Judgment is alike to you; such forward Judges are always Wickliff's Disciples.* The Lord Cobham had his Answer ready, and said to the Doctor, *You have entertained us with a fine Piece of Sophistry; your Judgments are ever preposterous, and, according to the Prophet* *Isaiah,*

Isaiah, do judge Evil to be Good, and Good Evil, and therefore the same Prophet concludes, that your ways are not God's ways, nor his yours: And as for that good Man Wickliff, whose Judgment you so much despise, I do here openly declare before God and Man, that before I knew that despised Doctrine of his, I never abstain'd from Sin; but since I have by it learnt to fear the Lord my God, I hope it has been otherwise with me; so much Grace I could never meet with in all your glorious Instructions. Then said Dr. Walden, It would be very bad with me, since there are so many Vertuous Men alive, and Men of so much Learning to expound the Scriptures, and the Examples of the Fathers so ripe, should I have no Grace to reform my Life, till I heard the Devil Preach: St. Jerome says, He that seeketh such suspected Masters, shall not find Light, but the Devil at Noon Day. Your Fathers, the Old Pharisees, quoth the Lord Cobham, ascribed the Miracles wrought by Christ to Belzebub, and his Doctrine to the Devil, and you as their Natural Children, have the very same Opinion of his faithful Followers. Those that reprove your vicious way of Living, must needs be Hereticks, and this your Doctors must take upon them to prove, when you have no manner of Scripture for it. Then turning to the whole Court, said, To judge of you rightly, we need go no farther than your own Actions: Where do you find it written in God's Word, that you are empower'd to sit in Judgment upon Christians, or to pass Sentence of Death upon any Man, as 'tis your daily Practice; you have no Ground in the whole Scripture to assume such a lordly Power as you do, unless in the Example of Annas and Caiaphas, who sate thus upon our Saviour, and his Apostles after his Ascension. As from them only you have taken upon you to pass

*The History of the most Remarkable
Judgment upon the Members of Christ, and not from
Peter or John.*

Then some of the Lawyers spoke and said, Sir, we must tell you, that Christ judged Judas: This the Lord Cobham denied, but that Judas condemn'd himself, and so went out and hang'd himself: That our Lord said indeed, Woe be unto him for his Covetousness, as still he does to many of you; for since that Venom of his has crept into the Church, you have never follow'd Christ; neither have you knowledge of the Perfection of the Divine Law.

The Archbishop then ask'd him, What he meant by that Venom? His Answer was, Your Lordships and Estates; for then the Angel cry'd in the Air, according to your own Chronicle, Woe, Woe, Woe; this Day is Poison scatter'd in the Church. Before that time most of the Bishops of Rome suffer'd Martyrdom; but since, one has dispossest, poison'd, curs'd and murdered the other, besides a world of other mischiefs, well attested in History: And it would be well, if Men would seriously consider, that Christ was meek and merciful; that the Pope is haughty and tyrannical; that Christ was poor and forgiving, and that the Pope is rich and a Murderer, which his Actions daily justifie. Rome is the very Seat of Antichrist, from whence all his Disciples come, the Body of whom consists of Prelates, Priests and Monks, and the Fryars make up his Tail, which covers the most filthy Part of him.

The Prior of the Augustines being touch'd herewith, said, Pray, Sir, why do you say so? You are very uncharitable in your Sentiments. This is not my saying alone, reply'd the Lord Cobham, The Prophet Isaiah had it long before me: The Prophet, says he, who preaches Lies is the Tail behind; for as you Monks and Fryars, like the Pharisees

Pharisees in your Habit and Behaviour, are distinguish'd from other People, so you cause Divisions amongst them, and then become the Natural Members of Antichrist. Then having denounced the Woes of the Scribes and Pharisees, Hypocrites against them, he told them, They would not suffer God's Word to be truly preached, for fear of having their own Abominations reprov'd, but suffer'd the Common People to be miserably seduc'd by such flattering Vanities as supported them in their Iniquities.

By our Lady, Sir, said the Archbishop, no body shall preach within my Diocess, and if I can possibly help it, within my Jurisdiction, who shall create any Divisions or Dissentions among the Common People. To this the Lord Cobham rejoyn'd, That Christ and his Apostles were accused of sowing Sedition, and yet they were very peaceable Men. Daniel and our Saviour prophesied, that such Calamitous Times should come, that the like had not been known since the Creation of the World; and this Prophecy is partly fulfilled in our Days, and by our Actions; for many have ye Slain, and more you will still, if God does not fulfil his Promise. Our Saviour also said, That if those Days were not shortned, scarce any Living should be saved: You may justly expect it, for God will shorten your Days. Again, tho' the Offices of Priests and Deacons, in order to Preach God's Word, administer the Sacrament, and provide for the Poor are warranted by the Gospel, yet I cannot find any manner of Authority for the Institution of the other Sects.

Now it was that Doctor John Kemp pulled out of his Bosom a Copy of the Writing they had sent the Lord Cobham in the Tower, with a design to shorten their Work as much as

they could, and he said to my Lord Cobham, *We must peremptorily know your Sentiments concerning the four following Articles; and then having read the first of them about the Real Presence in the Eucharist, as before, he ask'd him, Whether he believed it: The Lord Cobham reply'd 'Tis not my Belief, but my Faith is as I have already told you, That Christ's true Body under the form of Bread is in the Sacrament. Upon which the Archbishop spoke; Sir John. you must say otherwise: Nay, that I shall not do, if God is on my side, as I hope he is; but only that there is Christ's Body in the form of Bread there, as the Common Belief is.*

The Doctor having read the second Article about Confession to a Priest, to that the Lord Cobham made Answer, *A sickly or wounded Man should have a very able Surgeon, who knows the Original Cause thereof, and the Danger he is in; its therefore absolutely necessary we should in the first place confess our Sins to God who knows our Ailment, and can relieve us; when I say this, I do not deny but a Person may go to a Priest, if he is a Man of Learning, and of a good sound Conversation; but if my Curate be illiterate and immoral, I ought rather to shun him than go look for him, for I might be in danger of being infected by him, rather than receive any Benefit to my Soul from him.*

The third Article about the Pope's Power, and the rest, being read by the fore-mention'd Doctor, he ask'd him, *Whether he believed it: His Answer was, He that comes next to Peter in Purity of Life, is next to him in Succession; but your lofty Order have little Regard for the Humility of poor Peter, whatever you may say of it; neither do you much matter the lowly behaviour of*
his

his Successors till the time of Sylvester, who, as I told you, were most of them Martyrs; you can overlook all their Vertues and good Qualities, and not trouble your selves to imitate them. This all the World see and observe, and yet what adoe you make about Peter.

Here one of the Doctors asking him, *What then do you say of the Pope?* The Lord Cobham reply'd, *As I said before, he and you together make up Antichrist of whom he is the great Head; the Bishops, Priests, Prelates and Monks constitute the Body, and the Mendicant Fryars are the Tail, who with their vile Sophistry cover all your Filth: Neither can I in Conscience obey any of you all, till I see you, like Peter, follow the Precepts of Christ.*

The Fourth Article being read, which relates to the Merit of Pilgrimage, and the Worshiping of holy Reliques; he said, *He owed them no sort of Service by any of God's commands, and therefore I shall not run after them in order to gratify your Avarice. I would advise you to brush the Dust and Cobwebs clean off, and lay them quite away from you, or else bury them decently in the Ground, as you do other aged People who are God's Images. Its very strange that Saints, now they are dead, should grow so covetous and needy, and beg so earnestly, who while they lived, hated Covetousness and Begging; but I must say to you, I wish every Body would take Notice of it; that you have by your Shrines and Idolls, pretended Absolutions and Indulgences, drained all the Kingdoms in Christendom of their Wealth and Substance.*

One of the Clerks said to him, *Why, Sir, will you not Worship good Images? What Worship should I give?* said my Lord Cobham. Fryar

Palmer then put in, saying, Sir, Will you not Worship the Cross upon which Christ dy'd?

Lord Cobham, Where is that Cross?

Fryer Palmer, I put the Question, Sir, in case it was here before you.

Lord Cobham, He is a mighty wise Man indeed, to propose a Question in earnest about a thing he knows not where it is. Let me ask you what Worship am I to pay to it?

A Clerk said to him, Such Worship as St. Paul speaks of, and that is this, God forbid that I should rejoyce, save only in the Cross of Christ. Then the Lord Cobham extended his Arms, and spoke, This is the Cross indeed, nay, and is far better than your Wooden ones, because it was God's Creation; nevertheless I shall not endeavour to have it Worshiped.

The Bishop of London told him, Sir, you know very well that Christ dyed on a material Cross. Yes, I do very well, reply'd he, and I know farther, that our Salvation does not come from that material Cross, but from him who died upon it; and I am very sure that the holy Apostle St. Paul rejoyced in no other Cross but in Christ's Death and Passion, and in the like Sufferings of his own, and Persecution for the very same Truths for which our Saviour before suffer'd.

Then another Clerk ask'd him, Will you then shew no manner of Reverence to the holy Cross? Yes if it was Mine, said he, I would lay it up carefully, and see that it should receive no injury abroad, nor be robbed of its Goods, as tis now adays.

Then the Archbishop taking up the matter, said. You have uttered many reproachful Words to the dishonour of the whole Body of the Clergy, and set a very bad example to the People, to make them to despise us: We have spent much
time

time here about you, and for any thing I can find, to no purpose: Well, we must now cut our Work short for the Day is far gone; you must either submit your self to the Determination of the Church, or else be plung'd into the utmost danger, without Remedy; look to it in Time, it will be too late by and by. The Lord Cobham answer'd, I know not what reason I have to submit my self to you, you have done me much more Injury than I have done you, in giving me all this Trouble before this Crowd.

Archbishop, We once require you again to consider well of the matter, and laying aside your Herodoxy to embrace the universal Faith and Belief of the holy Church of Rome, and so like an Obedient Son to return into the Bosom of it; look to it in Time, while there is Remedy, whereas it will quickly be too late.

But the Lord Cobham positively refused, and told them, He would believe no otherwise in respect to those Articles than as he already explain'd his Meaning, let them do what they pleas'd to him.

Then the Archbishop said Well, I see no other but that the Law must have its Course, and that we must proceed forthwith to a Definitive Sentence, and condemn you for a Heretick. The Archbishop thereupon standing up, read his Sentence of Condemnation, all the Clergy and People there present at the same time, veiling their Bonnets.— The Tenour of the Sentence was thus:

‘ IN the Name of God, so be it. We Tho-
 ‘ mas, by Divine Providence, Archbishop
 ‘ of Canterbury, Metropolitan and Primate of
 ‘ all England, and Legate from the Apostolick
 ‘ See of Rome, will this to be known unto
 ‘ all

‘ all Men. In a certain Cause of *Heresy* and
 ‘ upon divers Articles, whereupon Sir *John*
 ‘ *Oldcastle*, Kt. and Lord *Cobham*, after a de-
 ‘ ligious Inquisition made for the same was
 ‘ detected, accused and presented before us
 ‘ in our last Convocation of all our Pro-
 ‘ vince of *Canterbury*, held in the Cathedral
 ‘ Church of *St. Paul’s London*, at the lawful
 ‘ Denunciation and Request of our Clergy in
 ‘ the said Convocation, we proceeded against
 ‘ him according to the Law, God is our Wit-
 ‘ ness, with all possible favour, and follow-
 ‘ ing Christ’s Example to the best of our
 ‘ Power, who willeth not the Death of a
 ‘ Sinner, but rather that he should be con-
 ‘ verted and live; we took upon us to Cor-
 ‘ rect him, and sought all other possible ways
 ‘ to bring him back to the Unity of the
 ‘ Church; declaring unto him, what the Holy
 ‘ and Catholick Church of *Rome* has said, held,
 ‘ determined and taught in that Behalf.

‘ And tho’ we found him in the Catholick
 ‘ Faith far wide, and so stiff necked, that he
 ‘ would not Confess his Error, nor purge
 ‘ himself nor yet repent him thereof, yet we
 ‘ having a fatherly Compassion upon him, and
 ‘ entirely desiring the Welfare of his Soul,
 ‘ appointed him a competent time of Deli-
 ‘ beration, to see if he would repent and
 ‘ seek to be reform’d; but since that time
 ‘ we have found him worse and worse. Con-
 ‘ sidering therefore that he is incorrigible,
 ‘ we are driven to the very Extremity of
 ‘ the Law, and with great Sorrow of Heart,
 ‘ we now proceed to the Publication of the
 ‘ definitive Sentence against him.

Here

Here he produced another Instrument in writing, containing the said Sentence, which ran thus :

‘ We take Christ to Witness, that we seek
 ‘ nothing else in this our whole Enterprize
 ‘ but only his Glory. For as much as we
 ‘ have found by divers Acts done, brought
 ‘ forth and exhibited by several Evidences,
 ‘ Signs and Tokens, and also by several most
 ‘ manifest Proofs, the said Sir *John Oldcastle*,
 ‘ Kt. and Lord *Cobham*, not only to be an
 ‘ evident Heretick in his own Person, but
 ‘ also a mighty Maintainer of other Hereticks,
 ‘ against the Faith and Religion of the Holy
 ‘ Catholick Church of *Rome*, namely about
 ‘ the Sacrament of the Altar and of Penance,
 ‘ besides the Pope’s Power an Pilgrimages ;
 ‘ and that he, as the Child of Iniquity and
 ‘ Darkness, has so hardned his Heart,
 ‘ that he will in no wise hearken to the
 ‘ Voice of his Pastor, neither will he be re-
 ‘ claim’d by strick Admonitions, nor other-
 ‘ wise by kind and favourable Expressions :
 ‘ The merits of the Cause being first weighed
 ‘ on the one side, and his Demerits again on
 ‘ the other side, his Faults also aggravated
 ‘ and doubled thro’ his damnable Obstinacy,
 ‘ we being loth that he who is naught should
 ‘ be worse, and so with his Contageousness
 ‘ infect the People, by the prudent Advice
 ‘ and Consent of the very Reverend Fathers,
 ‘ our Honourable Brethren and Lords Bishops
 ‘ here present, *Richard of London*, *Henry of*
 ‘ *Winchester*, and *Benedict of Bangor*, and of
 ‘ other great, learned and wise Men here,
 ‘ both Doctors of Divinity and of the Canon
 ‘ and

‘ and Civil Laws, Seculars and Ecclesiasticks,
 ‘ with several other knowing and experienc’d
 ‘ Men called to their Assistance. We Senten-
 ‘ tially and Definitively by this present Wri-
 ‘ ting, Judge, Declare and Condemn the said
 ‘ Sir *John Oldcastle*, Kt. and Lord *Cobham*, for
 ‘ a most pernicious and detestable Heretick,
 ‘ convicted of the same and utterly refusing
 ‘ to obey the Church again, committing him
 ‘ from hence forward as a condemned He-
 ‘ retick, to the secular Jurisdiction, Power and
 ‘ Judgment, to put him thereupon to Death.
 ‘ Farthermore, we Excommunicate and de-
 ‘ nounce him Accursed, not only this Here-
 ‘ tick here present, but as many else besides
 ‘ as shall hereafter in favour of his Error,
 ‘ either receive him, or defend him, advise
 ‘ or help him, or any other way maintain him,
 ‘ as very Favourers, Receivers, Defenders,
 ‘ Advisers, Aiders and Maintainers of con-
 ‘ demn’d Hereticks.

‘ And that these Premises may be the bet-
 ‘ ter known to all good Christians, we com-
 ‘ mit it here to your Charge, and also very
 ‘ strickly command you by these Presents,
 ‘ that you cause this Condemnation and de-
 ‘ finitive Sentence of Excommunication, con-
 ‘ cerning this Heretick and his Favourers, to
 ‘ be publish’d throughout all Diocesses, in Ci-
 ‘ ties, Towns and Villages by your Curates
 ‘ and Parish Priests, at such times as they
 ‘ shall have the greatest Concourse of Peo-
 ‘ ple, and see that it be done after this man-
 ‘ ner: As the People are thus assembled
 ‘ devoutly together, let the Curate every
 ‘ where go into the Pulpit, and there open,
 ‘ declare and explain this Excess in the Mo-
 ‘ ther

' ther Tongue, in an Audible and Intelligi-
 ' ble manner, that it may be understood by
 ' every Body ; and that from an Apprehen-
 ' sion also of this Declaration, the People may
 ' turn off from their evil Ways and Opinions,
 ' lately broach'd by Seditious Preachers.
 ' Moreover our Pleasure is, that after we have
 ' deliver'd to each of you, who are Bishops
 ' here present, a Copy hereof, that you or-
 ' der several Transcriptions to be made of it,
 ' and so send them to the other Bishops and
 ' Prelates throughout our whole Province ;
 ' that they may also see the Contents of it
 ' solemnly published within their Diocesses
 ' and Cures. Lastly, our Will is, that both you
 ' and they notify unto us distinctly and faith-
 ' fully the matter as it stands without any
 ' Evasion in all its particulars, *viz.* The Day
 ' on which you receive this Process, the time
 ' when it was executed of us, and after what
 ' manner it was executed in all its Circum-
 ' stances according the Tenor thereof, that
 ' we may know it to be exactly the same.

The Archbishop of *Canterbury* sent after-
 wards a Copy of this Instrument on the 10th
 of *October* 1413, from *Maidstone* to Dr. *Richard*
Clifford, Lord Bishop of *London*, the Bishop of
London sent another Copy of it to *Robert Mar-*
shal, a *Carmelitite*, then Bishop of *Hereford*, and
 he one from *London* to his Archdeacon and
 Deans at *Hereford* and *Shrewsbury* ; all the other
 Bishops did the like.

But to return, when the Archbishop had
 read aloud his Sentence of Death before the
 People, the Lord *Cobham* with a chearful Coun-
 tenance, said, *Tho' you Condemn my Body which*

is but a despicable thing, I am very certain you cannot injure my Soul, no more than Satan could that of Job; he that created that will of his infinite Mercy, and according to his good Promise, save it, of this I make no manner of doubt; and as for the Articles I have already offer'd, I will by the Grace of God adhere to them, even to Death. Then turning about to the People, and lifting up his Hands, he said with a loud Voice, *Good Christians, Have a Care of these Men, they will otherwise beguile, and lead you blindfold together into Hell: for Christ says plainly to you, If the Blind lead the Blind, they will both fall into the Ditch.*

Then falling down upon his Knees in the Court, with Hands and Eyes lifted up to Heaven, he prayed for his Enemies. saying, *O Eternal God, I beseech thee for thy great Mercy sake to forgive my Prosecutors, if it be thy blessed will.* This done, he was deliver'd into the Custody of Sir Robert Morley, and carry'd Prisoner to the Tower

When the Lord Cobham was in the Tower, he sent privately to his Friends who at his Desire posted up Papers in several parts of the City of London to this Effect: *For as much as Sir John Oldcastle, Kt and Lord Cobham, is unjustly convicted and imprisoned, and by his Enemies basely traduc'd and scandaliz'd among the People, that he should either think or speak otherwise concerning the Sacraments of the Church, and particularly of the holy Sacrament of the Altar, than what he has writ in the Confession of his Faith, which he presented to the Clergy, and also put up in divers Publick Places in London: This is to let all the World know, that he has never since vary'd one Title from it; but that that is plainly and sincerely his*

his Belief. Also that all the Sacraments instituted in the Church, are good and edifying to all that shall be saved, provided they take them as Christ and his true Church has appointed. Farther, he sincerely believes that Christ's Body is verily and indeed in the Sacrament of the Altar, in the form of Bread.

Notwithstanding this Precaution of the Lord Cobham's and his Friends, his Enemies, by their Emissaries, spread Reports every where, That he was become a new Man, that he had most humbly submitted himself to the Church, utterly ditavowing the Opinions he held before concerning the Sacrament; and therefore some Body Counterfeited an Abjuration for him, which here follows:

‘ **I** *N dei Nomine Amen.* I Sir John Oldcastle be-
 ‘ ing denounced, detected and convicted
 ‘ of divers Articles favouring both of He-
 ‘ resy and Error, before the Reverend Father
 ‘ in God and my good Lord *Thomas*, by di-
 ‘ vine Providence, Lord Archbishop of *Can-*
 ‘ *terbury*, my lawful and proper Judge in that
 ‘ case, do expresly own and confess; That as
 ‘ to the State and Power of our most Holy
 ‘ Father the Pope of *Rome*, of his Archbi-
 ‘ shops and Bishops, and other Prelates the
 ‘ Decrees of the Church and the Holy Sacra-
 ‘ ments instituted in the same, especially the
 ‘ Sacraments of the Altar and of Pennance,
 ‘ and other Rites and Observances besides of
 ‘ our Holy Mother the Church, such as Pil-
 ‘ grimages, Absolutions and the like: I do
 ‘ say and affirm before the said Reverend
 ‘ Father the Archbishop and else where, that
 ‘ I being wickedly seduced by several Prea-
 ‘ chers, have grievously erred heretically per-
 ‘ sisted

' sisted, blasphemously answer'd and obsti-
 ' nately rebelled. And theretore I am be-
 ' fore the said Reverend Father and also the
 ' other Reverend Fathers in God the Bishops
 ' of *London Winchester and Bangor*, lawfully
 ' and justly condemn'd for a Heretick.

' Nevertheless having duly weighed things,
 ' and being desirous hereby to escape that
 ' temporal Punishment which I deserve to
 ' undergo as a Heretick at the Appointment
 ' of my Liege Lord, and that most Excellent
 ' Prince *Henry V.* now King of *England* and
 ' *France*, and also determined to perfer the
 ' wholesome Degree, Sentence and Doctrin
 ' of the Holy Catholick Church of *Rome*, be-
 ' fore my own and my Teachers and Fol-
 ' lowers pernicious Opinions. I do freely,
 ' willingly, deliberately and thoroughly con-
 ' fess, allow and affirm, That the most Holy
 ' Father in Christ St. *Peter* and his Successors,
 ' and especially at this time my most blessed
 ' Lord Pope *John XXIII.* who now sits in St.
 ' *Peter's* Chair, and every of them successively
 ' have full Power and Authority to be Christ's
 ' Vicars on Earth, and the Head of the Chuch
 ' Militant; and that by Vertue of his Of-
 ' fice, tho' he should be a great Sinner, and to
 ' be damned in the fore knowledge of God, he
 ' has full Power and Authority to rule and
 ' govern, bind and loose, save and destroy,
 ' to curse and bless all other Christians.

' And I do still, conformable hereunto, con-
 ' fess, allow and affirm, that all other Arch-
 ' bishops, Bishops and Prelates, in their Pro-
 ' vinces Diocesses and Parishes, appointed
 ' by the Lord Pope to assist him in his Fun-
 ' ction, and Affairs Ecclesiastick, having had
 ' in

' in time past, now have, and for the future
 ' ought to have, Power and Authority, to
 ' rule and govern, bind and loose, curse and
 ' bless the Subjects or People of the said Pro-
 ' vinces, Diocesses and Parishes, and that their
 ' said Subjects or People ought of right in all
 ' Things to obey them. Farther, I confess,
 ' grant and affirm, that the said Spiritual Fa-
 ' thers, I mean our most Holy Father the
 ' Pope, Archbishops, Bishops and Prelates,
 ' have had, now have, and hereafter ought
 ' to have, Power and Authority, for the Good
 ' and well Government of their Subjects or
 ' People, to make Laws, Decrees, Statutes
 ' and Constitutions, nay and to require, com-
 ' mand and force their said Subjects and Peo-
 ' ple to the Observance of them.

' Moreover, I confess, allow and affirm,
 ' that all Christians, and every Man in par-
 ' ticular are strictly bound to observe all the
 ' aforesaid Laws, Decrees, and Constitutions,
 ' so made, pronounced and commanded ac-
 ' cording to the Ecclesiastical Law, and hum-
 ' bly to obey according to the diversity of
 ' the said Powers, as the Laws, Statutes, Ca-
 ' nons and Constitutions of our most Holy
 ' Father the Pope; incorporated in his
 ' Decrees, Decretals, Clementines, Codes,
 ' Charts, Rescripts, Sextiles and Extrava-
 ' gants, all over the World; and also the
 ' Provincial Statutes of Archbishops in their
 ' Provinces, the Synodical Acts of Bishops in
 ' their Diocess, and the Commendable Rules
 ' and Customs of Prelates in their Colledges,
 ' and of Curates in their Parishes, which all
 ' People are bound to observe, and also most
 ' humbly to obey. I *John Oldcastle*, utterly

K

' forsake

‘ forfaking and renouncing all the foresaid Er-
 ‘ rors and Heresies, and all other Errors and
 ‘ Heresies like to them, lay my Hand
 ‘ here upon this Book or Holy Gospel, and
 ‘ Swear that I shall never more from hence
 ‘ forward, wittingly maintain these or any
 ‘ other Heresies like them, neither shall I
 ‘ advise, assist, help or any time favour any
 ‘ of those, who shall hold, teach, affirm or
 ‘ maintain the same. So help me God and
 ‘ these Holy Gospels.

‘ And that I shall from hence forwards
 ‘ faithfully obey and inviolably observe all
 ‘ the Holy Laws, Statutes, Customs and Con-
 ‘ stitutions of all the Popes of *Rome*, Arch-
 ‘ bishops, Bishops and Prelates, as they are
 ‘ contained and determined in their holy De-
 ‘ crees, Decretals, Clementines, Codes, Char-
 ‘ tes, Rescripts, Sextiles, Summs Papal, Ex-
 ‘ travagants, Statutes, Provincial, Synodical
 ‘ Acts and other ordinary Rules and Customs
 ‘ constituted by them; or shall hereafter hap-
 ‘ pen to be directly made or determined.
 ‘ To these and all other the like, will I ap-
 ‘ ply my self with all Might; besides which
 ‘ I will humbly obey and faithfully perform
 ‘ what ever Penannce my said Reverend Fa-
 ‘ ther the Archbishop of *Canterbury* shall here-
 ‘ after enjoyn me for my Sins. Finally I
 ‘ shall take care that all my Seducers and false
 ‘ Teachers, and all other like them, whom I
 ‘ may for the future come to know to be
 ‘ suspected of Heresies and Errors, shall be
 ‘ presented to my Lord, the Reverend Father
 ‘ the Lord Archbishop of *Canterbury*, or to
 ‘ them who have Authority from him, as
 ‘ soon

‘ soon as I conveniently can, and see that they
 ‘ be punished to the utmost of my Power.

This Abjuration never came into the Hands of the Lord *Cobham*, neither was it design’d it should, but only to blind the Eyes of the Ignorant for a time. The Lord *Cobham* having continued in the *Tower* for some time after his Condemnation, made his Escape in the Night, but ’tis not known how to this Day, and fled into *Wales*, where he continued for about four Years.

The Lord *Cobham*’s Tryal as a Heretick we have given you in all the Circumstances of it, I wish we could be as certain and particular in Reference to the Treason laid to his charge. There was some time after the Lord *Cobham*’s Escape, an Insurrection made in *Ficket Fields* near *St. Giles, London*, where some of our Historians make mention of 20000 being got together, but how or from whence they are wholly silent; they make them to be *Lollards* and their Adherents, to which Opinions the *Londoners* were wholly averse then, and therefore they came not from thence. No Body averred that Sir *John Oldcastle* was there in Person, only they insinuated he was expected, and that he was privy to the whole Conspiracy: To prove this they have produc’d a Commission of Inquiry and an Indictment, both in *Latin*, of the Lord *Cobham*, Sir *Roger Acton* and others; but so full of Absurdities, Falshoods and Inconsistencies, as *Fox* has evidently made out in his *Martyrology*, that they must needs be Forgeries, and therefore the Reader shall not be troubled with them in this Place.

Its agreed on all Hands that the Lord *Cobham* was taken in *Wales* in *Powis-Land*: Sir *John Grey* of *Berwick* in the County of *Northumberland* was then Lord *Powis* in Right of *Joan* his Wife, one of the Daughters and Coheirs of *John Charlton*, Kt. Lord *Powis*, and afterwards created Earl of *Tankerville*. This Person being very Zealous for the Religion of the times and the Interest of the Crown, was no sooner inform'd of the Lord *Cobham's* being within his Lordship, but he raised all the Force he could to take him, which the other being a very stout Man, and always bred to War, would not tamely suffer him to do; but made a very brave and obstinate Resistance. But taken he was at last, and all the States of the Realm being at that time assembled in Parliament at *London*, about raising a Subsidy for the King to carry on his Wars in *France*, they no sooner heard that *Cobham* was taken, but they agreed the Parliament should not be dissolved before he was examin'd, and made answer to the things laid to his charge; and therefore the Lord *Powis* had Orders to bring him wounded as he was, in a Litter, and well guarded to *London*, where he was committed to the *Tower*, and from thence being brought before the Duke of *Bedford*, Regent of the Kingdom, in the King's Absence, in Parliament; his Indictment was read, wherein he was charged with being guilty of the Infurrection in *St. Giles's in the Fields* above-mention'd, and other Treasons by him committed; and being ask'd what he had to say in his own Justification, and why Sentence of Death should not pass upon him. *Walsingham* says, *He*
diverted

diverted the Discourse, to preach of the mercy of God, and that all Mortals, who had a mind to be followers of God ought to prefer Mercy before Judgment, and that Vengeance pertained only to the Lord, and ought not to be taken by those that Worship God, but left to him alone. He used many other Words to protract the time, till the Chief Justice put the Regent in mind, that he should not suffer him to spend the time so much in vain, and give so much trouble to the Peers of the Realm.

The Duke of Bedford, the Regent, there-upon requir'd the Lord Cobham, to answer directly to the Things that were laid to his charge; upon which the Lord Cobham after some Paule, answered; *To be Judged by you, as of Man's Judgment is the least thing I value.* And going on at that Rate, and nothing to the purpose, the Chief Justice commanded him again to give them a definite Answer, and tell them, if he could, why he should not suffer Death; to which he stoutly answer'd. *That he had no Judge amongst them, as long as his Sovereign Lord King Richard was alive, and in the Kingdom of Scotland.*

This being directly denying the Authority of the present Government, the Peers laid hold of it, and without any more Questions sentenced him to be Drawn and Hang'd upon a Gallows, and to be Burnt hanging upon the same, which was accordingly executed on the 14th of December 1417. in St. Giles in the Fields, in the Presence of several great Men, and a multitude of People. The same Author adds, That the last Words the Lord Cobham spoke was to Sir Thomas Erpingham, adjuring him, *That if he saw him rise again the Third Day, he*

would procure his Followers to enjoy their Opinions unmolested; and that he was hang'd with a Chain about his middle, and then Burnt, Gallows and all.

That a Man so good, so wise and so learned as the Lord Cobham, should be guilty of such Blasphemy at his Death, is scarce credible, but without standing to make Reflections, others relate the Proceedings against the Lord Cobham briefly thus: That he was examin'd and try'd before the Parliament; the former Sentence against him, that is for Heresy, being read, which he did not much oppose, and that he was condemned to be hang'd and burnt, hanging in *St. Giles's-Fields*, which he suffer'd accordingly on *Christmas-Day*, and that the Lord Powis, who was the chief Instrument of his Apprehension, had the particular Thanks of the Houses given him for his Pains, and that the Laws were ordered to be put more strictly in Execution against the *Lollards*.

The

The History of the Tryal of Richard Hunne, a Citizen of London, for Heresy after his Death, and of Dr. Horsey, and others for Murdering him, in the Year 1414.

Richard Hunne, was a Citizen and Merchant-Taylor of London in the Reign of Henry VIII. a Man of good Substance, a fair Dealer, and also a good Catholick, and upon these Accounts well esteem'd by all that knew him. This Man having a Child at Nurse in the Parish of *St. Mary Matfilon*, in the County of *Middlesex*, which Child dyed and was buried there; *Thomas Dryfield*, Clerk, Parson of that Parish, laid claim to the Bearing-Sheet, as a Mortuary due to him for Burying the Child, which the other refusing, and alledging that the Child having no Property in the Sheet, he neither would give it him, nor had the other any just Pretentions of Right to it: The Clerk thereupon Summoned him to appear in the *Spiritual Court*, there to answer his Demands. The Citizen well considering he was like to be born down there, apply'd himself to Counsel learned in the Law for Advice, who instructed him to bring a Writ of *Præmunire* against the Person, and all his Aiders, Counsellors, Proctors and Adherents.

Now the Clergy in general taking the Alarm at this Proceeing, and being apprehensive if they should suffer their Brother to be cast at the Suit of *Hunne*, a Door would

thereby be open'd for others of the Laity, to serve other Clergymen in the same manner; there were no endeavours wanting to bring *Hunne* within the Danger of their Ecclesiastical Laws, and at length they found a way to accuse him of Heresy, before Dr. *Richard Fitz-James*, then Bishop of *London*, who order'd him to be confined a Prisoner in the *Lollards Tower* at *St. Paul's*, and so close that none of his Friends should be allowed to come near him, and some time after he was at the pressing Instigation of one Dr. *Horsley*, the Bishop's Chancellor, brought before his Lordship at his Mannor of *Fulham*, on the 2d. Day of *December*, in the Year above-mentioned, wherein he examined him within his Chappel, concerning the following Articles, collected against him by the said Dr. *Horsley* and his Accomplishes.

1. That he had read, taught, practised, published and obstinately defended, against the Laws of Almighty God, that Tythes or paying of Tythes was never ordained to be due, save only thro' the Covetousness of the Priests.

2. Item. That he had read, taught, preach'd, publish'd and obstinately defended, that Bishops and Priests were the Scribes and Pharisees, who Crucified Christ and condemned him to Death.

3. Item. That he had read, taught, preach'd, &c. That Bishops and Priests were Teachers and Preachers, but no Doers nor Fulfillers, of the Law of God, but were for ravening, catching at and taking every thing they could get, but far from giving and parting with any thing.

4 Item.

4. Item. That whereas one Joan Baker was detected of and abjured many great Heresies as appears by her Abjuration: The said Richard Hunne said, published, taught and obstinately defended her, saying, That the Bishop of London and his Officers had done manifest Injury to the said Joan Baker, in punishing her for Heresy, for her Words and Opinions were conformable to the Laws of God: Wherefore the Bishop and his Officers deserv'd to be more punished for Heresy than she did.

5. Item. That the said Richard Hunne had in his Custody several English Books, which were prohibited and condemned by Law, as the Apocalyps in English, also the Epistles and Gospels, Wickliff's damnable Works, and other Books, containing infinite Errors, which he had for a long time been used to read, to act, and daily to study.

There were no particular Answers to these several Articles set down in the Register, but only under them these following Words, writ in his Name in a different Hand: *As for these Articles I have not spoke the Words as they are set down, nevertheless I have unadvisedly spoke Words some what tending that way, for which I am sorry, ask God forgiveness, and submit my self unto your Lordship's charitable and favourable Correction.* It was confidently affirm'd that these Words were writ with his own Hand; but seeing the Register, or some Body else in his stead, deputed to record the same, has certify'd it only as a matter of Here-Say, as the Words in the Margin which are these, manifestly make out; *Hoc fuit Scriptum manu propria Richardi Hunne ut dicitur*; there is no manner

manner of Credit ought to be given to any Assertions of that kind, and the less still, in that they made no Scruple to Murder the poor Man, in such a manner as was as horrid, as it was uncommon.

The Examination being over, the Bishop remanded *Hunne* to the *Lollards* Tower again, upon which he was by the Direction of Dr. *Horsey* his Chancellor, seemingly taken out of the Custody of *Charles Joseph*, the Bishop's Sumner, and put into the Hands of *John Spalding* the Bell-Ringer, that they might the better perpetrate the horrid Murder they had projected. In short, the poor Man was on the 4th of *December* found hang'd in the Chamber where he was detained Prisoner. Before the Discovery of which, *John Spalding* that very Morning went out of the way into the City, leaving the Keys of the Prison with one of his Fellows, to deliver them to the Sumner's Boy, who was wont to carry Victuals and other Necessaries to the Prisoner; their Intention being this, That the Boy first finding *Hunne* dead, they, by his Account, might be thought free from all manner of Suspicion, which indeed at first succeeded according to their wishes: For the Boy, with two others of the Bishop's Sumners, going into the Prison to serve him as usual, and finding him hang'd with his Face to the Wall, they were frighted, and immediately ran to the Chancellor, then in the Church, with the horrible News; who forthwith with some of his Colleagues going into the Prison, it was immediately given out that *Hunne* had in Desperation hang'd himself: And so the Rumour pass'd currently at first, and the Murderers began to think them-

themselves safe from all manner of Discovery.

The King having in this manner lost a Subject, it was fit, and pursuant to the Law, to have an Inquest in order to find out truly and faithfully how it was the good Citizen came by his Death. Now while the Coroner and the Inquest were engag'd in this Work, according to their Oaths and Duty, the Bishop went to Work another way, and proceeded *ex officio*, as in Case of *Heresy* against the deceased; imagining, as likely, that if he were once condemn'd of *Heresy*, the Inquest could do no less than find him guilty of Self-Murder; and therefore besides the Articles, which they affirm'd were objected against him in his Life time, Dr. Head now collected some others out of the Prologue of the *English Bible*, remaining then in the Bishop's Hands, which were these following.

1. That the said Book condemns all the holy Canons of the Church, calling them Ceremonies and Institutions of sinful and ignorant Men, and calling the Pope Satan and Antichrist.

2. He condemns the Pope's Pardons, saying, they are but Leasings.

3. Hunne's Book says, that Kings and Lords, who are Christians in Name, but Heathens in Principle, defile God's Sanctuary, by introducing Clergymen, who are full of Malice, Avarice and Heretical, to hinder the knowledge, observance, and free Preaching of the Gospel.

4. That

4. That very Book imports, that Lords and Prelates cruelly persecute those, who would freely and sincerely preach the Gospel, and countenance those who preach up the sinful Traditions and Ordinances of sinful Man, by which he means the holy Canons of Christ's Church.

5. That poor and simple Men are better acquainted with the Truth of the Scriptures, than a thousand Prelates, Religionaries and Schoolmen.

6. That Christian Kings and Princes set up Idols in God's House, and excite the People to Idolatry.

7. That Princes, Lords and Prelates, who do so, are worse than Herod who persecuted Christ, and worse than the Jews and Heathens, who crucified him.

8. That every one that swears by the Virgin Mary, or any other Saint, or Creature whatsoever, ascribes more Honour to the Saints, than he does to the holy Trinity, and so he says they are Idolaters.

9. He says, that Saints ought not to be honoured.

10. He condemns all manner of Adoration, Prayer, kneeling and Oblation to Images, whom he calls Stocks and Stones.

11. He says, that the very Body of our Saviour is not contained in the Sacrament of the Altar but that the Receiving of it is a Commemoration of Christ's Body, being wounded and crucified for us.

12. He

12. *He condemns the University of Oxford with all the Degrees and Faculties in it, whether they be those in the Arts, in the Civil and Canon Law, or Divinity; saying, That they obstruct us in the right way of obtaining the knowledge of God's Law holy and the holy Scriptures.*

13. *He vindicates the Translation of the Bible into English, which is forbid by the Laws of the holy Church.*

These Articles, as also the others before specify'd, they ordered should be publickly read the following Sunday by the Preacher at Paul's Cross, to which they premised this Protestation.

Masters and Friends, I am commanded, for certain Causes and Considerations, to rehearse, shew, and publish here unto you, the Articles of Heresy upon which Richard Hunne has been examined and detected; so am I also to produce to you other notorious Articles, heretical Opinions and Tenets, contained in some of his Books, and they are here ready for your Hearing.

When he had read the Articles aloud unto them, he concluded thus: *If any body is desirous to see the Particulars of these Articles, or doubtful whether they are contained in this Book or not, he may for his Satisfaction go to my Lord of London's, and they shall readily be shewn him: Moreover, I do here warn and admonish you, if there are any amongst you, who through Ignorance or Inadvertency have been partaking of the said Articles charged upon Richard Hunne, or have heard*
him

him read this Book, or any other favouring of Heresy; or have by them any such Books as these, let them repair to my Lord of London, between this and next Candlemas, and acknowledge their Error, they shall be kindly used, so as to save their Estates and Reputations: And if they do not come of their own accord, but stand out to be prosecuted at Law, they must take it for their Pains, if they be punished according to the Rigour of Law.

After this open Publication and Admonition, the Bishop examin'd divers of his Clergy and some Laymen, about the Contents of these Articles, and among others they had a Man and a Maid Servant of *Hunne's* under Examination. They had liv'd with him a long while, but could not Charge him with any thing of moment worth Reprehension; nay, they could say nothing at all to the Articles chiefly objected against him: However, divers of the Priests charg'd him with the Guilt of one Article, some with another, and design'd to proceed speedily to a Sentence of Condemnation; but first there were some short and summary Rules drawn up, for the Bishop's Directions in the solemn Process.

1. ' Let the Bishop sit on his Tribunal in
' our Lady's Chappel.
2. ' Let him recite the Cause of his coming
' thither, and take Notaries along with him,
' to register the Proceedings.
3. Let him declare how generous an Admo-
' nition and Declaration has been made on
' Sunday last at *Paul's Cross*; that all the Fa-
' vourers and Maintainers of *Richard Hunne's*
' Errors, should come by a Day appointed,
' and

‘ and make their Submission; and withal, let
‘ him signify how some Persons have already
‘ come in and made their Appearance.

‘ Let him further protest and say, that if
‘ there are any other who have not yet ap-
‘ pear’d, according to the former Summons
‘ and Admonition, if they will still come in,
‘ and so make their Submission, they shall
‘ be kindly and favourably heard and re-
‘ ceived.

5. ‘ Let the Bishop, or some body else by
‘ his Order, recite the Articles laid to the
‘ Charge of *Richard Hunne*, in his Life time,
‘ and then the other Articles which were ex-
‘ tracted out of his great Bible.

6. ‘ Let the Answers and Confessions of the
‘ said *Hunne* be summarily recited, with the
‘ Attestations made to the said Articles: Let
‘ his Books likewise be exhibited, and then
‘ his Servant *Thomas Brook* call’d for.

7. ‘ Let Proclamation be made at the Choir
‘ Door, that if any body will take upon them
‘ to defend the Articles Opinions, Books or
‘ Memory of the said *Richard Hunne*, let them
‘ make their Appearance, and they shall be
‘ heard, as the Law directs in that Behalf.

8. ‘ Let Proclamation be made as before,
‘ that all those who are the Receivers, Fa-
‘ vourers, Defenders and Followers of the
‘ said *Richard Hunne*, make their Appearance,
‘ and submit themselves to the Bishop, or
‘ else he designs to proceed to a general Ex-
‘ communication of them, according as the
‘ Law requires in that Behalf.

9. ‘ Then the Bishop, addressing himself to
‘ the People, and to those of the Clergy who
‘ sate with him on the Bench, he ask’d them
‘ what

‘ what their Opinion was of the Premises,
 ‘ and whether they thought it convenient
 ‘ and agreeable for him to pass Sentence a-
 ‘ gainst the said *Richard Hunne* upon that ac-
 ‘ count.

10. ‘ Having given their Opinion and Con-
 ‘ sent to it, let the Bishop read the Sentence
 ‘ aloud in the Court.

11. ‘ The Sentence being read, let the
 ‘ Bishop appoint the Publication of it at *Paul’s*
 ‘ *Cross*, or elsewhere, as he shall judge most
 ‘ convenient, with a Citation likewise against
 ‘ all the Receivers, Favourers and Followers
 ‘ of the said *Richard Hunne*, with Intimation
 ‘ of farther Proceedings against them.

Having gone thus far, he proceeded to Judgment against the dead Body of *Richard Hunne*. There were present in Court, besides the Bishop of *London*, those of *Durham* and *Lincoln*, with many Doctors both in Divinity and the Canon Law; so that what they did was look’d upon as an Act of the whole Clergy, and what was done by them was, to Sentence his dead Body to be burnt; and having deliver’d the same to the Secular Power, it was executed accordingly on the 20th of *December 1514*. in *Smithfield*. sixteen Days after he had been barbarously murther’d, as aforesaid.

This Proceeding produc’d more different Effects than what was really expected; for it was hop’d, that *Hunne* being found a Heretick, no body for the future would have stirr’d in his behalf: Whereas on the contrary, it occasion’d loud Clamours; the Man having liv’d in very good Reputation amongst
 his

his Neighbours ; so that from thence forward the City of *London* was never well affected to the *Popish* Clergy, and I pray God they never may again ; but inclined to follow any body who spoke against them, and every body look'd upon it as a Cause of Common Concern : All exclaim'd against the Cruelty of their Clergy ; that for a Man suing a Clerk according to Law, he should be long and severely used in a cruel Imprisonment, and at last inhumanly murder'd, and all this laid on himself, to defame and ruin his Family ; and then to burn that Body which they had so used, was thought such a Complication of Cruelties, as few Barbarians would have been guilty of.

There might be hopes indeed that all this Clamour would be over in time, and the thing forgot ; what grated most for the present, was, the Coroner's Inquest, who were extremely diligent in their Duty : They were several times sent for before the Privy Council, and the King himself sometimes present ; at other times they appear'd before the Chief Judges and Justices of the Kingdom, who observing how the Clergy interested themselves in the Affair, it was left wholly to the Inquest, who found *Dr. Horsey*, the Bishop of *London's* Chancellor, *Charles Joseph*, his Sumner, and *John Spalding*, the Bell-Ringer of *St Paul's*, had committed the Murder upon the Body of *Richard Hunne*, and they brought in their Verdict in these Words.

THE Fifth and sixth Day of December,
1514. in the sixth Year of the Reign of our
Sovereign Lord King Henry VIII. William Barn-
L well,

well, Coroner of London, the Day and Year above said, within the Ward of Cattle Baynard of London, assembled a Quest, whose Names afterwards do appear; and hath Sworn them truly to enquire of the Death of one Richard Hunne, who lately was found dead in the Lollards Tower within Paul's Church of London; whereupon all We of the Inquest together went up into the said Tower, where we found the Body of the said Hunne hanging upon a Staple of Iron, in a Girdle of Silk, with fair Countenance, his Head fair kemmed, and his Bonnet right sitting upon his Head, with his Eyes and Mouth fair closed, without any Stirring, Gaping, or Frowning; also without any driveling or sparging in any part of his Body: Whereupon by one Assent we all agreed to take down the dead Body of the said Hunne, and as soon as we began to heave the Body, it was loose, whereby by good Advise ment we perceived, that the Girdle had no knot about the Staple, but it was double cast, and the Links of an Iron Chain, which did hang on the Iron Staple, were laid upon the same Girdle, whereby it did hang; also the knot of the Girdle that went about his Neck stood under his Left Ear, which caused his Head to lean towards his Right Shoulder; notwithstanding there came out of his Nostrils two small Streams of Blood, to the Quantity of four Drops; save only those four Drops of Blood, the Face, Chin, Doublet, Collar and Shirt of the said Hunne, was clear from any Blood: Also we find, that both the Skin of his Neck and Throat beneath the Girdle of Silk, was freat and fallen away with that thing which the Murderers had broken his Neck withal: Also the Hands of the said Hunne were wrung in the Wrists, whereby we perceived that his Hands had been bound. Moreover, we find that within the said Prison was no means whereby any Man might hang himself, but only

only a Stool, which Stool stood upon a Bolster of a Bed, so tickle, that any Man or Beast might not touch it so little but it was ready to fall; whereby we perceived that it was not possible that Hunne might hang himself, the Stool so standing. Also all the Girdle from the Staple to his Neck was too little for his Head to come out thereat: Also it was not possible that the soft Siiken Girdle could break his Neck, or Skin beneath the Girdle: Also we find in a Corner somewhat beyond the Place where he did hang, a great Parcel of Blood: Also we find upon the Left side of Hunne's Jacket, from the Breast downwards, two great Streams of Blood: Also within the Flap of the Left side of his Jacket, we find a great Cluster of Blood, and the Jacket folden down thereupon; which thing the said Hunne could never fold nor do after he was hang'd; whereby it appeareth plainly to us all, that the Neck of Hunne was broken, and the great Plenty of Blood was shed before he was hang'd: Wherefore all we find by God and all our Consciences, that Richard Hunne was murder'd. Also we acquit the said Richard Hunne of his own Death.

Also there was an end of a Wax-Candle, which John the Bell-Ringer saith, he left in the Prison burning with Hunne that same Sunday at Night, that Hunne was murder'd, which Wax-Candle we found sticking upon the Stocks, fair put out, about seven or eight Foot from the Place where Hunne was hang'd; which Candle after our own Opinion was never put out by him, for many likelyhoods which we have perceived. Also at the going up of Master Chancellor into the Lollards Tower, we have good Proof, that there lay on the Stocks a Gown of Murrey or Crimson in Grain furred with Shankes, whose Gown it was we could never prove, nor who bore it away. All we find that Master William Horsey,

Chancellor to my Lord of London, hath had at his Commandment both the Rule and Guiding of the said Prisoner. Moreover, all we find, that the said Horsey, Chancellor, hath put Charles Joseph out of his Office, as the aforesaid Charles hath confess'd, because he would not deal and use the said Prisoner so cruelly, and do to him as the Chancellor would have had him to do. Notwithstanding the Deliverance of the Keys to the Chancellor by Charles on the Saturday at Night before Hunne's Death, and Charles riding out of the Town on that Sunday in the Morning ensuing, was but a Convention made betwixt Charles and the Chancellor, for to colour the Murder; for the same Sunday that Charles rode forth, he came again to the Town at Night, and killed Richard Hunne, as in the Depositions of Julian Littel, Thomas Chicheley Thomas Simondes, and Peter Turner, do appear.

After colouring of the Murder, betwixt Charles and the Chancellor conspired, the Chancellor call'd to him one John Spalding, Bell-Ringer of Paul's, and delivered to the same Bell-Ringer the Keys of the Lollards Tower, giving unto the said Bell-Ringer a great Charge, saying, I charge thee to keep Hunne more streightly than he hath been kept, and let him have but one Meal a Day. Moreover, I charge thee let no body come to him without my License, neither to bring him Shirt, Cap, Kerchief, or any other thing, but that I see it before it come to him. Also before Hunne was carry'd to Fulham, the Chancellor commanded to be put on Hunne's Neck a great Collar of Iron with a great Chain, which is too beavy for any Man or Beast to wear and long to endure.

The Inquest said further in their Verdict, That there was good Proof, that the Chancellor before Hunne's Death went up into the Lollards Tower, and kneeling down before Hunne, held up his Hands to him, and begg'd him to forgive him whatever he had done or must do to him: That the Chancellor the next Sunday commanded the Penitentiary of St. Paul's to go up to him, to read a Gospel, and to prepare Consecrated Bread and Water for him, which he was to administer to him, and he did so accordingly; and the Chancellor likewise commanded he should have his Dinner given him, during which Charles, his Boy, was shut up with Hunne in his Prison, a thing never done before by them. The Bell-Ringer after Dinner let the Boy out, saying, Come no more hither with Victuals for him till to morrow Noon; for my Master the Chancellor has commanded me to let him have no more than one Meal a Day: That Hunne was murder'd the same Night, which Murder could not have been committed without the Leave and Approbation of the Chancellor, and the Privy of John Spalding the Bell-Ringer; for no body could get into the Prison without the Keys, which were in the Bell-Ringers Custody. It appears further by my Lord of London's Book, that John the Bell-Ringer is a poor simple Fellow, and therefore we all conclude, the Murder could not be committed without the Chancellor's Order, and the Privy of John the Bell-Ringer.

Further, Charles Joseph in the Tower of London, declared voluntarily and without any manner of Constraint, that the Chancellor drew up and set down with his own Hand all the Heresies, which were laid to Hunne's Charge, attested by John Gad, John True, John Pasmere, Richard Gibson and several others. Again, Charles Joseph af-

firms, that when Hunne was murder'd, John the Bell-Ringer carry'd a Wax-Candle up Stairs into the Lollards Tower with the Keys of the Door hanging on his Arm: That Charles himself went next him, and the Chancellor last: That when they were all got up, they found Hunne lying on his Bed, upon which the Chancellor said, Lay Hands on the Thief; and so they all murder'd him. Charles put the Girdle about the Prisoner's Neck; that then John the Bell-Ringer and himself lifted him up, and that the Chancellor pulled the Girdle over the Staple, and so they hang'd him.

To put this cruel Murder still past all doubt, *Julian Littel*, a Servant Maid of *Charles Joseph's*, freely depos'd, that her Master on *Wednesday Night*, after the Death of *Richard Hunne*, came Home to Supper, to whom she said, *Master, I was inform'd you were put into Prison: That Charles answer'd, There is a Pleasure in turning the Penny: That when he had Supp'd, he pack'd up some of his Goods, and with Julian's Assistance carry'd them to Mr Porter's House: That when that was over, he said to her, Julian, If thou wilt be sworn to Secrecy, I will make a Discovery to thee; to which the Wench answer'd Yes, So it be neither Felony nor Treason, he thereupon took a Book out of his Pocket, and she swore to him Secrecy upon it. This done, he said to Julian, I have made away with Richard Hunne. Alas! Master, said the Maid, He was reputed an honest Man: Charles answer'd, I have put a Wyre into his Nose. Alas! cry'd Julian You are now quite ruin'd and undone. Then quoth Charles, Julian, I confide in thee that thou wilt keep my Counsel: To which having answer'd Yes, she advis'd him for God's Sake*

fake to shift for himself. Then said Charles, I had rather have given an Hundred Pounds than that it should have been done; but 'tis over and cannot be recall'd. Farther, Charles was then so free, that he told Julian, I rode to my Cousin Barington's on Sunday, was very merry there, and tarried all Day till it was Night, and yet I was in London before Midnight, and had murder'd Hunne: I rode thither again next Day, din'd and sent for some Neighbours, where we made good Cheer. Then Julian asking her Matter, where he put up his Horse that Night he came to Town, and why he did not come Home? Charles answer'd, I would not come Home for fear of being discover'd. This lead Julian to ask her Master, Who was with you at the murdering of Hunne; he reply'd, I will not tell you.

Julian added, That her Master tarry'd all Day at Home and in great fear; that he went out on the Friday Morning before Day-light, as he said, to St Paul's, and at his Return seemed much afraid, saying, Get me my Horse ready; and so with much Haste and Trembling, making himself ready for Riding, he bids Mr. Porter's Lad lead his Horse up into the Field, behind the Back side; and then he put in his Mase or Masor into his Sleeve, with some other Plate borrowed of Mr. Porter, both of Gold and Silver: But the Value or Quantity she could not tell; and so going into the Field after his Horse, Julian brought his Waller after him. Farther she depos'd, That Charles her Master came Home late in the Night time on Friday in the Christmas Week following, bringing along with him three Bakers and a Smith that liv'd at Stratford, and the same Night carry'd away all his Goods by the Field way to the Bell in Shore-

ditch, and early in the Morning from thence in Carts to Stratford.

Over and above what is here declared, Julian said, That Charles on the Saturday Night before Hunne's Death, brought a Gurnard Home along with him, saying it was for Hunne; and Charles's Boy told Julian, That there was also a Piece of fresh Salmon provided, which John the Bell-Ringer had: That Charles had said also to Julian, Were it not for the ugly trouble that would attend it, I could bring my Lord of London to the very Doors both of Heretical Men and Women in London, which would be worth a Thousand Pounds, but I am afraid the wicked Midwife will betray us all. He also said the same thing and more at large to Porter, and using these Words, The very best in London: To which Porter reply'd, My Lord Mayor is the best in London; to which Charles rejoyn'd, I will not excuse him altogether, since he takes this Business to Heart.

And whereas Charles Joseph did alledge, That he lay in Barrington's House with another Man's Wife, all that Night wherein Richard Hunne was murder'd, and tarry'd there the next Day till eleven of the Clock; and to prove the same brought Barrington's Wife and the Whore he lay with before the Privy Council; this was wholly false, as very plainly did appear, by the Depositions of Julian Littel, Thomas Chicheley, Taylor, Thomas Simondes, Stationer, Robert Johnson and his Wife, and of John Spalding the Bell-Ringer. To this was added, that Peter Turner, Charles Joseph's Son-in-Law, had said to a good Woman, a Wax-Chandler's Wife, That before that Day Sevensnight, Hunne should have a disastrous Death: As also the saying of John Spalding himself to John Enderbye, a Barber, That there was so grie-
vous

vous a Penance design'd for Hunne, that when People came to hear of it, it would greatly amaze them.

A great many other Informations and Circumstances concurr'd to make these Wretches Guilty of the Murder; all which seem to precede the Confessions of some of the Criminals themselves. Now the Bishop of London finding no Endeavours omitted to search into the Bottom of the whole Affair, he used his utmost to stifle it, and one of the best ways he could think of was to apply himself to that great Favourite Cardinal Woolsey; *Beseeching him to stand a Friend to his poor Chancellor, then in Custody, and indicted by a treacherous Inquest, for the Murther of Richard Hunne, upon the bare Accusation of Charles Joseph, forc'd to it by his Sufferings and Imprisonment: That by his Interposition, the King might order the Matter to be duly and thoroughly examined by indifferent Persons of his Privy Council, in the Presence of the Parties, before any thing was done further therein; and that upon the Manifestation of the Innocence of his Chancellor, his Majesty would order the Attorney General to confess in Court, that the said Indictment was false; for I am very certain if my Chancellor comes to be try'd by a Jury of Twelve Men in London, they are so maliciously bent, and such Promoters of Heresy, that they will convict any Clergyman, tho' he were as Innocent as Abell: Wherefore, blessed Father, if you help our Infirmities, we shall for ever be oblig'd to you; and besides all this I humbly intreat you, that I may obtain his Majesty's Favour, whom I never offended in my Life, and that by your Intervention I may be admitted to speak with him and you, and I and all Men shall pray for the long Continuance of your Prosperity.*

But

But all this was not able to prevent the Sentence of the Inquest, and the Imprisonment of some of the Murderers: However, the Cardinal and the Bishop bestir'd themselves, in order to stop any further Proceedings; but the Fact was so foul and evident, that it could not be done, and this Opposition made it the more generally to be believ'd. In the mean time a Parliament being call'd, a Bill was sent up by the Commons to the Lords, for restoring *Hunne's Children*, which was pass'd and had the Royal Assent; but another being brought in about the cruel Murder, it occasion'd great Heats amongst them: This Bill, among other things, importing, *That the Jury, who sate upon Hunne, were honest Men.* The Bishop of London said, *Upon his Conscience that they were false and perjured Caitiffs, and adjur'd the Lords for God's sake to put a stop to that Affair; which, if they did not, he durst not tarry in his House for fear of Hereticks;* adding, *That Hunne had hang'd himself, and no other ought to suffer for it.*

While these things were in Agitation, there were Warrants out against Doctor *Horsley*, the Bishop's Chancellor, who had the chief Hand in the Murder, and absconded in the Archbishop's House; tho' it was pretended he was a Prisoner there, till afterwards a sort of a Temper was found out, that he should surrender himself a Prisoner at the King's Bench Bar, in order to be try'd: But the Bishop was indefatigable in his Sollicitations of the Cardinal, that he would move the King to lay his Commands on the Attorney General, to confess in Court that the Indictment was not true, that it might not
be

be referr'd to a Jury. The King, it seems, was not willing to irritate the Clergy too much at that time, and judging he had maintain'd his Prerogative by bringing in *Horsey* to the Bar, order'd the Attorney to do so: And accordingly when *Horsey* was brought to the Bar, and indicted for Murder, he pleaded not Guilty; which the Attorney acknowledging he was dismiss'd, and went to live at *Exeter*; from whence he never, either for fear or shame, return'd to *London*.

Hunne's Goods, to the value of fifteen hundred Pounds, were, pursuant to the Act of Parliament, and the King's Letters upon it, restor'd to his Children; but such a Reparation made for the honest Man's Life, is scarce parallel'd in History. My Readers may ask me how I came to bring in this Story amongst the remarkable Tryals in *England*? I answer, I have brought *Horsey* to his Tryal, and do believe that those who did not proceed therein, have accounted for it long ago. I do not think there is the like Example in any Age or civiliz'd Nation, nor scarce a more notorious Instance of the failure of Justice. I hope it will be consider'd, that the Matter happen'd in the Time of Popish Superstition and Idolatry, and that the People being now more enlighten'd in the Knowledge of the Truth, stricter Justice would be done. It was not sufficient here, that the Chancellor should escape, but that the other Villains should also go unpunish'd, and this under the specious Pretence of Justice, it being thought not reasonable that the one should suffer without the other. However, to do as much Honour and perpetuate the Memory of the Coroner and

and his Inquest, as far as lyes in my Power,
I shall add a List of their Names in this
Place.

Thomas Barnwell, Coroner.

<i>John Bernard,</i>	<i>Robert Bridgwater,</i>
<i>John Sterte,</i>	<i>Thomas Busted,</i>
<i>William Warren,</i>	<i>Gilbert Howell,</i>
<i>Henry Abraham,</i>	<i>Richard Gipson,</i>
<i>John Aborow,</i>	<i>Christopher Crofton,</i>
<i>John Turner,</i>	<i>John God,</i>
<i>Robert Allen,</i>	<i>Richard Holt,</i>
<i>William Marler,</i>	<i>John Pasmere,</i>
<i>John Burton,</i>	<i>Edmund Hudson,</i>
<i>James Page,</i>	<i>John Anusel,</i>
<i>Thomas Pickehil.</i>	<i>Richard Cowper,</i>
<i>William Burton,</i>	<i>John Time,</i>

The

The Tryal of Edward Stafford, Duke of Buckingham, the last Hereditary Lord High Constable of England, for Treason in the 13th Year of the Reign of King Henry VIII.

E*Edward Stafford, Duke of Buckingham, was as nobly descended as any Subject in the Kingdom, and as highly, for a time, in the Favour of his Prince, for which there was no small Reason, seeing his Father Henry, Duke of Buckingham, had lost his Life by endeavouring to dethrone King Richard III. and make Henry Earl of Richmond, afterwards Henry VII. King of England. His Fortune was also very large, and his Allyances great and Powerful, all which could not secure him from the Destruction, which the Malice and Revenge of Cardinal Wolfey brought upon him. The first Seeds of Discontent were sown in 1520, about the time of the intended Interview between Henry VIII. and Francis of France: For the Cardinal having summoned the chief Nobility to attend the King upon that solemn Occasion; some of them, and especially the Duke of Buckingham complained too freely of the Extravagance of the Expence, and laid the Blame of the whole upon the Cardinal, who being of a very vindictive Nature, would never forgive; to which it was said, another adventure also did not a little contribute, which was this: The Duke of*
Buckingham

Buckingham, according to his Place, holding the Silver Basin for the King to wash his Hands, *Henry* had no sooner done, but the Cardinal dipped his Hands into the Water; but the Duke disdainning to hold the Basin to a Man of so mean an Extraction, tho' then a Cardinal, spilt some of the Water in his Shoes. This the Cardinal highly resentted, and said, *He would sit on his Skirts for it*: Upon which the Duke next Day appear'd at Court without any Skirts to his Doublet to the Amazement of many there, who knew not the meaning of it. But the Duke made no secret of it, and seeming to stand in defiance of the Cardinal; Things were push'd on to greater extremities. Nevertheless none of those who were to attend the King to the Interview, had so rich and splendid an Equipage as the Duke of *Buckingham*; who coming to *London* in order to attend his Majesty on his Journey, and finding the King was not ready, he set out before and went to an Estate he had in *Kent*. There during his stay, were grievous Complaints made to him against *Charles Knevet*, who was his Steward or Surveyor, in those Parts, for extortion and other oppressive Acts; for which the Duke thought fit to discharge him out of his Service: And this Act of Justice laid the main Foundation stone of his Ruine, so fatal did their Servants prove to the House of *Stafford*.

The Cardinal omitted all this while no proper Opportunities to buss into the King's Ears strange Surmises of the Duke's Unfaithfulness and Disaffection to his Majesty; and coming quickly to understand that *Knevet* was discarded,

discarded, he thought him the most proper Instrument he could meet with to facilitate the Duke's Ruine, and therefore he seem'd to enter into a Confidence with *Knevet*, who was readily brought to give an account of the Duke's Life and Actions. That he should hear him say, He should manage Matters so as to obtain the Crown for himself, in case the King dyed without Issue; and that he had had Conference upon that Head with *George Nevil*, Lord *Abergavenny*, to whom he marry'd his Daughter, and that he had also threatned to punish the Cardinal for all his ill Actions, and being his Enemy without a Cause.

The Cardinal having proceeded thus far, went to the King and laid before him the Danger he was in from the wicked Designs of the Duke of *Buckingham*, and therefore advised him without delay to provide for his own Safety. To this Accusation aggravated to the Height by the Cardinal, the King made answer, *If the Duke deserves Punishment, let it be inflicted upon him accordingly.* The Duke hereupon was sent for to come to *London*, where he was presently taken into Custody, and on the 16th of *April* carry'd to the *Tower* by *Sir Henry Marney*, Captain of the Guards. At the same time they took up a Monk named *John de la Car*, alias *Court*, the Duke's Confessor and *Gilbert Perk*, a Clergyman, his Chancellor.

The Duke being in safe Custody, Inquisition was made in divers Counties of the Kingdom, of Matters to be laid to his charge; and so there was a Bill of High Treason found against him by the Gentlemen of *Surrey*, for
words

words spoke by him at *Blechinley* to the Lord *Abergavenny*, which Lord, as also the Lord *Mountacute*, were sent to the *Tower*. Moreover, the Duke also, to use the Words of my Author, was by an Inquest of which one *Giles Gerrard* was Foreman, indicted upon several Articles of High Treason, at *Guildhall*, *London*, before Sir *John Brugge*, Kt. Lord Mayor of that City; and the Substance of the Indictment was: *That the said Duke intending to exalt himself and to usurp the Crown and regal Dignity. and to deprive the King's Majesty of it; that so he might take the same upon himself against his Allegiance, had on the 10th of March in the Second Year of the King's Reign, and at several other times, both before and after, imagined and compassed the King's Death and Destruction at London and at Thorbury in the County of Gloucester; and in order to the accomplishing of his wicked Designs and Purposes, he sent one of his Chaplains, John de Court by Name, on the 24th Day of April, in the Fourth Year of the King's Reign, to the Priory of Henton in the County of Somerset, which is a House of Carthusian Monks, the substance of whose Message was, To know of one Nicholas Hopkins a Monk of the same House, who was reputed to have the Foreknowledge of future Things revealed to him, what should happen concerning the Matters he had entertained in his Imagination, causing the said de la Court, first to Swear to him, he would never divulge the Words to any other Person whatsoever besides the Duke himself, did thereupon declare, That the Duke his Master should have All, advising him the better to accomplish his Ends to engage the Affections of the People to him: That de la Court returned with this Answer which he reported*

ported to the Duke next Morning, being the 25th of April at Thorbury.

That the Duke on the 22d of July the same Year, sent the same de la Court with Letters to the same Monk, in order to be further inform'd in that matter. The Monk answer'd again, He should have All: but Being now, as well as before, asked, How he knew this to be true; he said, By the Grace of God; and with this Answer de la Court returning again to his Master, he declar'd the same to him on the 24th of July at Thorbury. Moreover, that the Duke sent de la Court the Third time to the same Monk with a Letter the 25th of April, in the Fifth Year of the King's Reign, when he was about his Expedition into France, desiring to know what would be the Issue of those Wars, and whether the King of Scots, during his Majesty's Absence, would invade the Realm or not; that the Monk among other Things in answer to the Duke's Letter, sent him Word, the King should have no Issue Male.

Again, that the said Duke on the 20th of February, in the Sixth Year of the King's Reign, being at Thorbury, said these Words to Ralph, Earl of Westmorland, Well, there are two new Dukes * created here in England, but if the King should any way miscarry, the Duke of Buckingham would be the next in Blood and Succession to the Crown. That the Duke himself after this, viz. on the 16th of April, in the said Sixth Year of the King's Reign, went to the Priory of Henton, and there had a Conference with Nicholas Hopkings, the said Monk, who

M told

* He meant the Dukes of Norfolk and Suffolk, for there were no other besides himself in the Kingdom.

told him, That he should be King, to which the Duke reply'd, If it should so happen, he would act the Part of a good and just Prince. That the Monk told the Duke farther, That he knew this by Revelation, and advised him by all manner of means to acquire the Love of the People the better to accomplish his designs.

That the Duke at the same time, promised to give every Year to the said Priory Six Pounds to buy them a Tun of Wine; that he promised besides to the same Priory Twenty Pounds in ready Money, of which he gave Ten in hand, towards conveying Water by a Conduit to be erected for the use of the House; that he gave at that time to Nicholas Hopkins a Reward of Three Pounds, Forty Shillings at another time, once a Mark, and Six and eight pence upon another occasion. That he came after this, viz. on the 20th of March, in the 10th Year of the King's Reign, to the same Priory, and presently had a Conference with the same Monk about the Premises; and that the Monk also told him, That he should be King. That the Duke said, He had done very well to enjoyn John de la Court to an Oath of Secresy, for if the King should come to the knowledge of these Things, it would be his Ruine.

Farther, that the said Duke, on the 20th of October, in the Seventh Year of the King, and at divers times, as well before as after, had sent his Chancellor, Robert Gilbert, to London, there to buy Cloaths of Gold and Silver, and Velvet, as much at each time as amounted to Three hundred Pounds, to the Intent that the said Duke might confer the same, as well upon Knights, Esquires and Gentlemen of the King's Household, and Yeomen of the Guard, as upon others of the King's Subjects, thereby to engage their Affections, in order to the carrying on of his
evil

evil Designs: Which Cloaths the said Gilbert bought and brought the same to the said Duke, who on the 20th of January, in the said Seventh Year, and on divers other Days and Years before and after, distributed and bestowed the same on some of the King's Subjects to the purpose before mention'd, as inserted in the Indictment.

Again, that the said Duke, on the 10th of July, in the Tenth Year of his Majesty's Reign, and at divers other Days and Times, as well before as after, appointed a greater number of Officers in his Castles, Honours, Lordships and Lands than he was wont to do, to the End they might under the Colour of such Offices be assistant to him in accomplishing his evil Purposes. Besides, the said Duke on the 10th of May, in the Ninth Year of the King's Reign, sent to his Majesty for leave to retain any of the King's Subjects whom he should think fit, who lived within the Counties of Hereford, Gloucester and Somerset, and that he might at his Liberty convey several sorts of Arms and Warlike Instruments into Wales, in order to use the same against the King, as the Indictment alledged, in order to effect his impious Designs, which was to destroy the King and usurp the Government himself.

Which Leave to have Retainers, and to convey Arms and Warlike stores into Wales, the said Gilbert on the 20th of May, in the Ninth Year, and on divers other Days before and after, both at London and East-Greenwich, earnestly sollicitated for, and laboured to obtain of the King and Council. That the Duke on the 20th of July the same Year, sent the said Gilbert to Henton aforesaid, to go to the said Monk, Nicholas Hopkins, to see what he could learn farther from him. That the Monk sent him Word, There would be an Alteration before the next Christmasts, and that the Duke

should have the Rule and Government of the whole Kingdom. *And that farther, the said Duke on the 20th of February, in the Eleventh Year of the King's Reign, said at Blechingly, in the County of Surrey, to the said Richard Gilbert his Chancellor, that he expected and waited for a more opportune Season to put his Designs in Execution, and that they might easily be effected if the Nobility of the Land would declare their Minds together, but that some of them were diffident and afraid to discover themselves, which marred all.*

That he said farther to the said Gilbert at that time, that whatever the King's Father had done was done amiss, and that he found fault with every thing that was transacted in the present Reign. That he said also he knew himself to be so great a Sinner, that he wanted the favour of God, and that whatever he undertook against the King had but ill Success. Again, that the said Duke to alienate the Hearts of the King's Subjects from their Duty and Obedience to his Majesty and his Heirs, being at London on the 20th of April, in the First Year of the King's Reign, he declared then and there to the said Robert Gilbert, that he had a writing under the Great Seal of England, containing an Act of Parliament, wherein it was enacted, That the Duke of Somerlet, one of the King's Ancestors, was made Legitimate, and that the said Duke intended to have delivered the same to King Henry VII. but said, I had rather have given One thousand Pounds, than have done it.

That the same Duke on the 4th of November, in the Eleventh Year of the King's Reign, at East-Greenwich in the County of Kent, said to Charles Knevet, Esq; That after the King had reprov'd the Duke for retaining Sir William Balmer in his Service, if he had found he must have been committed

mitted to the Tower, as he doubted he should, he would have manag'd his Business so, as that his principal Agents therein should have had no great Reason to rejoyce; for he would have plaid that Part which his Father intended to put in Practice against King Richard III. at Salisbury, who, if his earnest Sollicitations had so prevailed, that he might have been admitted into the Presence of that Prince, he would have thrust in him a Knife he had about him, as he made a Feint of Kneeling before him. And that when he spoke these Words, he maliciously laid his Hand upon his Dagger, saying, That if he was so ill used, he Swore by the Blood of Christ, he would do his utmost to accomplish his Designs.

That over and above all this, the same Duke on the 12th of May, in the Twelfth Year of the King's Reign, at London in a Place called the Rose, within the Parish of St. Laurence Poultney in Canwick Street Ward, asking the said Charles Knevet, What the Londoners said concerning the King's Voyage beyond Sea? And the other answering, That many of them had their Doubts and Fears about it, lest the French had some ill Designs against him. The Duke reply'd, It was to be feared it would come to pass according to the Words of a certain Monk; For there is, said he, a Carthusian Monk, who has several times sent to me, desiring I would send my Chancell'or to him; accordingly I sent John de la Court my Chaplain, but he would tell him nothing till he had Sworn him to Secresy, in respect to every Body living except my self only. That then the said Monk told de la Court, that neither the King nor his Heirs should prosper; that I should endeavour to reconcile the Affections of the People to me, for I the same Duke and my Blood shall prosper and have the Government

of the Kingdom. Then said Knevet, *The Monk may be mislead thro' Diabolical Illusions, and that it was wrong to meddle with Things of that kind.* Well, said the Duke, *It can do me no hurt. And the Indictment insinuated, That the Duke seem'd to be very well pleased with the Monk's Words. Farther, that the Duke told the said Charles at the same time, That if the King had dyed in his last Sickness, he would have chopt off the Head of the Cardinal, Sir Thomas Lovel, and others, adding, That he had rather dye for it than be used as he had been.*

Lastly, That on the 10th of September, in the Eleventh Year of this King's Reign, the Duke being at Blecningly in the County of Surrey, and walking in the Gallery with George Nevil, Lord Abergavenny, he murmured against the Privy Council and their Administration, saying unto the said Lord, That if the King dyed, he would have the Government of the Realm in spite of all Opposers, adding withal, That if the said Lord Abergavenny would discover the Words he had said, he would Fight him and lay his Sword over his Pate.

How far these particulars of the Indictment were proved and after what manner, says my Lord *Herbert*, the Authors he had met with did not deliver, but he tells us that he has taken out of our Records the following Account of the Duke himself, after his Commitment to the Tower, under his own Hand to Sir *Thomas Lovel* then Constable, which is vastly different in almost all the Circumstances of it, from the matters contain'd in the Indictment: *That the Summer before the King made War in France, Hopkins sent for him, but not being able to go, he commanded one de la Court, his Chaplain, to repair thither. Nevertheless that*
Hopkins

Hopkins said naught to him; that yet himself went the next Lent, where in Shrift [Confession] the said Monk told him, That our King should obtain great Honour in his Expedition to France, and that if the King of Scots came to England then, he should never go Home again. And that when he asked Hopkins how he knew this, he said *Ex Deo habeo*: It was revealed to me by God. Hopkins asking afterwards what Children the King had had, he told the Number, and that Hopkins should say thereupon, I pray God his Issue continue, for that he fear'd God was not pleased, because he made no Restitution according to his Father's Will; charging the Duke farther, to advise the King's Council to make Restitution. Farther, that he told his Chancellor those Words, and at his Return out of France, came to Hopkins again, and said, He had told him true. Also that another time he came to Hopkins, together with his Son Stafford and the Earl of Westmorland, and that Hopkins asked who he was, and thereupon should say, That some of his Blood or Name should prove great Men: And that after this, Hopkins should send to the Duke to pray him, according to his Promise, to help their House, being at Newton in Somersetshire, to make their Conduit, the Ten Pounds formerly given him being spent. And more than this he confessed not.

The Duke being indicted as above, he was soon after arraigned in *Westminster-Hall*, the Duke of *Norfolk*, by the King's Letters-Patent, being constituted High Steward of *England* for the Day: The other Persons who were appointed to sit as Peers and Judges upon the said Duke were,

The Duke of <i>Suffolk</i> .	The Lord <i>de la War</i> .
The Marquis of <i>Dorset</i> .	The Lord <i>Fitz-waren</i>
The Earl of <i>Devonshire</i> .	The Lord <i>Wylloughby</i>
The Earl of <i>Essex</i> .	The Lord <i>Brook</i> .
The Earl of <i>Shrewsbury</i> .	The Lord <i>Cobham</i> .
The Earl of <i>Kent</i> .	The Lord <i>Herbert</i> .
The Earl of <i>Oxford</i> .	The Lord <i>Morley</i> .
The Earl of <i>Derby</i> .	

The Court being set, and the Noble Prisoner brought to the Bar upon his Arraignment, he pleaded not Guilty: The Indictment being openly read, he said it was *false, untrue, conspir'd and forg'd* to take away his Life: He was a very Eloquent Person, and alledged many Reasons to falsify the Indictment; which if I could have found recorded any where, I should have taken Heed to have them carefully inserted. The Attorney-General on the other Hand, producing the Examinations, Confessions, and Proofs of Witnesses against him, the Duke thereupon desired that the Witnesses, who were *Knevet, Gilbert, de la Court* and *Hopkins*, might appear: These stood to their Depositions; and were delivered as Prisoners to the Officers of the *Tower*.

Then said the Lord High Steward to the noble Prisoner at the Bar. *My Lord, The King our Sovereign Lord, has commanded that the Laws should be faithfully administred, and all Justice done to you; wherefore if you have any thing more to offer in your own Justification, you shall be heard.* The Duke offering to say nothing, he was commanded to withdraw, and was conducted to a House called *Paradise* near adjoining, while the Lords deliberated together: Then
resuming

resuming their Places, the Question was put by the Lord High Steward, Whether the Duke of *Buckingham* was Guilty or not Guilty of the Treasons laid to his Charge?

The Custom in our Days is to begin with the Suffrage of the youngest Peer, and so onwards to the eldest or first in Dignity: But according to *Holingshed* it seems quite contrary in this case; for, he says, the Duke of *Norfolk* first began with the Duke of *Suffolk*, asking him, *What say you of Edward, Duke of Buckingham, concerning the High Treasons*; the Duke of *Suffolk* answer'd, *He is Guilty*; and so said the Marquis of *Dorset*, and all the Earls and Lords. This done, the Duke of *Norfolk*, with Tears in his Eyes, pronounced Sentence of Death upon him in these Words: *Sir Edward, You have heard how you have been convicted of High Treason, to which you have pleaded not Guilty, and put your self upon Tryal by your Peers, who have found you Guilty; you shall therefore be convey'd to the King's Prison, there laid on a Hurdle, and so drawn to the Place of Execution, and there be hang'd, cut down alive, your Members cut off and thrown into the Fire, your Bowels burn'd before your Face, your Head cut off, and your Body quartered and disposed of at the King's Pleasure, and the Lord have Mercy on your Soul, Amen.*

To this the unhappy Duke reply'd, *My Lord of Norfolk, you have said as a Traytor should be spoke to, but I never was one; but, my Lords, I do not reproach you for what you have done; may the Eternal God forgive you my Death, and I do: I'll never sue to the King for my Life, tho' he is a gracious Prince, and may shew more Mercy than I desire. I desire you my Lords and all my fellow Subjects to pray for me.*

Then

Then the Edge of the Ax was turn'd towards the Duke, who was conducted into the Barge, in order to be carry'd to the Tower; Sir *Thomas Lovel* desired him to set on the Cushion and Carpet provided for him, but he said, *No, for when I went to Westminster I was Duke of Buckingham, but I am now Edward Bohun only, the most caitiff of the World:* For it seems he affected that Sirname before that of *Stafford*, he being descended from the *Bohuns*, Earls of *Hereford*. They landed him at the *Temple*, where he was received by Sir *Nicholas Vawfor* and Sir *William Sands* Banerets, and convey'd thro' the City, lamented by most of the People, while others cry'd out, *This is the End of a bad Life, God forgive him, he was a proud Prince; 'tis pity he behaved himself so undutifully towards the King his Leige Lord, whom God preserve.*

While he continued in the Tower, all the favour that was shewn him, was, a Message from the King, declaring that his Sentence was mitigated so far, that instead of receiving the Death of a Traytor, his Head should be cut off. Accordingly on *Friday* the 17th of *May*, *Edward*, Duke of *Buckingham*, Earl of *Hereford*, *Stafford* and *Northampton*, was delivered into the Hands of *John Keims* and *John Skevington*, Sheriffs of *London*, who conducted him to a Scaffold prepared for that purpose on *Tower-Hill*, where he said he had offended the King thro' the Glert and Want of Grace, and desir'd all the Noblemen to take warning by his Fall, and all Men to pray for him, and he assured them he dyed the King's true Subject.

Thus

Thus meekly submitting to the Block, the Executioner struck off his Head, which together with his Body being delivered to the *Augustin* Fryars, they took care to give him a decent Burial.

My Lord *Herbert* says, that the Duke was thought rather Criminal thro' folly and rash Expressions, than any Intention declared by Overt-act against the King's Person, and therefore not uncapable of his Mercy; which also 'tis thought would not have been deny'd him, had he sued for it in a proper manner: But since at his Arraignment he did, as it were, disclaim his Life, he would not obtrude, and therefore caused only a Consolatory Letter to be writ to his Dutcheſs and the Lord *Stafford* his Son.

Never was such a Complication of remote Treasons set together, and there is such a Punctuality as to the Places, Years and Days, as if the Design to ruine the Duke had been form'd from the very beginning of the King's Reign, and the Date of the Cardinal's Grandeur. Happy we who live in such Days, wherein nothing of all this would signify a Straw against the meanest Subject in the Land; and supposing that the last Article, save three in the Indictment, was true, and that the Duke's drawing his Dagger was somewhat of an Overt-act, should it not in Reason have been discover'd sooner? For the Words were pretended to be spoken in *November*, the Eleventh Year of the King's Reign, and the Duke was not taken up till the Month of *April*, in the Thirteenth of *Henry* the VIII. which with us now should have no manner of Weight in it.

The

The Duke's Indiscretion, and the Cardinal's Malice were the real Sources of the brave Man's Misfortunes. And as the former was lamented by the People, the other was libell'd by them, whom they called *Carnificis Filius*, the Son of a Butcher, (as indeed he was) to which I may add in this Place, that the Duke's hard Fate was not only lamented at Home, but also Abroad, and when the Emperor was told of it, he said, *A Butcher's Dog has worry'd to Death the finest Buck in England.* He was the last Hereditary Lord High Constable of *England*, being descended from *Thomas of Woodstock, Duke of Gloucester*, Sixth Son to King *Edward III.* and was so remote in Blood from the Crown, that it is a wonder he should, or any Body imagine he would, pretend to it.

The

*The Tryal of Queen Anne Boleyn,
Second Wife to King Henry VIII.*

KING Henry VIII. having obtain'd a Divorce from his first Wife Queen *Catherine of Spain*, marry'd the Lady *Anne Boleyn*, Daughter of Sir *Thomas Boleyn*, whom he made Earl of *Wiltshire*, after he had first created her Countess of *Pembroke*. The Marriage was Celebrated on the 14th of *November*, 1532. She first bore him a Daughter, named *Elizabeth*, who in process of Time became Queen of *England*, and in *January* 1535. brought him a Son still born. This was thought to have made ill Impressions upon the King; and that as he concluded from the Death of his Son by his former Queen, that the Marriage was displeasing to God, so he might upon this Misfortune begin to make the like Judgment of this Marriage.

Its very certain, the Popish Party were earnestly bent against the Queen, they looking upon her as the great Supporter of Heresy; and more particularly the Duke of *Norfolk* at Court, and *Gardiner*, Ambassador in *France*, thought a way might easily be found out to reconcile the King with the Emperor and the Pope, if the Queen was once got out of the way; for then he might freely marry whom he pleased, and that Marriage with the Male Issue from it could not be disputed; whereas as long as the Queen lived, her Marriage, as being judged null from the beginning, could never be allowed by the Court of
Rome,

Rome, or any of that Party. With these Reasons of State, others of Affection concured.

The Queen had been his Wife three Years, but at this time he entertained a secret Affection for the Lady *Jane Seymour*, who had all the Charms both of Beauty and Youth in her Person, and her Humour was tempered between the severe Gravity of Queen *Catherine*, and the Pleasant Gaiety of Queen *Anne*. The Queen perceiving the Alienation of the King's Heart from her, used all her Arts to recover it, tho' without success. The King saw her no longer with those Eyes, she had formerly Captivated; but on the contrary, grew Jealous and ascribed those Caresses to some other Criminal Affection, of which he began to suspect her.

The Queen was naturally of a very chearful Temper, which was not always confin'd within the Bounds of exact Decency and Discretion: She had rally'd some of the King's Servants more than became her. The Lord *Rochford*, her Brother, was her Friend as well as her Brother. But his spightful Wife was Jealous of him, and being a Woman of an ill Life, as you will hear by and by, she carry'd many Stories to the King, or some that were about him, in order to perswade him, that there was an unlawful Familiarity between the Queen and her Brother, beyond what so near a Relation could justify. All that could be said for it was only this, That he was once seen leaning upon her Bed, which bred great Suspicion. *Henry Norris*, who was Groom of the Stole, *Weston* and *Brereton*, that were Gentlemen of the King's Privy Chamber, and one *Mark Smeton*, a Physician, were all observed to

to have a great share of her Favour; and their Zeal in serving her was thought too warm and diligent to flow from a less active Principle than Love. Many Circumstances were related to the King, which working upon his Aversion to the Queen, together with his Affection to Mrs. *Seymour*, made him conclude her Guilty. It was thought that somewhat he himself had observ'd or fancy'd at a Tilting at *Greenwich*, gave the Crisis of her Ruine. Its said, that he spy'd her let her Handkerchief fall to one of her Gallants to wipe his Face, being hot after a Course; whether she dropt it carelessly or designedly, or whether there is any truth in the Story, none of the several Letters which were writ by those about her concerning her Fall, and which are still extant in Manuscript, make any manner of Mention of it. *Spelman*, who was a Judge at that time, and wrote an Account of it with his own Hand in his common Place Book, takes no notice of this particular, but gives a very different Account of the Discovery in these Words: *As for the Evidence of this matter, it was discover'd by the Lady Wingfield, who had been a Servant to the Queen, and becoming on a sudden infirm some time before her Death, did Swear this matter to one of her* —

Here unluckily, says my Author, the rest of the Page is torn off; by this, it seems, there was no legal Evidence against the Queen; it being only a second hand witness, who heard the Lady *Wingfield* Swear. There is no Account can be given who this Lady *Wingfield* was; nor in what Frame of Mind she might be in, when she Swore it: To lay a thing upon a dead Person's Name, where there is no Fear
of

of Discovery in this World, is the securest fort of Forgery, for those whose Consciences can digest it.

When it came to be known that the Queen had lost the King's Affections, many out of Zeal to Popery, or design to make their Fortune, might easily be induced to form and carry a Story of this Nature. And this it seems was that which was brought to the King at *Greenwich*, who thereupon immediately return'd to *White-Hall*. The Queen was presently confin'd to her Chamber, and the other Five Persons above-mention'd were seiz'd; but none of them would confess any thing but *Mark Smeton*, as to any actual thing, according to *Cromwell's* Letters in the *Cotinian* Library; upon this they were convey'd to the *Tower*.

The poor Queen was in a most deplorable Condition, being not only thus unhappily fallen under the King's Displeasure, but also defam'd and in great Danger of being destroy'd at once. She smiled and seem'd chearful at first, saying, she believed the King did this only to try her: But when she found he was in earnest, she desir'd to have the Sacrament in her Closet, shew'd great Devotion, and seem'd to be prepar'd for Death. The Surprise and Confusion brought Fits of the Mother upon her, which her Attendants did not seem to understand; but three or four Letters writ about her to Court, imported, that she was some times very Devout and cry'd much, and then on a sudden would burst out into a Laughter, which were evident Signs of the Vapours. When she heard that those who were accused with her were sent

to

to the *Tower*, she then concluded she was un̄ done, and said she should be sent thither herself next, and talk'd idly, saying, *If her Bishops were about the King, they would speak in her Behalf.* She also said, *That she would be a Saint in Heaven; for she had done many good Deeds, and that there should be no Rain, but heavy Judgment on the Nation, for what they were now doing to her.*

Her Enemies had gone too far to look back, and therefore she was the next Day sent to the *Tower* by Water; and some Lords that met her on the River, declared to her what her Crimes were. These were Sir *Thomas Audley*, Lord Chancellor, *Thomas*, Duke of *Norfolk*, and Secretary *Cromwell*. She made deep Protestations of her Innocence to them, and begg'd leave but to see the King, which would not be granted her. When she was brought within the *Tower*, she fell down upon her Knees, and pray'd God to help her, as she was not guilty of the thing for which she was accused. The same Day the King wrote to Archbishop *Cranmer*, her Friend, to come to *Lambeth*; but order'd him also not to appear at Court, which was procur'd by the Queen's Enemies, who took Care that no body, who had any Interest with the King, should approach his Person, till they had fully and effectually possess'd him of her Guilt. Her Unkle's Lady, the Lady *Boleyn*, was appointed to lye with her in her Chamber, with whom, I know not for what Reason, she was at ill Terms, and therefore took it very heinously: So that she, who but a little before was wont to lye in the Bosom and deepest Affections of her Prince, was now bedded with

a Serpent, who endeavoured to suck out her Entrails, by engaging her in Discourse, and studying to draw Confessions from her. Whatever she said, it was presently convey'd to Court, and a Woman so full of Vapours was likely to tell every thing that was true, with a great deal more; for Persons in that Condition, not only have no Command of themselves, but are also apt to say any thing that comes into their Heads.

The Duke of *Norfolk* and some others of the Privy Council, went and examin'd her in the *Tower*; but were able to get nothing out of her, tho' they made her believe that *Norris* and *Mark* had accused her. Now it was, that she wrote the following Letter to the King; at which time her Spirits must be certainly much exalted, it being a Pitch above her ordinary Style, whatever Weaknesses she afterwards betray'd. It was found amongst *Cromwell's* Papers, and therefore 'tis concluded to be genuine.

YOUR Grace's Displeasure and my Imprisonment, are things so strange unto me, as what to write, or what to excuse, I am altogether Ignorant: Whereas you send unto me (willing me to confess a Truth, and to obtain your Favour) by such an one, whom you know to be mine ancient profess'd Enemy; I no sooner received this Message by him, than I rightly conceived your meaning; and if, as you say, confessing a Truth indeed may procure my safety, I shall with all Willingness and Duty perform your Command.

But let not your Grace ever imagine, that your poor Wife will ever be brought to acknowledge a Fault, where not so much as a Thought thereof preceded:

ceded: And to speak the Truth, never Prince had a Wife more Loyal in all Duty, and in all true Affection, than you have ever found in Anne Boleyn, with which Name and Place I could willingly have contented my self, if God and your Grace's Pleasure had been so pleased. Neither did I at any time so far forget my self in my Exaltation, or received Queenship, but that I always look'd for such an Alteration as now I find. For the Ground of my Preferment being on no surer Foundation than your Grace's Fancy, the least Alteration I knew was fit and sufficient to draw that Fancy to some other Subject. You have chosen me from a low Estate, to be your Queen and Companion, far beyond my Desert or Desire: If then you found me worthy of past Honour, Good your Grace, let not any light Favour, or bad Counsel of mine Enemies withdraw your Princely Favour from me; neither let that Stain, that unworthy Stain of a disloyal Heart, towards your good Grace, ever cast so foul a Blot on your most dutiful Wife, and the Infant Princess your Daughter: Try me, good King, but let me have a lawful Tryal, and let not my Sworn Enemies sit as my Accusers and Judges: Yea, let me receive an open Tryal, for my Truth shall fear no open Shame: Then shall you see either mine Innocency clear'd, your Suspicion and Conscience satisfy'd, the Ignominy and Slander of the World stopt, or my Guilt openly declared; so that whatsoever God or you may determine of me, your Grace may be freed from an open Censure; and mine Offence being so lawfully proved, your Grace is at Liberty, both before God and Man, not only to execute most worthy Punishment on me, as an unlawful Wife, but to follow your Affection already settled, on that Party, for whose sake I am now as I am; whose Name I could some good while since have

pointed unto, your Grace being not Ignorant of my Suspicion therein.

But if you have already determined of me, and that not only my Death but an injurious Slander, must bring you the Enjoyning of your desired Happiness, then I desire of God, that he will pardon your great Sin therein, and likewise mine Enemies, the Instruments thereof; and that he will not call upon you to a strict Account for your unprincely and cruel Usage of me, at his general Judgment Seat, where both you and my self must shortly appear, and in whose Judgment, I doubt not, (whatsoever the World may think of me) my Innocence shall be openly known, and sufficiently cleared.

My last and only Request shall be, that my self may only bear the Burden of your Grace's Displeasure, and that it may not touch the Innocent Souls of those poor Gentlemen, who, as I understand, are likewise in streight Imprisonment for my sake. If ever I have found Favour in your Sight; if ever the Name of Anne Boleyn hath been pleasing in your Ears, then let me obtain this Request, and I will forbear to trouble your Grace any further; with mine earnest Prayers to the Trinity to have your Grace in his good Keeping, and to direct you in all your Actions. I remain

From my doleful
Prison in the
Tower this 6th
of May.

Your most Loyal and
Ever faithful Wife,

ANNE BOLEYN.

Some time after the Lords were gone, she fell down upon her Knees and wept, praying often *Jesu have Mercy on me*, and then fell a laughing. When that Fit was over, she
desired

desired to have the Sacrament still by her, that she might cry for Mercy; and she said to the Lieutenant of the Tower, that she was as clear as to the Company of all Men as to Sin, as she was from him, and that she was the King's true Wedded Wife. She cry'd out, *O Norris, hast thou accused me? Thou art in the Tower with me, and thou and I shall dye together; and, Mark, so shalt thou too.*

Then she express'd her Apprehensions that she was to be put into a Dungeon, and dreadfully lamented her own and her Mother's Misfortune; asking, *Whether she must dye without Justice:* But being answer'd, the poorest Subject had Justice, much more would she. The same Account says, that *Norris* had not accused her, and that he told her Almoner, *He could Swear for her she was a good Woman:* But she being made to believe that he had accused her, and not being then so free in her Thoughts, as to consider that ordinary Artifice of drawing out Confessions, told all she knew both of him and *Mark*; which, tho' it was not sufficient Matter to ruine him, yet it made deep Impressions on the King's jealous and alienated Mind. She told them, *That she once ask'd Norris, Why he did not proceed in his Marriage? Who answer'd, That he would tarry a little longer:* To which she reply'd, *You wait for dead Men's Shoes: If the King should happen to dye, you would expect to have me.* He answer'd, *He wished his Head cut off, if he had entertain'd any such Thought:* Upon which she said, *She could undo him if she pleased, and thereupon fell out with him* — As for *Mark*, who was then in Irons, she said, *He was never in her Chamber but when the King was last at Win-*
N 3
chester,

chester, and then he came into play on the *Verginals*: That she never spoke to him after that, but on the Saturday before *May-Day*, when she saw him standing at the Window, and then she asked him, *Why he was so Melancholly*: To which he reply'd, *It was no Matter*: Then she rejoyn'd, *You do not expect I should speak to so mean a Person as you are, as if you were a Man of Quality*. No, *Madam*, said he, *A Look is enough*. She seem'd more apprehensive of *Weston* than any body; for on the *Whitson Monday* last he said to her; *That Norris came more into her Chamber upon her own Account than any body else there*. She had observed, that he loved a *Kinswoman of hers*, and charg'd him with it, and for not loving his *Wife*; but he answer'd her, *That there were Women in the House, whom he lov'd better than them both*: She ask'd, *Who that was?* *Your self*, said he; upon which she said, *She defy'd him*.

The *Queen's* Misfortunes drew after them the common Effects that attend Persons in *Disgrace*: The whole Court was now set against her; but *Archbishop Cranmer* had not learn'd the servile Arts of *Baseness* and *Ingratitude*: He had been much oblig'd to her, and had conceived so great an Opinion of her *Virtue* and *Goodness*, that he could not easily receive any ill Impressions of her. He was well acquainted with the *King's* rough Temper, and that a down right Justification, would but the more provoke him; and therefore on the 3d of *May*, he wrote a Letter to the *King*, with all the Softness that so nice and tender a Point required; where he justify'd her as far as was consistent with *Charity* and *Prudence*. The Letter shews of what Constitution

tion he was that wrote it; and it contains so many things that highly redound to her Honour, that I think it proper to be inserted in this Place, as taken from the Original.

PLeaseth your most noble Grace, to be advertised, that at your Grace's Commandment by Mr. Secretary his Letter, written in your Grace's Name, I came to Lambeth yesterday and do there remain, to know your Grace's farther Pleasure; And for as much as without your Grace's Commandment, I dare not, contrary to the Contents of the said Letter, presume to come into your Grace's Presence; nevertheless of my most bounden Duty, I do no less than most humbly desire your Grace, by your great Wisdom and by the Assistance of God's help, somewhat to suppress the deep Sorrows of your Grace's Heart, and to take all Adversities at God's Hands, both patiently and thankfully: I cannot deny but that your Grace hath great Causes many ways of lamentable Heaviness, and also that in the wrongful Estimation of the World, your Grace's Honour of every part is highly touched (whether the things that commonly be spoken of, be true or not) that I remember not that ever Almighty God sent unto your Grace any like Occasion to try your Grace's Constancy throughout, whether your Highness can be content to take of God's Hand, as well things Displeasent as Pleasent. And if he find in your most Noble Heart such an Obedience unto his Will, that your Grace without Murmuration and over much Heaviness, do accept all Adversities, not less thanking him, than when all things succeed after your Grace's Will and Pleasure, nor less proposing his Glory and Honour; then I suppose your Grace did never thing more acceptable unto him, since your first Governance of this your Realm: And moreover,

your Grace shall give unto him occasion to multiply and increase his Graces and Benefits unto your Highness, as he did unto his most faithful Servant Job, unto whom after his great Calamities and Heaviness, for his Obedient Heart and willing Acceptation of God's Scourge and Rod, addidit ei Dominus cuncta Duplicia. And if it be true, that is openly reported of the Queen's Grace, if Men had a right Estimation of Things, they should not esteem any part of your Grace's Honour to be touched thereby, but her Honour only to be clearly disparaged. And I am in such a Perplexity, that my Mind is clean amazed: For I never had better Opinion in Woman, than I had in her, which maketh me think, that she should not be culpable. Now I think that your Grace best knoweth, that next unto your Grace, I was bound unto her of all Creatures living: Wherefore I most humbly beseech your Grace, to suffer me in that, which both God's Law, Nature, and also her Kindness, bindeth me unto; that is, that I may with your Grace's Favour wish and pray for her: And from what Condition your Grace, of your only meer Goodness, took her, and set the Crown upon her Head, I repute him not your Graces's faithful Servant and Subject, nor true unto the Realm, that would not desire the Offence without Mercy to be punish'd, to the Example of all others. And as I loved her not a little, for the love that I judged her to bear towards God and his Gospel; so if she be proved culpable, there is not one that loveth God and his Gospel, that ever will Favour her, but must hate her above all other, and the more they favour the Gospel, the more they will hate her. For then there never was Creature in our Time that so much slandered the Gospel: And God hath sent her this Punishment, for that she feignedly hath professed the Gospel in her Mouth, and not in Heart and Deed.

And

And tho' she have offended so, that she hath deserv'd never to be reconcil'd to your Grace's Favour, yet God Almighty hath manifoldly declar'd his Goodness towards your Grace, and never offended you: But your Grace, I am sure, knowledgeth you have offended him; wherefore I trust that your Grace will bear no less entire Favour unto the Truth of the Gospel, than you did before: For so much as your Grace and Favour to the Gospel was not lead by Affection unto her, but by Zeal unto the Truth. And thus I beseech Almighty God, whose Gospel he hath ordain'd your Grace to be Defender of, ever to preserve your Grace from all Evil, and give you at the End the promise of his Gospel. From Lambeth the 3d Day of May.

After I had written this Letter unto your Grace, my Lord Chancellor, my Lord of Oxford, my Lord of Suffex, and my Lord Chamberlain of your Grace's House, sent for me to come into the Star Chamber, and there declared unto me such Things as your Grace's Pleasure was they should make me privy unto, for which I am most bounden unto your Grace; and what Communication we had together, I doubt not but they will make the true Report thereof unto your Grace. I am exceedingly sorry, that such Faults can be prov'd on the Queen, as I have heard of their Relation; but I am, and ever shall be, your faithful Subject.

Your Grace's most Humble

Subject and Chaplain,

J. Cantuariensis.

But Jealously, and the fresh object of the King's Affections, utterly defaced all the remains of the King's Esteem for Queen *Anne*; and the Ministers continued to carry on their Intreigues in order to get further Evidence for the Tryal, which was not brought on till the 12th of *May*; on which *Norris*, *Weston*, *Breerton* and *Smeton*, were try'd by a Commission of Oyer and Terminer in *Westminster-Hall*. They had been twice indicted, and the Indictments found by two Grand-Juries in the Counties of *Kent* and *Middlesex*; the Crimes laid to their Charge being laid to be done in both these Counties: *Mark Smeton* confessed, he had known the Queen Carnally thrice; the other three pleaded not Guilty; but they were all convicted upon the Evidence before-mention'd, and Judgment given that they should be drawn to the Place of Execution, and some of them to be hang'd and others beheaded. The first three had the Favour of being beheaded, but *Smeton* was hang'd. It was generally said he had been bribed to make that Confession, and that his Life had been promised him, but that he was not fit to live to tell Tales. *Norris* had had a great share in the King's Favour, and an Offer was made him of his Life, if he would accuse the Queen and confess his Guilt; but he generously rejected so base a Proposal, and said, *That in his Conscience he believed her Innocent in respect to the Crimes laid to her Charge; but whether she was or not, he would not accuse her of any thing, and he would dye a thousand Deaths rather than concur in the Ruine of an innocent Person.* Upon which report King *Henry* cry'd, *Cut off his Head, cut off his Head.*

From

From this Mr. *Norris* descended a Race of Heroes of wonderous Fame in the Reign of Queen *Elizabeth*; but I must not digress.

On the 15th Sir *William Kingston*, Lieutenant of the *Tower*, brought forth the Queen and her Brother, the Lord *Rochford*, to be try'd by their Peers. There was a Scaffold erected for this purpose in the King's Hall within the *Tower*. There were 28 Peers, says divers of our Historians, appointed to try them, besides the Lord High Steward of *England* for the Day, who was the Judge, and this was

Thomas, Duke of Norfolk.

Some of the rest were

Charles, Duke of Suffolk,

Henry, Marquis of Exeter.

Thomas, Earl of Westmorland.

John, Earl of Arundel.

Its exceeding singular, say they, that the Earl of *Wiltshire* should be of the Number of these Peers upon the occasion of the Tryal of his own Son and Daughter; whether this unnatural Compliance was imposed upon him by the imperious King, or he officiously submitted to it himself, with a view to preserve himself from the Ruine which he saw coming on his Family, is uncertain. But they are all mistaken, for the Earl of *Wiltshire* was not one of the Judges, which consisted only of 26, and the Names of them are thus Recorded:

Duke

Duke of Norfolk, Lord High Steward.

<i>Duke of Suffolk.</i>	<i>Lord Montague.</i>
<i>Marquis of Exeter.</i>	<i>Lord Morley.</i>
<i>Earl of Arundel.</i>	<i>Lord Dacres.</i>
<i>Earl of Oxford.</i>	<i>Lord Cobham.</i>
<i>Earl of Northumberland.</i>	<i>Lord Maltravers.</i>
	<i>Lord Powis.</i>
<i>Earl of Westmorland.</i>	<i>Lord Mounteagle,</i>
<i>Earl of Derby.</i>	<i>Lord Clinton.</i>
<i>Earl of Worcester.</i>	<i>Lord Sands.</i>
<i>Earl of Rutland.</i>	<i>Lord Windsor.</i>
<i>Earl of Sussex.</i>	<i>Lord Wentworth.</i>
<i>Earl of Huntington.</i>	<i>Lord Burgh.</i>
<i>Lord Audley.</i>	<i>Lord Mordant.</i>
<i>Lord de la War.</i>	

The Record mentions one thing which is very particular concerning the Earl of *Northumberland*; that he was taken with a sudden Fit of Illness, and was forced to leave the Court before the Lord *Rochford* was tryed: This might very well have been casual; but since he had been once in Love with the Queen, and design'd to marry her, its no wonder if so sad a Change in her Condition should cause an unusual disorder in him.

Before these noble Lords the Queen by an unheard of President, was indicted of High Treason: The Crimes laid to her Charge were:

That she had procur'd her Brother and the other four to Lye with her, which they had often done.

That she had said to them that the King never had her Heart.

That

That she had said to every one of them by themselves, that she lov'd them better than any Person whatsoever.

That the whole tended to the sluring of the Issue begot between the King and her.

It was set forth that this was Treason, according to the Statute made in the 26th of the King's Reign; so that what was enacted in favour of her and her Issue by her Marriage with the King, was now unhappily made use of to destroy her. It was also added in the Indictment, that she and her Accomplices, *had conspired the King's Death.* But this, it seems, was only put in to swell the Charge; for if there had been any tollerable Evidence for it, there was no necessity of straining the other Act. If they could have proved violating of the Queen, the known Statute of the 26th of the Reign of *Edward III.* had been sufficient.

When the Indictment was read, she held up her Hand and pleaded *Not Guilty*, and her Brother did the same. The Court did her the Favour to provide a Chair for her to sit upon, but whether she made use of it or not, does not appear. I have not been able with all my Inquiry, to meet with the particulars of her Tryal, what Questions were put to her, and how she answered, with other Circumstances which must accompany so signal an Event; only in general that she answered all the Evidence brought against her very discreetly, and seem'd fully to clear herself from every thing laid to her Charge. One thing is exceeding remarkable, and lays a grand Slur upon the Proceedings of the Court, which in our Days of Liberty would not be borne

borne with, and that is, that *Mark Smeton*, who was the only Person that confess'd any thing, was never confronted with the Queen, nor reserved to be an Evidence against her; for he had been condemned three Days before, and so could not be a Witness in Law.

But perhaps her Enemies were so diffident in the matter, that tho' they had by one Artifice or other, worked up the Wretch to a Pitch of false Confession; yet they did not think he would have Front enough to aver the same to the Queen's Face. The main Evidence they brought, according to *Spelman's* Account, was the Oath of a dead Woman; yet this, or rather the base Apprehensions they had of offending the haughty King, wrought upon their Lordships so far, as to find her and her Brother Guilty; and thereupon Judgment was pronounced, that she should be Burnt or Beheaded at the King's Pleasure.

Here the learned Judge already mention'd observes, that whereas Burning is the Death appointed by Law for a Woman to undergo, that is attainted of Treason, yet since she had been Queen of *England*, they left it to the King to determine, whether she should dye so infamous a Death or be Beheaded; but the Judges complained of this way of Proceeding, saying, that such a disjunctive Course in a Judgment for Treason, had never been known before.

This was not enough to satisfy the enraged King; the Marriage between them must be annull'd, and the Issue made Illegitimate. He called to mind an Intreigue that had been between her and the Earl of *Northumberland*, then Lord *Percy* only, about a Marriage. The
Business

Business in short was thus: The Earl of *Northumberland* by a strange Compliance with Cardinal *Woolsey's* vain Humour, made his eldest Son one of his Servants; during which the Cardinal coming to understand that the Young Lord made his Addreses to *Anne Boleyn*, he one Day called for him before his other Servants, of which Mr. *Cavendish*, who gives this Account, and was there present, was one, and chid him for it; pretending at first it was below him to match so meanly: But the Lord *Percy* justifying his Choice, and insisting that she was not inferior in Birth and Quality to himself, the Cardinal peremptorily required him to demit his Pretensions. He answer'd, *He would readily submit to the King and him; but that he had proceeded so far before many Witnesses, that he could not recede from it, nor tell how he could quiet his Conscience about it.* Upon that the Cardinal said in a great Rage, *Why, dost thou think that the King and I do not know what to do in so weighty an Affair? Yes, I'll warrant you, but I can see no Submission in thee at all to the purpose; and said, you have match'd your self with such a Person, to which neither the King nor your Father will yeild their Consent, and therefore I'll send for thy Father, who, when he comes, will make thee either break off this unadvised Agreement or disinherit thee for ever.*

Its very probable that the King having fixed his Affections on the Lady at that very time, to which the Cardinal was Privy, that this was a Contrivance on purpose to beat the Lord *Percy* off of it. Wicked Men will make the same thing serve for quite different purposes. This pretended Contract is now trumped up by the King and his Ministers, as a
means

means to get rid of her to make way for a new Object to fill her Room. Its indeed not unlikely, but that there might have been some Promises made by the Lord *Percy*, to marry her *per verba de futuro*, which though it was no Precontract in it self, yet it seems the poor Queen was either so Ignorant, or so ill advised, as to be perswaded afterwards it was one; tho' it is certain that nothing but a Contract *per verba de presenti*, could be of any validity in order to annul the subiequent Marriage.

Now the King and his Council reflecting upon the foregoing Account, resolv'd to try what they could make of it, and therefore they pressed the Earl of *Northumberland* to confess a Contract between them: But the noble Earl, like himself, was staunch and honest; he took his Oath before the two Archbishops, that there had never been any Contract nor Promise of Marriage between them; and he received the Sacrament upon it before the Duke of *Norfolk*, and others of the Privy Council, wishing it might be his Damnation if there was any thing in it, concerning which the Original Declaration under his own Hand is still extant. So that 'tis very probable that what he had said to the Cardinal concerning Witnesses, and his Conscience in the Case, was the effect of the Violence of his Passion for her, and proceeded more from the Apprehensions he was under of being deprived of her, than a just Regard to Truth.

Its very plain, they could not extract any Confession from the Queen before the Sentence pass'd upon her; for 'tis not to be doubted, but if they could have done that, the Bu-
siness

finels of the Divorce had preceded the Tryal, and then she must have been only try'd by the Title of Marchioness of *Pembroke*. But now, that she lay under so terrible a Sentence, it is most probable that they entertain'd her with some hopes of Life, or at least wrought on her with Assurances of a Mitigation of the most cruel Part of the Sentence which was *Burning*, into the milder part of *Decollation*: So that she was brought to confess a Pre-contract, and on the 17th of *May* was conducted to *Lambeth*; and in Court there, the poor Archbishop sitting as Judge, and in the Presence of some Persons of Quality, she confess'd some just and lawful Impediments, by which it was evident her Marriage with the King was invalid; upon which Confession her Marriage was adjudged to be null and of none Effect. The Record of the Sentence is burnt; but these Particulars are recited in the Act, which pass'd the next Parliament, concerning the Succession of the Crown. It looks as if this had been done privately, seeing *Spelman* writes thus: *It was said there was a Divorce made between the King and her, upon her confessing a Pre-contract with another before her Marriage with the King.* So that it was then only surmized, but not generally known.

Here give me leave to cite a short but just Remark made by a learned Pen, concerning the two Sentences pass'd upon her, the one of Attainder, and the other of Divorce upon the Account of a Pre-contract: *They did so contradict one another, that it was apparent one, if not both of them, must be unjust, for if the Marriage between the King and her was null from the beginning,*

ning, then if she was not the King's wedded Wife, there could be no Adultery. And her Marriage to the King was either a true Marriage or not; if it was true, then the annulling of it was unjust, and if it was no true Marriage, the Attainder was unjust; for there could be no Breach of that Faith which was never given. So that it is plain, the King was resolv'd to be rid of her, and to make her Daughter Illegitimate, and in that Transport of his Fury did not consider the very method he took, discover'd the Injustice of his Proceedings against her.

The Execution of the unhappy Queen being order'd two Days after this, and that on the Green upon *Tower-Hill*; the following Circumstances will best shew how she receiv'd the fatal News, and how firm she continued in the Protestation of her Innocence: Upon a strict recollection of her past Life, she called to Mind the Day before she suffered, that she acted the Part of too severe a Mother-in-Law to the Lady *Mary*, and had done her many Injuries; upon which she made the Lieutenant of the *Tower's* Lady sit down in a Chair of State, after she had made divers Excuses for it, and then falling down upon her Knees, with many Tears, charged her, as she would answer the same to the Great God, to go in her Name, and do as she had done, to the Lady *Mary*, and to ask her Pardon for all the Injuries she had done her. She added, she had no Peace of Conscience till she had done that, but thought she did what became a Christian in this respect.

This Ingenuity and Tendernefs of Conscience in minuter things is a violent Presumption, that

that if she had been conscious of greater Mifcarriages, she had not persisted in the denial of them to her last Breath, and make Protestations of her Innocence. For that same Night she sent her last Message to the King and acknowledged her self so much oblig'd to him, that he continued still to advance her: She said, she had from a private Gentlewoman been first made a Marchioness, and then a Queen, and now since he could promote her no higher upon Earth, he was sending her to be made a Saint in Heaven. She protested her Innocence, and recommended her Daughter to his Care.

As for her Carriage on the Day of her Execution, it will partly appear from the following Letter, writ by the Lieutenant of the Tower, in his own Phrase on that doleful Occasion.

SIR,

THESSE should be to advertise you, I have received your Letter, wherein you would have Strangers convey'd out of the Tower, and so they be by the means of Richard Gressum, and William Cooke and Wytspol; but the Number of Strangers pass not Thirty, and not many of those arm'd, and the Ambassador of the Emperor had a Servant there, and honestly put out. Sir, If we have not an Hour certain, as it may be known in London, I think here will be but few, and I think a reasonable Number were best, for I suppose she will declare herself to be a good Woman for all Men but for the King, at the Hour of her Death. For this Morning

Morning she sent for me, that I might be with her at such a time as she received the Good Lord, to the Intent I should hear her speak as touching her Innocence to be always clear. And in the Writing of this she sent for me, and at my coming, she said, Mr. Kingston, I hear say I shall not dye before Noon, and I am very sorry therefore, for I ought to be dead by this time, and past my Pain. I told her it would be no Pain, it was so little; and then she said, I heard say the Executioner was very good, and I have a little Neck, and put her Hands about it, laughing heartily. I have seen many Men and Women executed; and that they have been in great Sorrow, and to my knowledge this Lady hath much Joy and Pleasure in Death. Sir, Her Almoner is continually with her, and had been since two a Clock after Midnight. This is the effect of any thing that is here at this time, and thus fare you well.

Yours

William Kingston.

The poor Queen was brought to the Scaffold erected on *Tower-Hill*, on the 19th of *May*, a little before Noon; where she made a short Speech to this effect to a great number of People, whose Curiosity lead them thither to view the last Scene of this sad Tragedy.

Good Christian People, I am come hither to dye; for according to the Law, and by the Law, I am adjudged to dye, and therefore I will speak nothing against it. I am come hither to accuse no Man; nor

to speak any thing of that whereof I am accused and condemned to dye; but I pray God save the King, and send him long to Reign over you; for a gentler, nor a more merciful Prince was there never, and to me he was ever a good, a gentle and a Sovereign Lord. And if any Person will meddle of my Cause, I require them to judge the best. And thus I take my leave of the World, and of you all, and I heartily desire you all to pray for me: O Lord have mercy on me, to God I commend my Soul; Jesu receive my Soul.

Among those who were present on this fatal Day, the principal Persons were the Dukes of *Suffolk* and *Richmond*, which last was the King's Natural Son, and in Case he failed of Legitimate Issue Male, designed by him to be his Successor, and therefore it was unseemly in that Young Lord to be then there. The others were the Lord Chancellor and Secretary *Cromwell*, with the Lord Mayor, Sheriffs and Aldermen of *London*. Her Head was cut off by the Hang-man of *Calais*, who was brought over on Purpose, as being more expert in the Art of Decollation than any other in *England*. *Spelman* writes, That her Eyes and Lips were observed to move after her Head was cut off. Her Body was thrown into a common Chest of Elm-tree, that was made to put Arrows in, which was very odd. Surely they might have provided a more decent Coffin for her, who had been lain in the King's Bosom, and had been once the Delight of his Eyes: But so it was, and no otherwise, and in that manner it was convey'd into the *Tower* Chappel, and there bury'd before Twelve a Clock.

Various were the Censures of Mankind in reference to this extraordinary Procerdure, according to the diversity of their Interests. The Papiſts ſaid the Juſtice of God was manifeſt, that ſhe who had ſupplanted Queen *Catherine*, by the ſame means met with the like, and even a ſeverer Treatment. Some took notice how faintly ſhe vindicated her ſelf on the Scaffold, as if her Conſcience had at laſt prevailed, ſo as that ſhe could no longer deny a thing, for which ſhe was ſo ſoon to answer at another Tribunal: Whereas others conceiv'd that her touching that Matter in ſo tender a manner, proceeded from the Care ſhe had of her Daughter, ſhe having obſerv'd that Queen *Catherine's* obſtinacy had drawn the King's Diſpleaſure upon her Daughter; and therefore to the Intent that her ſelf alone might ſuſtain her Miſfortunes, and derive no ſhare of them upon her little Daughter; ſhe deliver'd her ſelf in ſuch a Strain as would adminiſter no cauſe of Offence to the King: And as ſhe ſaid enough to juſtify her ſelf, ſo ſhe ſaid as much, and in the Opinion of ſome, more for the King's Honour, than could be expected.

Queen *Anne's* Carriage indeed ſeem'd to be too free, and it was the Sentiments of People in general, that ſome Freedoms and Levities in her, had encouraged thoſe unfortunate Perſons to ſay ſuch bold things to her; ſince ſew attempt upon the Chaſtity, or make Declarations of Love to Perſons of ſuch exalted Dignity, except there be ſome Invitations, at leaſt in their Carriage. Others thought that a free and jovial Temper with
great

great Innocence, tho' with little Discretion, lead her to all those things which were prov'd against her, and therefore they concluded she was Chaste, but not Discreet. Others blamed the King, taxing him home with Cruelty in proceeding so severely against a Person, whose Chastity he had reason to be assured of, since she had resisted his Addresses for near five Years, till he legitimated them by Marriage; but others excused him as much. Its past Dispute, that her Conduct had given just Cause of some Jealousy, and that that being the Rage of many, it was no wonder if a King of his Temper, conceiving it against one whom he had so signally obliged, was transported into unjustifiable Excesses.

Some there were who highly blam'd Archbishop *Cranmer*, as a Man that obsequiously comply'd with all the King's Irregularities and Appetites, and that he had now divorced the King a second time, which shew'd his Conscience was influenced by the King's Pleasure, as his Supream Lord. I confess this looks, but with an indifferent Face, at first Sight, but at the same time what *Cranmer* did was unavoidable; for let the Motives be what they will, which drew from the Queen the Confession of a Pre-contract as above-mentioned, he was obliged to give Sentence upon it: And that which she confessed being such as incapacitated her to contract Matrimony with the King, he could not decline passing a Sentence upon so formal a Confession. Some loaded all that favoured the Reformation, saying, It now plainly appear'd what a fine Woman their great Patroness and Supporter had been, and this

indeed seem'd to add a new Lustre to the severe and unexceptionable Vertue of Queen *Catherine*: But to those Answer was made, That her Crimes, supposing they had been true, being secret, could throw no Reflections upon those who being ignorant of them, made use of her Patronage. But to dwell no longer on this Affair; in short, as there have been some People who since that time have concluded it to be a great Argument of her Guilt, that during her Daughter's long and glorious Reign, there was no full and compleat Vindication of her publish'd, but that the Writers in general terms only asserted her Innocence; others judging more wisely of it, took it to be the more advisable way not to suffer such things to be called in Question, since no wise Government would admit of a Debate about the Clearness and Validity of the Prince's Title: An example whereof we have had in our time, and so well known that I need not mention particular Persons and Names.

Nothing more evidently discovered the Secret of the Queen's Ruine, than the King's marrying *Jane Seymour* the very next Day after the Execution. Then for the Lady *Rochford*, by whose wicked Devices, Queen *Anne*, and her own Husband, in a great measure, came to be undone; God's Judgments at last overtook her, for being Privy to the Incontinency of the King's Fifth Wife, the Lady *Catherine Howard*, she was Sentenced to Death for it, and executed without Pity.

Andre Thevet, a French Franciscan, who wrote some Years after the Death of *Henry VIII.* an Universal Cosinography, says, *Lib. 16. c. V.*
That

That he was assured by divers *English* Gentlemen, that King *Henry* at his Death, among his other Sins, repented in particular of the Wrong he had done the Queen, in destroying her by a false Accusation. And tho' *Thuanus* make him an Author of no Credit, yet there was no Reason to suspect him in that Particular; for Writers seldom lied against their Interest and the *Franciscans* had suffered so much for adhering to Queen *Catherine's* Interest, in Opposition to *Anne Boleyn*, that it is not likely one of that Order would have strained a Point to tell an Honourable Story of her; and this was made use of in Queen *Elizabeth's* time to vindicate her Memory.

The

The Tryal of John Nichollson, alias Lambert, for Heresy, before King Henry VIII. himself, sitting Supreme Judge in Court. Anno 1538.

SOON after the Dissolution of the Monasteries and Religious Houses in *England*, came on the Troubles, Tryal, Condemnation and Execution of *John Lambert*, a pious Christian, upon the Account of Heterodoxy, as they would then have it to be, in some Points of Religion. He was born and had his Education in his younger Years in the County of *Norfolk*, from whence he was sent to the University of *Cambridge*; where, having made great Proficiency in the *Latin* and *Greek* Tongues, and in his other Studies, and having also translated several things out of both those Languages into *English*, the violence of the Times forc'd him to go beyond Sea, where he became a Preacher and Chaplain to the *English* House at *Antwerp*. Having continued there somewhat above a Year, he was prosecuted by *Sir Thomas Moor*, and thro' the Accusation of one *Barlow*, carry'd from *Antwerp* to *London*.

Having already given you an Account of Tryals for *Heresy* in the Ecclesiastical Courts of these Times, I shall not meddle here with his Examination at *Lambeth*, and afterwards at the Bishop's House in *Oxford*, before *Warham*, Archbishop of *Canterbury*, nor with the
several

several Articles which were exhibited against him, and his Answers to them; but my present Business is to give the Particulars of his Tryal before the King in Person, sitting as chief Judge upon him. It's very rare indeed, if ever, we meet with any Example of our Princes sitting themselves Judicially in Courts of Justice to try Causes; and I believe this is the first that occurs, especially in a Capital Crime, and in the Business of Religion and Heresy, wherein Earthly Potentates are not usually so much vers'd as others, whose more proper and immediate Study it ought to be. Its true, our Kings in ancient Times sat in Person in the Court call'd King's Bench, on a higher Bench, whilst the Judges sat on a low Bench at his Feet, to hear Causes: But this is not the same Case; for the Peers of the Realm, the Bishops and other Officials, constituted this Court for the Tryal of *Lambert*, with the King at the Head of them; and how the King came to engage personally in this Affair, was briefly thus:

Stephen Gardiner, Bishop of *Winchester*, was at this time much in the King's Favour, and being an Enemy to all Reformation in Religion, he craftily laid hold of an Opportunity to represent to him the Suspicions which the People almost every where had entertain'd of his Conduct in Matters of Religion, since he had abolish'd the Authority of the Bishop of *Rome*, dissolv'd the Monasteries and Religious Houses, and obtain'd a Divorce from Queen *Katherine*: But that all things might easily be set to Rights, and the Affections and good Opinion of the People might soon be recover'd, if he would but in this single

Case

Case of *John Lambert* stoutly oppose Hereticks.

The King allur'd by the Bishop's soothing Arguments, which made a deep Impression upon him, some time after issued out a general Commission, requiring all the Nobility and Bishops of the Realm, to repair forthwith to *London*, in order to assist his Majesty against Hereticks and Heresies, upon which the King himself would sit in Judgment.

Preparations being made for this Solemnity, a Day was appointed for *Lambert* to appear before the King and the Nobility, who were come together from all Parts of the Kingdom; which rais'd very strange Expectations in the People, what the Event of this uncommon Assembly would be. The Prisoner was plac'd over against the Royal Throne, and at last the King came in Person to be Judge of the whole Controversy: He was attended with a strong Guard, and clad all in White, an Emblem of Innocence. On his Right Hand the Bishops sat, and behind them the Lawyers, cloathed all in Purple, as usual: On the Left sat the Peers of the Realm, Judges, and other Nobles in due Order, behind whom sat the Gentlemen of the King's Privy Chamber. This was the Manner and Form of the Court, which, tho' awful enough, and more than sufficient to dash a mean Man; yet the King's fierce and menacing Looks, knit Brows, and other Indications of his Displeasure and Prejudices against the poor Innocent Prisoner, did not a little augment the Terror.

When the King was seated on his Throne, after he had sternly fix'd his Eye upon *Lambert*

bert for a little while, he turn'd his Face to his Councillors, and calling to Dr. Day, Bishop of Chichester, commanded him to declare unto the People the Reasons for that Assembly and Form of Judicature. He acquainted them, That it was the King's Will and Pleasure, that all States and Degrees of Men, as well Bishops as others, should be given to understand and admonished, that no body should entertain an ill Opinion of him, as if, now the Authority of the Bishop of Rome in this Kingdom was utterly abolish'd, he would also destroy all Religion, and so allow Hereticks to disturb and molest the Church of England, of which he was the Head, impunedly. Then he added, That he would not have them imagine, that that extraordinary Court was held, in order to enter upon any Dispute about Heretical Positions and Doctrines; but only to the End, that by his own and the other Bishop's Endeavours, the Heresies of the Prisoner, there present, and of all others like his, should be refuted and openly condemned, in the Presence of them all.

When the Bishop had made an end of his Speech, the King stood up, and then leaning upon a Cushion of White Tissue, look'd upon the Prisoner, with bended Brows, as if he design'd great Severities towards him, and said, *Hoe, good Fellow, what is thy Name?* The good Man kneeling in a very humble manner, said, *My Name is John Nicholson, tho' several People call me Lambert.* What, said the King, *Have you two Names? I wou'd not trust a Man that goes by two Names, if he was my Brother.*

Then said Lambert, *Most Noble and most Puissant Prince, your Bishops put me upon the Necessity of changing my Name:* Then having said several other things by way of Introduction, the

the King commanded him to come to the Matter of Fact, and fully to declare his Mind and Judgment concerning the Sacrament of the Altar: Upon which the Prisoner beginning to speak for himself, he gave God Thanks, who had so inclin'd the King's Royal Heart, that he would not disdain to come in Person to hear and determine the Controversies on foot in Matters of Religion; seeing it had frequently happen'd, that many good and innocent Persons, through the Bishops Cruelty, had in several Places been privately put to Death and murder'd, without his Majesty's Knowledge: But now since that Great and Eternal King of Kings, in whose Power are the Hearts of all Princes, has so inspir'd your Majesty, as to be willing to be present and hear the Causes of your Subjects, especially seeing of his Divine Goodness he has so abundantly endu'd you with Knowledge and Judgment, I do not doubt but God Almighty will accomplish some things that is very signal and remarkable through your means, to the manifestation of the Glory of his Great Name.

Here the haughty King interrupting him with an angry Tone, said, *I did not come hither to hear my own Praises set forth before my Face: I expect you would come directly without any more ado to the Matter of Fact.*

These Words he spoke in *Latin*, and after so rough and angry a manner as abash'd the Prisoner to a Degree beyond all Expectation: For he stood still for a while, and could not speak at all, as not knowing which way to turn himself in these extraordinary Streights and Extremities.

On the other hand, the King being very haſty and violent, cry'd out, *Why doſt thou ſtand ſtill? Let us have thy Answer concerning the Sacrament of the Altar; and whether thou wilt own it to be the Body of Chriſt, or deny it?* And upon that the King lifted up his Bonnet.

Lambert. I answer with St. Auguſtine, that it is the Body of Chriſt after a certain manner.

King. Do not answer me out of St. Auguſtine, nor from any other Authority, but tell me plainly whether you ſay it is the Body of Chriſt or not? The King deliver'd theſe Words alſo in *Latin*.

Lambert. Then I do deny it to be the Body of Chriſt.

King. Mind what is ſaid, for thou ſhalt now be Condemn'd by Chriſt's own Words, Hoc eſt Corpus meum.

Here the King commanded *Thomas Cranmer*, Archbiſhop of *Canterbury*, to refute his Aſſertions. The Archbiſhop having made a ſhort Preamble to the Auditors, began his Diſputation with *Lambert* in very modeſt terms, ſaying, *Brother Lambert, let this Controverſy be manag'd between us: If I from Scripture can demonstrate the Falſity of your Arguments, I expect you will readily be convinc'd of your Error; but if by clear Texts of Scripture you can make it good, I do promiſe you I will as readily embrace the ſame.*

The Argument made uſe of by *Cranmer* was grounded upon thoſe Words in the *Acts of the Apoſtles*, where Chriſt appeared to *St. Paul* by the way, from which Text it was infer'd, that the Body of Chriſt might be in two Places at once, for it being in Heaven, it was at the ſame time ſeen by *St. Paul* on Earth. I had like to be drawn in inſenſibly into the Diſpute between the Archbiſhop and ſeveral others of the Biſhops, who ſpake on that occaſion, and

Lambert

Lambert the distress'd Prisoner, concerning the Sacrament of the Altar; but my main Drift in putting in this Tryal of *Lambert* being to shew the Singularity of it, and how far the King as a Judge, I wish I cou'd not say a Party, concern'd himself in this unhappy Affair, I shall pass over all the Bishop's Arguments with the Prisoner's Defence and Answers, they being for the most part of the same Nature with some others used in the preceding Tryals; and come to observe, That the Tryal having lasted Five Hours, and the poor Prisoner bore down with Clamour and Weariness, he remain'd at last quite silent, and Night coming on, the King said to *Lambert*, *What say'st thou now, after all the Toyl thou hast taken upon thee, and all the Arguments and Instructions given by the Learned on this occasion? Wilt thou live or dye? What say'st thou? Thou hast got a free Choice.* *Lambert* reply'd, *I yield and wholly submit my self to your Majesty's Pleasure.* Then said the King, *Commit thy self into God's hands, and not mine. I do commit my Soul into the Hands of God,* quoth *Lambert*, *but my Body I do entirely yield and submit to your Clemency.* Then said the King, *If you submit your self to my Judgment, you must Dye, for I will not be a Patron of Hereticks.*

Here, it's plain, the King took upon him to pass Judgment upon the Prisoner, though he left the Formality of it to another, for turning to *Cromwell*, he said, *Cromwell, read the Sentence of Condemnation against him.* It's not the least remarkable Circumstance of this Tryal, that the Bishop of *Winchester* should have the Artifice to bring those Persons who were the greatest Promoters of the Reformation, to be Instruments of the Condemnation and Death
of

of this good Confessor, I mean *Taylor, Barnes, Cranmer* and *Cromwell*, who afterwards all of them, in a manner, suffer'd for the same Truth.

As to the Substance of the Sentence, the Schedule, which *Cromwell*, at the King's Command read, imported, That Hereticks should be burnt, who spoke or wrote any thing, or had any Books by them, repugnant to the Church Doctrine and Tradition concerning the Sacrament of the Altar: That it was order'd the same should be put up on Church Doors, and read four times a Year in every Church in the Kingdom, whereby the Worshipping the Bread should be more firmly fix'd in the Hearts of the People.

The day appointed for the Martyrdom of the good Man being come, he was conducted out of Prison to the Lord *Cromwell's* House, and so into the Inner Chamber, where 'twas commonly reported, his Lordship desired him to forgive him for what he had done; from whence being brought into the Hall, he Breakfasted with the Gentlemen without any Signs of Fear or Dejection, and then being had to the place of Execution in *Smithfield*, they us'd him with more Cruelty and Barbarity than any other: For first, they burnt his Legs to the Stumps, and then his wretched Tormentors having withdrawn the Fire from him, there was not so much left as could consume his Body, so that two of the Officers stuck their Halberts into him, as far as the Chain would reach, upon which lifting up his Hands and his Finger Ends flaming with Fire, and crying *None but Christ, none but Christ*, then let him fall from their Halberts into the Fire, and there he ended his Life.

The History of the Tryal, or rather Attainder, of Thomas Cromwell, Earl of Essex, Unheard, for Treason.

ACTS of Attainder in Parliament without hearing the Party accused were too common in the Reign of that haughty and uncontrolled Monarch, King *Henry VIII*. It is generally recorded in History, that *Cromwell* promoting the Match between the King and the Lady *Anne of Cleve*, was the principal Cause of his Fall; but his being promoted after that to the Title of Earl of *Essex*, the Male Line of the *Bourchiers* being then extinguished, we must seek for some other, or at least more Reasons than this; seeing 'tis certain the King would never have thus raised him, if he intended so soon to pull him down.

Cromwell had at least some of the very same Enemies as Queen *Anne*, more particularly the House of *Norfolk*. The King had raised him from a very mean Origin, being a Blacksmith's Son of *Putney* in *Surrey*, to be next Man to himself and the Royal Family in the Kingdom, as he was Vice-Gerent of *England*; besides which he had several other great Places and Dignities as Lord Privy-Seal, Lord Chamberlain of *England*, and Master of the Rolls, with which he had but lately parted. These things occasioned him to be envy'd by all sorts of People; and his aspiring to the Order of the
Garter

Garter was thought to be an inexcusable Vanity, which must needs be obnoxious to the Nobility, and I believe, to the Duke of *Norfolk* in particular, with whom *Cromwell* a little before his Misfortune had a Ruffle, which had no small Influence upon his Fall.

After the Six Bloody Articles about Religion were made in King's *Henry's* Reign, by which some Papists as well as Protestants suffered Death, and the Parliament being prorogued, the King retaining still a great Kindness for Archbishop *Cranmer*, he apprehended he might be much cast down about that Act; and therefore he first sent for him, and told him, That he had heard how much, and with what learning he had argued against it; and therefore he desir'd he would put all his Arguments into Writing, and bring them to him. Not content with this, he sent the next Day the Dukes of *Norfolk* and *Suffolk* and the Lord Chancellor, to dine with the Archbishop; ordering them to assure him of the King's constant and unshaken Affection for him. When they were at Table with him at *Lambeth*, they launched out much in his Praise, and acknowledged he had opposed the Bill with much Learning, Gravity and Eloquence; that even those who dissent from him, were much taken with what he had said, and that he needed not to fear any thing from the King.

Now *Cromwell* taking the Word, and saying that the King made this Difference between the Archbishop and the other Privy-Counsellors; that when Complaints were made against them, the King received and examined the Truth of them, but that he would not as much as hearken to any Complaints against

the Archbishop. From thence he proceeded to make a Parallel between him and Cardinal *Wolsey*, that the one lost his Friends by his Pride and Haughtiness, but that the other won the Hearts of his Enemies by his milde and gentle Disposition; upon which the Duke of *Norfolk* said, *He could give the best Account of the Cardinal, for he knew him well, having been his Servant.* *Cromwell* being nettled at this, answer'd, *That tho' he had served him, yet he never liked his Conduct; and was never so fond of him as to have waited upon him to Rome, if he could have obtained the Papacy, as he understood the Duke would have done.* Now the Duke denying the matter of fact, and *Cromwell* persisting in asserting it, and adding withal the number of *Florins* he was to have to be his Admiral, to Convoy him safe to *Rome*; the Duke reply'd with a deep Oath that he *He lyed*, with other reproachful Language. But tho' the Contention was by the Interposition of the good Archbishop and Nobles there present allay'd and pacify'd, yet it took such deep Root in the Mind of the Duke, as was thought had an Influence on *Cromwell's* Ruine.

Cromwell being also a great Promoter of the Reformation, all the Popish Party, of which the Duke was, bore an inveterate hatred to him; besides, as he was esteem'd to be the Person who had kept the King and the Emperor at such a distance, he was particularly hated by the Duke and *Gardiner* on that Account, and they thought it not impossible, if they could get rid of him, to make a Treaty between them, from whence they expected a way might be opened for one with the Pope: But other more secret Reasons occasioned his
Ruine

Ruine with the King, who had now no great Apprehension of a League between the Emperor and *France*, since he understood Things went no farther than Complements. And tho' he clearly discover'd, that he was not to depend much upon the Friendship of *France*; yet at the same time he knew the Emperor would not give up the Dutchy of *Milan* to him. So that being assured upon the whole, that the Emperor would willingly make an Alliance with him, he grew indifferent whether the *German* Princes, whose Friendship he had before sought for, were pleased with his Conduct or not; since he had now attained the End he had propos'd to himself in all his Negotiations with them, which was to secure himself from any trouble the Emperor might give him; and therefore the Counsels of *Cromwell* were now disliked, who had always animated the King to favour these Princes against the Emperor.

We may, notwithstanding what has been already mentioned, observe, That the King's great Aversion to the Queen, and his being struck with the Beauty and Behavior of Mrs. *Catherine Howard*, a Daughter of the Lord *Edmund Howard*, the Duke of *Norfolk's* Brother, was another secret Cause of his fall: For as this design'd Match enhaunc'd the Reputation of the Unkle, the ill Consequences of the former depress'd him, who had been the chief Adviser of it.

Moreover the King finding his Government grown uneasy to his People, he took it to be no ill Pollicy to throw all miscarriages upon a Minister who had great Credit with him, in order to clear himself, and make them more

moderate in censuring his Actions. His Fall was so secretly carry'd on, that tho' he had often before expected it, as being well acquainted with the King's uneasy and jealous Temper, yet at that time he had no Apprehensions of it; and so he was on the 13th of *June* 1540, even at the Council-Board, accused of High Treason by the Duke of *Norfolk*, arrested and sent Prisoner to the *Tower*. He had now the common fate of all disgraced Ministers, to be forsaken by his Friends and insulted by Enemies; only Archbishop *Cranmer* still retained so much of his former Simplicity, that he could never learn these Court Arts: And therefore writing to the King next Day about him, he adventured to magnify very much his Diligence in the King's Service and for his Preservation, by discovering all Plots as soon as they were hatch'd; that he had ever loved the King above all other things, and served him with great Fidelity and Success; that he thought no King of *England* ever had such a Servant, and for that Reason he had loved him, as one that loved the King above all others. If he was a Traitor, he was glad he was detected, but he pray'd God earnestly to send such a Counsellor in his stead, who could, and would serve him as he had done.

But *Cromwell's* Ruin was now decreed, and tho' indeed it did not look just at all in the manner of Proceeding against him, yet it seem'd to be a very exact Retribution of Providence, that he who had but the Year before so servilely comply'd with the King's Humour, in promoting some to be Attainted, without being brought to make their Answer,

swer, should fall under the same Severity himself. These were the Marchioness of *Exeter* and Countess of *Salisbury*, Cardinal *Pool's* Mother. There was some Debate about it in Parliament; to clear which *Cromwell* was so Officious, as to send for the Judges, to have their Opinions, Whether a Person might not be attainted in Parliament without being brought to Answer and be heard? The Judges said, *That it was a dangerous Question, that the Parliament ought to be an Example to all inferior Courts, and that when any Person was charged with a Crime, he was by the common Rules of Justice and Equity to be heard to Plead for himself; but the Parliament being the Supreme Court of the Nation, what way soever they proceeded, it must be good by Law; and it could never be questioned whether the Party was brought to Answer or not.* This Answer of the Judges, tho' seemingly somewhat complying, was in the main very just and honest, and shew'd the Regard they had to their own Oaths and the Liberty of the Subject, in as imperious a Reign as we have ever had since in *England*; in some of which, nevertheless, and even in our own Memory, we have seen such base Compliances in *Westminster-Hall* to Sovereign Will and Pleasure, and to the dispensing with all Laws, that will not very easily be forgot; how high soever some have exalted the *Jus Divinum* of Princes, which I do not care to meddle with.

I may be allow'd to make a very short Digression concerning these two Ladies, and indeed it is not foreign from my subject; that the special matter charged on the Marchioness was, her confederating with Sir *Nicholas Curvet* in his Treasons, to which was added, That

she had committed divers abominable Treasons.

The latter was said to have confederated with her Son the Cardinal, with other aggravating Words. It does not appear by the Journal that any Witnesses were examined, only that on the Day the Bills were read in the House of Lords, *Cromwell* shew'd them a Coat of White Silk, which the Lord Admiral had found among the Countess of *Salisbury's* Cloaths, in which the Arms of *England* were wrought on the one side, and the Standard on the other. This was brought in as Evidence that she approved of the Rebellion.

——— *Pudet hac opprobria dici.*

But to return now to the Proceedings against the Earl of *Essex* himself: Whether it was that his Enemies knew that if he was brought to the Bar, he would so justify himself, that they would find great Obstructions in the Process; or whether it was that they blindly resolv'd to follow that unjustifiable Precedent, of passing over so necessary a Rule in all Courts, of giving the Party accused a fair and full Hearing: The Bill of Attainder was brought into the House of Lords, Archbishop *Cranmer* being absent, as appears by the Journal of the 17th of *June*, and read the first time, and on the 19th was read the second and third time, and sent to the Commons for their Concurrence. So Compliable their Lordships were with the Inclinations of the Court, and so little Regard they had to the Liberties of the People, which as bad as some Persons might think it is with us in our Time, would have

have been struggled for in Cases of much less moment than Life, and carry'd without many Dissentients.

The Lords having acted their Part, we'll see what the Commons would do as far as we have Light to inspect into their Proceedings: It seems, his Lordship found there somewhat of the same Measure, which ten Years before he had dealt to the Cardinal, tho' not with the same Success; for the Business stuck there ten Days: At length a new Bill of Attainder was sent up of the drawing of the House of Commons, with a Proviso annex to it; they also sent back the Bill that had been brought down to them from the Lords. But 'tis not clear from the Journals what they meant by those two Bills. It looks as if they had rejected the Lords Bill, and yet sent it up with their own, either in Respect to the Lords, or that they left it to their Choise, whether of the two Bills they would offer for the Royal Assent. But tho' this is an Unparliamentary way of Proceeding, the Words of the Journal seem to bear no other Sence. * The King gave his Royal Assent to it on the very same Day.

The

* Item Billa attincturæ Thomæ Cromwell comitis Essex de crimine Heresis & Lesæ Majæstetis, per communes de novo concepta & assensa, & simul cum provisione eidem annexa. Quæ quidem billa Io. II^{do}. & III^{io}. lecta; & Proviso ejusdem est concernens *Decanatum Wakensem* ter lecta est & communi omnium Procerum consensu nemine discrepante expedita; & simul cumæa referebatur billa Attincturæ quæ prius missa erat in Domum Communium,

The Act of Attainder imported, That the King having raised Thomas Cromwell from a base Degree, to great Dignities and high Trusts, yet he had now by a great number of Witnesses and Persons of Honour, found him to be the most corrupt Traytor, and Deceiver of the King and Crown, that had ever been known in his whole Reign.

That he had taken upon him to set at Liberty divers Persons clapt into Prison for misprision of Treason, and others that were suspected of it.

That he had given out many Commissions without the King's Knowledge, and being but of base Birth, had said, That he was sure of the King.

That he had granted many Pass-Ports both to the King's Subjects and Foreigners for passing the Seas, without Search.

That he being also an Heretick, had dispersed many erroneous Books among the King's Subjects, particularly some that were contrary to the Belief of the Sacrament: And when some had inform'd him of this, and had shewed him those Heresies in Books Printed in England, he said, They were Good, and that he found no Fault in them; and said, That it was as lawful for every Christian Man to be the Minister of the Sacrament as a Priest.

And that whereas the King had constituted him Vice-Gerent for the Spiritual Affairs of the Church, he had under the Seal of that Office licensed many that were suspected of Heresy, to preach over the Kingdom, and that he had both by Word of Mouth and in Writing suggested to several Sheriffs, It was the King's Pleasure, they should discharge many Prisoners, some of whom were indicted, and others apprehended for Heresy. And when many particular Complaints were brought to him of detestable Heresies, with the Names of the Offenders, he not only defended
the

the Hereticks, but severely check'd the Informers, and vexed some of them by Imprisonments and other ways; the particulars of all which were too tedious to be recited. And he having entertained many of the King's Subjects about himself, whom he had infected with Heresy and imagining he was by force able to defend his Treasons and Heresies, on the last of March, in the 30th Year of the King's Reign, in the Parish of St. Peter's the Poor in London, when some of them complained to him of the new Preachers, such as Barnes and others, he said, That their Preaching was good, and said among other things, That if the King would turn from it, yet he would not turn, and if the King did turn and all his People with him, he would Fight in the Field in his own Person with his Sword in his Hand against all others; and then he pulled out his Dagger and held it up, saying, or else this Dagger thrust me to the Heart, if I should not dye in that Quarrel against them all, and I trust if I Live one Year or two, it shall not be in the King's Power to resist, or let him if he would, and Swearing a great Oath, said, I would do so indeed.

That he had also by Oppression and Bribery raised a great Estate for himself, and extorted much Money from the King's Subjects, and being grown very Rich, treated the Nobility with Contempt.

And that on the last of January, in the 31st Year of the King's Reign, in the Parish of St. Martins in the Fields, when some had put him in mind to what a Pitch the King had raised him, he said, If the Lords should handle him so, he would give them such a Breakfast as was never made in England, and that the Proudest of them should know it,

For

For all which Treasons and Heresies he was attainted to suffer the Pain of Death, for Heresy and for Treason, as should please the King, and to forfeit all his Estate and Goods to the King's use, that he had on the last of March last, in the 31st of the King's Reign, or since that time.

There was also added to this Bill a Proviso, That this should not be injurious to the Bishop of Bath and Wells, and to the Dean and Chapter of Wells, with whom it seems he had made some Exchanges of Lands.

Its very easy to discern from the Particulars of this Attainder now recited, why he was not allowed the Liberty to Answer for himself, most of them relating to Orders and Directions given by him, for which its very probable he had the King's Warrant. As to the Articles of Heresy, all the World knows how far the King had proceeded towards a Reformation; so that its more than likely, that what the Earl did in that Respect was done by the King's Order, and how far he had Authority vested in himself in things of that kind, as Vicar-General of the Kingdom, shall be no subject of our Inquiry: But the King now falling from these things, it was thought they intended to stifle him by such an Attainder, that he might not discover the secret Orders or Directions given him for his own Justification. As for the Particulars of Extortion and Bribery, they being mention'd only in general Terms, seem only to be thrown into the Lump to blacken and defame him. But for those Treasonable Words, it was generally thought they were a Contrivance of his Enemies; seeing it looked very extravagant in a Favourite in the height of his

his Grandeur and Prosperity to talk so rudely and indiscreetly; and indeed some of the Expressions favour more of Madness than Sence; to this it may be added, that 'tis not probable since so many great and watchful Eyes were upon him at Court, any such Discourses could have lain Secret so long, or if they had come to the King's Knowledge, he was not a Prince of such a Temper, all the World knows, as to have readily forgiven them; much less had he employ'd and advanced a Person after such opprobrious and rude Expressions: Neither indeed is it to be believed, that the Words should lye dormant for fifteen Months after they were spoken, and that no Body, out of Zeal to the King's Service, or Malice to *Cromwell*, would have discovered them. The Formality of drawing his Dagger made the Business still the more suspicious; this being to affix an Overt-act to the Words, which, in the Opinion of most Lawyers, was necessary to make them Treason. But as if these Words had not been bad enough, some Authors have made them worse still, as if he had said, *He would thrust his Dagger into the King's Heart*; for which they have no full Authority to back them.

Cromwell not to be wanting to himself in any thing he was permitted to do, in those deplorable Circumstances, the very next Day after the Bill was pass'd, wrote the following Letter to the King.

To

To the King, my most gracious Sovereign
Lord, His Royal Majesty.

Most merciful King and most gracious Sovereign Lord, may it please the same to be advertiz'd, that the last time it pleas'd Your benign Goodness to send unto me the Right Honourable the Lord Chancellor, the Right Honourable Duke of Norfolk, and the Lord Admiral, to examine, and also to declare unto me divers things from Your Majesty, among the which are several that they moved, and thereupon they charg'd me, as I would answer before God in the dreadful Day of Judgment, and also upon the extream Danger and Damnation of my Soul and Conscience, to say what I knew in the Marriage, and concerning the Marriage between Your Highness and the Queen. To which I answer'd as I knew, declaring unto them the Particulars, as nigh as I then could call to Remembrance, which when they had heard, they, in Your Majesty's Name, and upon the Charge as they had given me before, Commanded me to tell Your Highness the Truth, as much as I knew in the matter, which now I do and the very Truth as God shall save me, to the uttermost of my Knowledge. First, After Your Majesty heard of the Lady Anne of Cleve's Arrival at Dover, and that her Journey was appointed towards Greenwich, and that she should be at Rochester on New-Years Even at Night; Your Highness declared to me, that You would privily visit her at Rochester on New-Years day, adding these Words, To nourish Love, which accordingly Your Grace did upon New-Years day as is above-mention'd. And the next Day being Friday, Your Grace
return'd

return'd to Greenwich, where I spoke with Your Grace, and demanded of Your Majesty how You lik'd the Lady Anne; Your Highness answer'd as methought heavily and not pleasantly, Nothing so well as she was spoken of, saying farther, that if Your Highness had known as much before as you then knew, she should not have come within this Realm; saying as by the way of Lamentation, What Remedy? Unto which I answer'd and said, I know of none, but was very sorry therefore; and so, God knows, I was, for I thought it a hard Beginning. The next Day after the Receipt of the said Lady, and her Entry made into Greenwich, and after Your Highness had brought her into her Chamber, I then waited upon Your Highness into the Privy Chamber, and being there, Your Grace called me to you, saying to me these Words or the like; My Lord, Is it not as I told you, say what they will, she is nothing so fair as hath been reported, how be it, she is well and seemly. Whereunto I answer'd and said, By my faith, Sir, ye say Truth; adding thereto, That I thought she had a Queenly manner, and nevertheless was sorry Your Grace was no better content. And thereupon Your Grace commanded me to call together Your Council, which were these by Name; the Archbishop of Canterbury, the Dukes of Norfolk and Suffolk, my Lord Admiral, and my Lord a Durance, and my self, and commune of those matters, and to know what Commissions the Agents of Cleve had brought, as well touching the Performance of the Covenants sent before from hence to Doctor Wooton to have been concluded in Cleve, as also in the Declaration, how Matters stood in the Covenants of Marriage between the Duke of Lorain's Son and the said Lady Anne. Whereupon Olesteger

ger and Hogeston were call'd, and the Matter propos'd, whereby it plainly appear'd, that they were much astonish'd and abash'd, and desired that they might make Answers the next Morning, which was Sunday; and upon the Sunday in the Morning Your said Counsellors and they met together early, and there estsoons was propos'd unto them, as well touching the Commission which was sent to Mr. Wooton, as also touching the Contracts and Covenants of Marriage between the Duke of Lorain's Son and the Lady Anne, and what Terms they stood in. To which things so propos'd, they answer'd as Men much perplex'd, that as touching Commissions, they had none to treat concerning the Articles sent to Mr. Wooton, and as to the Contracts and Covenants of Marriage they could say nothing, without a Revocation was made, and that they were but Spousals. And finally, after much Reasoning, they offer'd themselves to remain Prisoners, until such time as they should have sent unto them from Cleve the first Articles ratified under the Duke their Master's Hand and Seal, and also a Copy of the Revocation made between the Duke of Lorraine's Son and the Lady Anne. Upon which Answers I was sent to Your Highness by the Lords of the Council, to declare to Your Highness their Answer; and came to You by the Privy Ways into Your Privy Chamber, and declared unto the same all the Circumstances, wherewith Your Grace was very much displeas'd, saying, I am not well handled. Inso-much that I might well perceive, that Your Highness was fully determin'd not to go through with the Marriage at that time, saying unto me these Words, or the like in effect, That if it were not that she is come so far into my Realm, and the great Preparations that my States and People have made for her, and of making

a Ruffle in the World, that is to mean, to drive her Brother into the Hands of the Emperor and the French King's Hands, being now together, I would never have Marry'd her. So that I might well perceive Your Grace was neither Content with the Person, nor yet with the Proceedings of the Agents; and after Dinner the said Sunday, Your Grace sent for all the said Counsellors in, repeating how Your Highness was handled, as well touching the said Articles, as also the said Matters of the Duke of Lorraine's Son. It might, and I doubt not, did appear unto them, how loath Your Highness was to have Marry'd at that time. And thereupon and upon the Considerations aforesaid, Your Grace thought that it should be well done, that she should make a Protestation before the said Counsellors and Notaries, to represent, That she was free from all Contracts, which was done accordingly. And thereupon I repairing to Your Highness, declaring, How that she had made the Protestation. Whereunto Your Grace answer'd in effect these Words, or much like, Is there none other Remedy but that I must needs, against my Will, put my Neck into the Yoke, and so departed, leaving Your Highness in a Study or Pensiveness. And yet Your Grace determin'd the next Morning to go through, and in the Morning, which was Monday, Your Majesty preparing Your Self towards the Ceremonies; there was one Question Who should lead her to the Church? And it was appointed, that the Earl of Essex, deceas'd, and another Earl that came with her, should lead her to the Church. And thereupon one came to Your Highness and said to You, That the Earl of Essex was not come; whereupon I repair'd back again into Your Grace's Privy Chamber, and shew'd

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Your

Your Highness, how he was come, and thereupon Your Majesty advanc'd towards the Gallery out of Your Privy Chamber, and Your Grace being in and about the midst of Your Chamber of Presence, called me unto You, saying these Words or the like Sentence, My Lord, If it were not to satisfie the World and my Realm, I wou'd not do that I must do this Day for none Earthly thing: And therewith one brought Your Grace Word, that She was coming, and thereupon Your Grace repair'd into the Gallery towards the Closet, and there waited for her coming, being nothing content that She so long tarry'd, as I judg'd then; and so consequently She came, and Your Grace afterwards proceeded to the Ceremonies, and they being finish'd, travell'd the Day as appertain'd, and the Night after the Custom. And in the Morning on Tuesday, I repairing to Your Majesty into Your Privy Chamber, finding Your Grace not so pleasant as I trusted to have done, I was so bold to ask Your Grace, How you lik'd the Queen? Whereunto Your Grace soberly answer'd, saying, I am not all Men, surely as ye know, I lik'd her before not well, but now I like her much worse, for, quoth Your Highness, I have felt her Belly and her Breasts, and thereby, as I can judge, she should be no Maid, which struck me to the Heart when I felt them, that I had neither Will nor Courage to proceed any farther in other Matters, saying, I have left her as good a Maid as I found her. Which methought then Ye spoke displeasantly, which made me very sorry to hear. Your Highness also after Candlemas and before Shrovetide once or twice said, That ye were in the same case with her as ye were before, and that your Heart could never consent

sent to meddle with her Carnally. *Notwithstanding Your Highness alledg'd, that ye for the most part us'd to lay Nightly, or every second Night by her, and yet Your Majesty ever said, That she was as good a Maid for you as ever her Mother bore her, for any thing ye had ministred to her. Your Highness also shewed to me in Lent last past, at such time as Your Grace had some Communication with her of my Lady Mary, how that she began to wax stubborn and wilful, ever lamenting your Fate, and ever verifysing that ye never had any Carnal Knowledge with her; and also after Easter, Your Grace likewise at divers times, and in the Whitson Week, in Your Grace's Privy Chamber at Greenwich, exceedingly lamenting Your Fate, and that Your greatest Grief was, That ye should surely never have any more Children for the Confort of this Realm, if ye should so continue, assuring me, that before God ye thought She was never your Lawful Wife: At which time Your Grace knoweth what Answer I made, which was, That I would, for my part, do my utmost to comfort and deliver Your Grace of Your Afflictions; and how sorry I was both to see and hear Your Grace, God knoweth. Your Grace divers times sithen Whitfontide ever alledging one thing, also saying, That ye had as much to do to move the consent of your Heart and Mind, as ever did Man, and that you took God to witness, but never, you said, the Obstacle could never out of your Mind: And gracious Prince, after that You had first seen her at Rochester, I never thought in my Heart, that ye were or would be contented with that Marriage. And, Sir, I know in what Case I stand, in which is only the Mercy of God and Your Grace:*

If I have not to the uttermost of my Remembrance, said the Truth and the whole Truth in this Matter, God never help me. I am sure there is, as I think, no Man in this Your Realm, that knew more in this than I did, Your Highness only excepted. And I am sure my Lord Admiral calling to his Remembrance, can shew Your Highness, and bring Witness what I said unto him after Your Grace return'd from Rochester, yea, and after Your Grace's Marriage, and also how of late sithence Whitsontide, and I doubt not but many and divers of my Lords of Your Council, both before Your Marriage and sithence, have right well perceiv'd, that Your Majesty hath not been well pleas'd with Your Marriage. And as I shall answer to God, I never thought Your Grace content after you had once seen her at Rochester. And this is all that I know, most gracious and most merciful Sovereign Lord, beseeching Almighty God, who ever hath in all Your Causes counsell'd, preserv'd, open'd, maintain'd, deliver'd and defended Your Highness, so he will now vouchsafe to counsel you, preserve you, releive and defend you, as may be most to the Honour, Wish, Prosperity, Health and Comfort of Your Hearts desire; for the which and for the long Life and Prosperous Reign of your most Royal Majesty, I shall, during my Life and while I am here, pray to Almighty God, that he of his abundant Goodness will help and comfort You; and after Your continuance of Nestor's Days, that that most noble Imp, the Prince's Grace your most dear Son, may Succeed you, to Reign long, prosperously and feliciously to God's pleasure: Beseeching most humbly Your Grace to pardon this my rude Writing, and to consider that I am a most woeiful Prisoner, ready to take the Death when it shall please God and Your Majesty, and yet the frail Flesh inciteth me continually

ally to call to Your Grace for Mercy and Grace for mine Offences, and thus Christ save, preserve and keep you.

Written at the Tower this Wednesday the last of June, with the heavy Heart and trembling Hand of Your Highness's most heavy and most miserable Prisoner and poor Slave

THOMAS CROMWELL.

Most gracious Prince, I cry for Mercy, Mercy, Mercy.

The conclusion of this Letter is conceiv'd, you see, in such abject terms, as might be thought unsuitable to a brave and generous Mind; but when we consider the natural desires of Life that are implanted in us and that Death, even to the stoutest and most innocent Heart, is the King of Terrors; It's not to be wonder'd he should descend to such Meannesses, as in any other case would be adjudg'd ridiculous and very blame worthy; to say nothing of Self-preservation, which is the first Principle in Nature.

The King, as haughty as he was and so much prejudic'd against *Cromwell*, caused his Letter to be read thrice to him, and was much moved with it, but the Charms of *Katherine Howard*, and the Sollicitations of the Duke of *Norfolk* and the Bishop of *Winchester*, at length prevailing, he was, after he had been a Prisoner Six Weeks, brought forth to his Execution on the 28th of *July*. Being on the Scaffold, his Affection to his Son made him very cautious in what he said; he declin'd to

justify himself, but said, he was by Law Condemn'd to Dye, and thank'd God for bringing him to that Death for his Offences. He acknowledg'd his Sins against God, and his Offences against his Prince, who had rais'd him from a base Degree. He declared that he dy'd in the Catholick Faith, not doubting of any Article of Faith, or of any Sacrament of the Church, and deny'd that he had been a Supporter of those who had deliver'd ill Opinions; he confess'd he had been seduc'd, but now dy'd in the Catholick Faith, and desir'd them to pray for the King, and for the Prince, and for himself, and then pray'd very fervently for the Remission of his past Sins, and Admittance into eternal Glory. And having given the Sign, the Executioner cut off his Head very barbarously.

Thus fell that great Minister of State, *Thomas Cromwell*, Earl of *Essex*, whose Rise was meerly owing to his Natural Parts, for as his Extrac̄ion was mean, so his Education was low, and all the Learning he had was, that he had got the New Testament in *Latin* by Heart: His great Wisdom and Dexterity in Business rais'd him thro' several Gradations to the highest which a Subject could attain to: 'Tis much to his Honour, it must be said, that he carry'd himself in his Grandeur, with wonderful Temper and Moderation, and fell under the weight of Popular Odium rather than Guilt: The Disorders committed in the suppressing the Abbeyes were generally laid to his Charge, and yet, when he fell, no Bribery, no defrauding of the King could in particular be laid to his Charge, tho' such things appear usually in Swarms when there is any
 Grounds

Grounds for them. Having used the term *Catholick Faith* at his Death, many concluded him to be a *Papist*, but he was certainly a *Lutheran*, for that was the Expression then used in *England*, in Opposition to the Innovations of the Church of *Rome*; his praying also in *English*, and that only to God through Christ, without any of those Tricks which were used when any of that Church came to dye, shew'd he was not of their Number. As the Office of the King's Vicegerent in Ecclesiastical Affairs rose in the Person of *Cromwell*, so it dy'd with him; the Clergy not only opposing the Nomination of another to succeed him, whose Interest it must be to oppose a Reconciliation with *Rome*, but it seems none were so fond of an Office that had proved fatal to him who had first bore it. Whether the King lamented his Death when it was too late, is not very certain, but the Fall of the new Queen, and the Miseries that overtook the Duke of *Norfolk* and his Family some Years after, were look'd upon as Scourges from Heaven, for their cruel Persecution of this great but unfortunate Minister.

Q 4

The

The History of the Attainder of Thomas Howard, Duke of Norfolk, and the Tryal of his Son the Earl of Surrey, for Treason, in the last Year of Henry VIII's Reign, Anno 1547.

THE Causes of the Fall of the Duke of *Norfolk* and his Son are so interwoven, that they cannot well be separated; our Historians generally agree that the Origin of the Duke of *Norfolk's* Misfortunes proceeded from his own House and Family; his Dutchess *Elizabeth*, Daughter to *Edward Stafford*, Duke of *Buckingham*, beheaded, having for many Years entertain'd violent Jealoufies of the Duke her Husband, it broke out at last into open Rancour and being not content to have surmiz'd long before two Articles against him, she in severall Letters to the Lord Privy Seal, averred both the Articles, accused some of the Duke's Confidants, recited several Injuries pretended to have been received from them, and, in short, discovered all the usual Passions of her offended Sex.

Again, Things of this nature being started at a time that the jealous King was in the Decline of his Age, and disquieted with Scruples, least the Duke's Grandeur and Interest in future times might interrupt the Order of Succession, they were the more readily entertain'd;

to

to which may be added some other unhappy Circumstances, that his Dutcheſs had now for Four Years paſt liv'd ſeparately from him, that his Son, the Earl of *Surrey*, was but newly, and perhaps ſcarce thoroughly, reconcil'd to him; that his Daughter *Mary*, Dutcheſs of *Richmond*, was not only inclin'd to Proteſtantiſm, to which the Duke was averſe, but became an utter Enemy to her Brother.

Theſe inteſtine Animofities were ſecretly fomented divers ways; among others, one *Mrs. Holland*, thought to be the Duke's Favourite, to preſerve her ſelf was not a little active in the matter; ſo alſo was the Earl of *Hertford*, who well knew no Body, after the King's Deceafe, ſo capable to thwart him as the Duke, in the Honour he aſpired to of being *Protector*; nay, the King himſelf ſeem'd now openly to become a Party againſt him, it being obſerved, that he had not only withdrawn much of his uſual Favour from him, but alſo promis'd Impunity to ſuch as could diſcover any thing concerning him.

Sir Richard Southwell was the firſt that depoſed ſome things againſt the Earl, concerning his Infidelity to the King, upon which the Duke intereſting himſelf in his Son's behalf, they were both committed to the Tower: And here *Mrs. Holland* coming openly upon the Stage, depoſed, That the Duke had told her, none of the King's Council lov'd him, becauſe they were not themſelves Noblemen born, as alſo becauſe he believed truly in the Sacrament of the Altar; that the King loved him not, becauſe he was too much belov'd in his own Country; but that he would follow his Father's Rule, which was, That the leſs
others

others valued him, the more he would value himself: That he had also complain'd, he was not of the Cabinet Council; that the King was grown so fat and unweildy, that he was convey'd up and down Stairs by a Device; that he was sickly and would not live long; and that the Kingdom, by reason of the diversity of Opinions, was like to be in an ill Condition; and that if he were a young Man, and the Kingdom in Tranquility, he would ask leave to see the Vernacle, which he said was Christ's Picture given to Women by himself, as he went to Die. As to his Arms, she had not heard the Duke say any thing of his own, but that he did not like his Sons', but that he had got them himself he knew not where, and therefore, that she should not take Pattern of his Sons Arms to work them with her Needle in his House.

As for the Dutches of Richmond, her Accusation was, That the Duke her Father, would have had her Marry Sir Thomas Seymour, the Earl of Hertford's Brother, advising her at the same time so to ingratiate her self with the King, that she might the better Govern here, as others had done, which she rejected. That her Father would have had the Earl of Surrey to marry the Earl of Hertford's Daughter, which the other declined, as taking him to be his Enemy, and that this was the Reason of his Father's Displeasure against him. And that her Brother was so much incens'd against the said Earl, that the Duke his Father said thereupon, His Son would lose all he had gathered together.

Moreover, that the Earl her Brother should say, These new Men loved no Nobility, and if God took the King away, they should smart for it: That her Brother hated them all since his Confinement

finement in *Windsor-Castle*; but that her Father seem'd not to value their Ill-will, saying, *Truth should bear him out.*

As to the Business of the Arms, she said, *That she thought her Brother had more than Seven Rolls, and that there were some that he had added more of Anjou and of Lancelott du Lac: That her Father since the Attainder of the Duke of Buckingham, who bore the King's Arms, where the Arms of her Mother, that Duke's Daughter, were quartered in his Coat, had left a Blank, but that her Brother had resumed them: Again, that instead of the Duke's Coronet, he put in his Arms a Cap of Purple Maintenance, with powdered Furr and a Crown, in her Judgment much like to a close Crown; and underneath the Arms was a Cypher, which she took to be the King's H. R. As also that her Father had never said the King hated him, but his Council; but that her Brother said the King was displeas'd with him, as he thought, for the loss of the Great Journey, and that those who hated him for setting up an Altar in the Church of Bologue, aggravated his Displeasur against him; adding withal, God prolong my Father's Life, for if he were Dead, they would soon have my Head. That he spoke ill of some of the Privy Council, not forgetting the old Cardinal. She also repeated some Passionate Expressions of the Earl, which tended to his Disadvantage, but seem'd much to favour her Father's Innocence.*

What Sir *Edmund Knevet* said against the Earl, was still more trifling than the Accusation of the Dutchess, and would be sufficiently Laught at in our Time, viz. That he knew no direct Untruth by him, but suspected him of Vanity and Diffimulation; that a Ser-

vant

vant of his had been in *Italy* with Cardinal *Pool*, and was taken into his Service again; that he had kept an *Italian* Jester, but reputed to be a Spy; that the Earl lov'd to Converse with Strangers, and to conform his Behaviour to them, wherein he thought he had some ill Design.

It will be scarce worth while to mention the Information of *Thomas Pope* to the Council against the Duke; That *John Freeman* told him, the Duke at *Nottingham* in the time of the *Northern* Rebellion, should say before a Hundred Persons, *That the Act of Common Uses was the worst that ever was made*; that *Freeman* had affirmed those Words before the late Lord Chancellor *Audley*.

I need not plead the Duke's Merit in this Case in his Favour, tho' tis past all Dispute his Services were the most Important and Faithful, both at Home and Abroad, of any Subject of his Time: But we may rather deplore the Singularity, and I may say, Iniquity of that Prince's Reign, and Rejoyce in the Blessings of our own Times, wherein much more happy Regard is had to the Liberty of the Subject, and such trifling Accusations would be ridiculed and exploded against the meanest Subject of the Land. But so it was, that these Depositions being brought to the King's Judges at *Normich*, they wrote to the Council, that the King's Sollicitor and Mr. *Stamford* had brought the Indictments, and that they were found true, and the Duke and his Son were indicted thereupon of High Treason; and haste was made to transfer the Indictment to *London*, where the brave Earl, being a Com-
moner

moner, was try'd at *Guild-Hall*, by a Common Jury, whose Names I can find no where Recorded.

In the mean time the King, tho' his Illness increased upon him, took care to order the Duke's Goods to be seized, and to get all the Informations that were any ways Material against him; neither did he forget to cause *Wriothesley*, his Secretary, to notify to his Ambassadors in Foreign Courts, that the Duke of *Norfolk* and his Son, had conspired to take upon them the Government of the King during his Life time, and after his Decease to get the Prince into their Power, but that their Plots were discover'd, their Persons were secured, and these Particulars were imparted to them, to prevent false Reports.

The Duke from his Confinement in the *Tower* wrote a very pathetick Letter to the King, and another in the Nature of a Petition to the Privy Council; but finding the King, tho' drawing near the Point of Death, and going to give an Account of all the cruel Actions of his Life, inexorable, he judged it most advisable to submit; and drew up a Confession of such Things wherein really he was not fully guilty, a Practice not uncommon in those boisterous Times, and which yet, as things then stood, were not like to stand the Duke in any stead: Notwithstanding this his Submission was backed with the Merits of his eminent Services, which in this and in some other Reigns have been made Crimes.

The Earl being a Nobleman of great Courage, and excellent Parts, made a very noble Defence; one while he demonstrated the Fal-
sity

sity of the Accusations, and much invalidated the Reputation of the Witnesses, who often gave quite another turn to his Words from what they were when first delivered.

As to the Arms he bore, he alledged he had the Opinion of the Heralds, that he had a Right to them : Lastly, when a Witness was brought against him *Viva Voce*, who pretended to report some big Words of the Earl's by way of Discourse, which nearly touch'd him, and whereunto the same Person should return a braving Answer ; the Earl appealed only to the Jury and left them to Judge, whether it was probable that a Man should talk in such a manner to the Earl of *Surrey*, and he not strike him : The brave Earl, notwithstanding all he could say, was bore down with the Torrent, and brought in guilty of the Indictment, and soon after, *viz.* on the 19th of *January*, lost his Head upon *Tower-Hill*. This was generally condemned as an Act of high Injustice and Severity, and indeed loaded the *Seymours* with a popular Odium, which they could never overcome, and which ended even in a worse Fate than that of the Duke and his Son, for both the Brothers perished by the Ax, as we shall shew by and by.

Our Historians generally talk of a Sentence of perpetual Imprisonment past on the Duke, which, they say, would soon have ended in Death, if that of the King's had not prevented it. But the Business was indeed quite otherwise ; for a Parliament was called under the Pretence of the Coronation of the Prince of *Wales*, but it was thought the true Reason was to Attaint the Duke of *Norfolk*, for which they

they had not colour enough to do it in a Tryal by his Peers; therefore an Attainder by Act of Parliament was thought the surer and more effectual way; and so it was moved, That the King intending to Crown his Son, Prince of *Wales*, desired they would go on with all possible Expedition with the Attainder of the Duke of *Norfolk*; that so those Places which he held by Patent, might be disposed of by the King to such as he thought fit should assist at the Coronation: Good God! How precarious were Men's Lives in those Days, could there ever a flighter Pretence than this be made for attainting the greatest and most deserving Man in the Kingdom: But since no better could then be found, this Trifle was made to serve. The Bill of Attainder was read the first time in the House of Lords on the 18th of *January*, and on the 19th and 20th, read the second and third time, and so it passed the Lords House, and was sent down to the Commons; who on the 24th, so great was the dispatch, sent it up also passed to the Lords. The Debates, if any considerable ones there were, have by no Records nor printed Books, that I have been able to meet with, been transmitted down to our Time. The Lords on the 27th were ordered to be in their Robes, that the Royal Assent might be given to this cruel Bill, which Attainted so great a Man, altogether without being heard; but we know the Lord *Cromwell* was served so, and we know by whose means partly it was done: The Lord Chancellor, with some others joyned in Commission with him, by vertue of the King's Letters Patents, actually did it; and the
Judgment

Judgement had been certainly executed upon the Duke in two or three Days, if it had not been prevented by the King's Death, which happen'd on the 30th, and reserv'd the Duke for more merciful times.

There is a Tradition, which has constantly been handed down in that Illustrious Family, concerning the Narrowness of the Duke's Escape, which may be worth relating in this Place.

The Lieutenant of the *Tower* having the Day before receiv'd a Warrant for the Duke's Execution on the Morrow, and immediately going to give him Notice of it, that he might prepare himself as well as he could for Death upon so short a Warning: The Duke went to Bed that Night about his usual Hour, and Slept so well, that the Warder who attended, and was ordered to awake him at Five in the Morning, could not do it by knocking at his Door, and therefore having waited for about two Hours longer, and renewing his knocking as before without any Answer, he mistrusted the Duke might have made his Escape: But forcing his way in, he found him in his Bed and scarce awake with all the Noise he made. The Warden having excused himself for the Disturbance he gave him, upon the Importance of the Work the Duke was to go thro' that Day, the Duke told him, He had dream'd that Night that the King was dead, and he was sure it was so, and desir'd him to go to the Lieutenant from him and acquaint him with it, and withal that the Warrant he had for his Execution was void: The unbelieving Warden obey'd,
upon

upon which the Lieutenant immediately repaired to the Duke, and told him, *He would not have him, under those sad Circumstances, flatter himself with hopes of Life, upon the Account of a silly Dream; that the King was in perfect Health, and not the least Rumour in the Town of any Illness that attended him.* But the Duke persisting in his Assurance of the King's Death, at length prevailed so far upon the Lieutenant, as to get leave for a trusty Person to go to Court, and make inquiry into the Truth of it: The Messenger was very diligent, and being not satisfy'd with the first Answer he had, that there was nothing in the matter; he at length found out and apply'd himself to one, who was his particular Friend; and after some Hesitation and enjoyning him to the utmost Silence and Secresy, gave him to understand that the King had departed this Life at such an Hour in the Night, and the time, as near as could be guessed, exactly agreed with the Duke's Dream.

Returning with this Comfortable News to the Tower, and the Duke and Lieutenant both being soon after fully satisfied of the Truth of it, it saved the Duke's Life; nevertheless so powerful were his Enemies in the beginning of *Edward VI's* Reign, that all Persons for all Crimes whatsoever were pardon'd, Six only excepted, of whom the Captive Duke was the chief: But happily surviving till the Accession of *Queen Mary* to the Throne, and that Princess upon her Arrival in *London*, after she had dispersed her Enemies, going directly to the Tower, there the Duke of *Norfolk*, *Edward Courtney*, Son of the Marquis of *Exeter*,

R

executed

executed in 1538. *Stephen Gardiner*, the deprived Bishop of *Wixchester*, and the Dutcheſs Dowager of *Somerſet*, whoſe Lord had been beheaded, as humble Suppliants, preſented themſelves before her on their Knees, who having raiſed them up one after another and ſaluted them, ſaid, *They were her own Priſoners*; and ordered them to be immediately diſcharged.

The Duke having in this manner obtained his Liberty; his next Work was to procure an Act of Parliament to reverſe his Attainder; the Patentees who had purchaſed ſome Parts of his Eſtate from the Crown, deſired to be heard by their Counſel againſt it. But the Seſſion of Parliament being near to an End, the Duke went into the Houſe of Commons himſelf, and preſſing them earneſtly to paſs the Bill, ſaid, That the Difference between him and the Patentees were refered to Arbitrators, and if they could not agree, he would refer it to the Queen. It was argued a long time, and at laſt agreed to. It ſets forth, That the Act by which the Duke was attainted, had no ſpecial Matter in it, but only Treason in general, and a Pretence that out of the Parliament's Care for the King and his Son the Prince, it was neceſſary to attain him; That the Reaſons they pretended were his uſing Coats of Arms, which he and his Anceſtors had and might lawfully uſe. It was farther ſaid, tho' perhaps not exactly true, That the King dyed the next Night after the Commiſſion was given for paſſing the Bill, and that it did not appear that the King had given his Aſſent to it; that the Commiſſion was not
ſigned

signed by the King's Hand, but only by his Stamp, and that that was put to the lower end, and not to the upper part of the Bill, which shews it was done in Disorder, and that it did not appear, that thole Commissioned for it had given the Royal Assent to it, upon which Considerations that pretended Act was declared null and void, by the Common Laws of the Land.

It was farther declared, That the Law was and ever had been, that the Royal Assent should be given either by the King in Person, or in his Absence by a Commission under the Great Seal, signed with his Hand and publicly notify'd to the Lords and Commons.

R 2

The

The History of an interchangeable and doubtful Accusation try'd by Combat, between Mr. Newton and Mr. Hamilton, in the Reign of Edward VI. Anno 1548.

HAVING before, besides the Combat between *Annesley* and *Katrington*, given the particulars of the Preparations for a solemn Combat at *Coventry*, between the Dukes of *Hereford* and *Norfolk* in the Reign of *Richard II.* and how the Controversy between them was decided by the King and his Council without shedding of Blood: It may not be unacceptable to give one Instance more of an Accusation, that has been actually decided by Arms, besides the above-mention'd, since indeed 'tis the only one I can meet with Particulars in all our Histories. The Performance was within the Kingdom of *Scotland*, by two *Scotch* Men; but the Place being then in the Possession of the *English*, the Combat was managed by the Authority, and with the Consent and Appointment of the *English* General, the Lord *Grey*.

There had been a Contract made in the Reign of *Henry VIII.* of a Marriage to be consummated between *Mary* the Young Queen of *Scots*, and the King's only Son *Edward*, Prince of *Wales*; which the *Scotch* refusing to fulfil when the Young Prince came to the Throne, it occasioned a very sharp War between the two Nations, to the great Detri-
ment

ment of the *Scotch*, who lost several strong Holds; and among others, the Lord *Grey*, Lieutenant General of the *North* Parts, in the Second Year of King *Edward VI's* Reign, laid Siege to the Castle of *Yester*, and having with his Cannon made such Breaches therein as were practicable, so that the Garrison offered to Capitulate and Surrender the Place on Condition their Lives were saved; the *English* General freely agreed to the Proposal, only he thought fit to except one Man, who during the Siege had spoke very disrespectful Things of the King of *England*. Now the Garrison marching out of the Castle in their Shirts, and making their most humble Obedience as became them to the Lord *Grey*, he caused very strict Search to be made for the base Railer, who was excepted from Pardon, and he was found to be one Mr. *Newton*, a Native of *Scotland*.

This Man finding the great Danger he was in, bethought himself of no other way to save his Life, than by throwing the Accusation upon one Mr. *Hamilton*: Now these two Gentlemen charging each other with the Fact, the General could find no other way to decide it than by Combat, which they demanded, and the Lord *Grey* assenting thereunto, Judgment was pronounced to have it try'd; and this he was the more induced to agree to, because all Persons seem resolute for the Decision of the Truth, as in a very just Cause, by the Loss of their Lives, to gain an immortal Name, according to that line.

Mors spernenda viris, ut fama perennis alatur.

No time was lost in making due Preparation for this Combat; so that the Champions entered the Lists at the appointed time, which were erected for that end in the Market Place of *Haddington*; having only their Doublets and Hose on and arm'd with Sword, Buckler and Dagger: *Hamilton* at his first Entrance into the Lists, kneeling down, put up hearty Prayers to God Almighty, that he would be pleased to vindicate the Truth, and grant him Victory over his Enemy: And at the same time he made most solemn Protestations that he never spoke any such Words against the King of *England*, as his Adversary charged upon him. On the other side *Newton* seem'd as if he had been daunted with his false Accusation, and the Generality of the Spectators entertained an Opinion of his Guilt to his Prejudice. Be it as it will, both of them being ready, they fell briskly to it, and exchanged several fierce Blows: *Hamilton*, in the Opinion of all the People, seeming to rely upon his Innocence, laid stoutly about, and forced his Adversary to retreat almost to the end of the Lists; to which, if he had quite driven him, he had by the Law of Arms won the Victory. *Newton* finding himself thus upon the Point of being worsted, advanced again, and gave *Hamilton* such a great Gash in the Leg, that he was not able to stand any longer, but down he dropt, and *Newton* falling upon him, presently slew him with his Dagger.

There were several Gentlemen there present, who taking it for granted that *Newton* was the Offender, tho' Fortune had favoured him

him in the Combat, who would readily have ventured their Lives againſt him, Man for Man, if the General would have allowed it: But *Newton* laying claim to the Law of Arms, the Lord *Grey* not only gave him the Benefit of it, but alſo preſented him with his own Gown, beſides his own Back-Plate and a Gold Chain which he wore at that time. Thus, ſays the Hiſtorian, he was well rewarded, whatever his Deſerts might be: But he did not come off ſo, for riding afterwards on the Borders of both Kingdoms, he was there ſlain and cut in Pieces.

R 4

The

The History of the Tryal of Mrs.
Arden, and divers other Persons, for
the Murder of Mr. Arden, her
Husband, in the 5th Year of the
Reign of Edward VI. Anno 1551.

Thomas Arden was but a private Gentleman, living at *Feversham* in the County of *Kent*; yet the Circumstance of his Murder, the Detection of it, and the Punishment of the Offenders, were so exceeding Remarkable, that it may very well have room allow'd in this Place. He was a tall and comely Person, and marry'd a Gentlewoman, who was also Tall, Young, well shap'd and every way Handsome; who having unhappily contracted an unlawful Familiarity with one *Mosbie*, a Taylor by Trade, and a black swarthy Fellow, and a Servant to the Lord *North*; it happned by some means or other that they fell out, and so continued at variance for some time: But she being desirous of a Reconciliation, and to use her former Familiarity with him, sent him a Pair of Silver Dice by the Hands of one *Adam Fowle*, living at the *Flower-de-Luce* in *Feversham*, for a Present.

This brought them together again, so that *Mosbie* lay often in *Arden's* House, and in some time the Intercourse between them was so open, that Mr. *Arden* could not but perceive it; but it was the common Report that he wink'd at it, for fear of disobliging her Relations,

lations, from whom he had some great Expectations. Having continued their leud Practices for a considerable time, the Woman doated more and more upon *Mosbie*, and began to loath her Husband extreamly; inso-much that she would have been glad to have found out a way to get rid of him. There was a Painter at *Feversham*, who was reported to be vers'd in the villainous Act of Poisoning; to him she applys herself, and asked him, *Whether he had any Skill in that or not?* The Man seeming to own it; She told him, *She would have such a Dose prepared as would make a quick dispatch.* *That I can do*, said he; and so he presently went to work, gave it her with Directions, to put it into the bottom of a Porringer, and so to power Milk upon it: But the Woman forgetting the Direction, put in the Milk first, and then the Poison. Now her Husband designing that Day to take his Horse and ride to *Canterbury*, his Wife brought him his Breakfast, which was usually Milk and Butter. Having taken a Spoonful or two of the Milk, and liking neither the Taste nor Colour of it, he said, *Mrs. Alice, what Sort of Milk is it you gave me?* Upon which she threw down the Dish, and said, *I find nothing can please you:* Upon which he went away for *Canterbury*, and by the way purg'd and vomited extreamly, so that he escaped for that time.

Arden's Wife came afterwards acquainted with one *Green* of *Feversham*, a Servant of Sir *Anthony Agers*; from which *Green*, *Arden* had wrested a Piece of Ground, lying on the back side of the Abbey of *Feversham*; about which some blows and many menacing Expressions had pass'd between them; and therefore the
 Woman

Woman knowing that *Green* hated her Husband, she began to concert her wicked Measures with him, how to make away with him. The Agreement at last was thus: That if they could procure any one to Murder her Husband, he should have Ten Pounds for his wicked Pains. Now *Green* having some Business to be transacted at *London* for his Master *Sir Anthony*, set out for that City where his Master then was; and having a Charge of Money about him, he desired one *Bradshaw*, a Goldsmith of *Feversham*, and his Neighbour, to go with him as far as *Gravesend*, and he would satisfy him for his Trouble. When they had got as far as *Rainham-Down*, they happen'd to see three or four Fellows coming that way from *Leeds*, and drawing nearer, *Bradshaw* discerned a Man coming up the Hill from *Rocheſter*, who was known by the Name *Black Will*, a terrible and cruel Ruffian, arm'd with a Sword and Buckler, and another with a huge Staff upon his Shoulder, and thereupon said to *Green*, *Its our good Fortune to find some Company coming from Leeds after us, for there is coming up against us, as Murdering a Villain as any in England; and were it not for the other People, we should scarce be able to come off without the loss of our Lives and Money.* *Green*, as he afterwards confess'd, imagining that such an one as *Black Will* was fit for his purpose, asking the other, *Which is he?* *That's he*, quoth *Bradshaw*, *who has the Sword and Buckler; his Name is Black Will.* *How do you know that*, said *Green?* *Bradshaw* answer'd, *I knew him at Bologn, where he was a Soldier, and I was Sir Richard Cavendish's Man, and there he committed several Robberies*

beries and horrid Murders, between the Passes of that Town and France.

By this time the Man first mention'd having over-taken them, they advanced all together, and met *Black Will* and his Companion: The Serving Men, for so they were, knowing *Black Will*, asked how he did, and whither he was going; he answer'd by his Blood, for he almost accented every Word with an Oath, *I know not, neither do I care, I'll set up my Stick, and go as it falls.* Then, said they to him, *If you will go back with us to Gravesend, we will give you a Supper.* By my Blood, said he, *I care not, I'll go along with you.* As they travelled on, *Black Will* claimed an Acquaintance with *Bradshaw*, saying, *Friend Bradshaw, how dost thou do?* *Bradshaw* having no mind to renew his Acquaintance, or to have any thing to do with such a horrid Fellow, reply'd, *Why do you know me? Yes, that I do,* quoth he, *did we not Serve together at Bologn?* *I beg your Pardon,* said *Bradshaw*, *I have forgot you.*

Then *Green* enter'd into Discourse with *Black Will*, and said, *When you have Supped, come to my Quarters at such a Sign, and I will give you some Sack and Sugar.* By my Blood, said he, *I thank you.* Thither he went according to his Promise, and was well treated. Then *Green* and he went and talked together aside from *Bradshaw*, and the former proposing to give the other Ten Pounds to kill Mr. *Arden*; he answer'd with a great Oath, *He would if he could but know him.* *I'll shew him to you too Morrow in St. Paul's,* said *Green.* When they had done talking, *Green* bid him go into his Quarters, and wrote a Letter to Mrs. *Arden*, wherein, among others, he had these Expressions: *We*
have

have got a Man for our Purpose, we may thank my Brother Bradshaw for it. Bradshaw knowing nothing of the matter, took the Letter, and went the next Morning and delivered it to Mrs. Arden, while Green and Black Will went with the Tide for London.

Green at the time appointed shew'd Black Will Mr. Arden walking in St. Paul's; upon which Black Will ask'd him, *Who is he that follows him?* Marry, said Green, *one of his Men.* By my Blood, quoth Will, *I'll kill them both.* Nay, said Green, *do not do that, for he is in the Secret.* By my Blood, *I care not for that, I will kill them both,* reply'd he: *By no means,* said Green. Then Black Will purposed to Murder Mr. Arden in Paul's Church-Yard, but there were so many Gentlemen went with him to Dinner, that he could not effect it. Green imparted the whole Discourse to Arden's Man, whose Name was Michael, and who ever after was affraid least Black Will should kill him. Now the Reason why Michael conspired with the rest against his Master was, because he should marry a Kinswoman of Mosbie's.

Now Mr. Arden taking up his Lodgings in a certain Parsonage House which he had in London, Michael and Green agreed, that Black Will should go thither in the Night time, where he should find the Doors left open for him to go in and Murder Mr. Arden. Michael having put his Master to Bed, left the Doors open according to Agreement, tho' Mr. Arden after he was in Bed, asked him if he had made them all fast, to which he answer'd, *Yes.* But afterwards growing affraid when he had got to Bed, least Black Will should kill him as well as his Master; he rose, shut the Doors, and

and bolted them very fast; infomuch that when *Black Will* came thither, and could find no Entrance, he returned in great Fury, that he should be so disappointed, and in that Mood he went next Day and found out *Green*, swearing and staring like a Mad Man, and with many horrible Oaths and Execrations threatned to kill *Arden's* Man first, where ever he met him. Nay, said *Green*, pray forbear that, let me first know the Reason why the Doors were shut.

Green having found out *Arden's* Man, and expostulated the matter with him about his not leaving the Doors open, according to his Promise; *Michael*, who had framed his Answer before, said, *Marry I will tell you the Reason, my Master last Night did that which I never found him to do before; for after I was in Bed, he got up himself and shut the Doors, and chid me severely in the Morning for my Carelesness in leaving them open.* This pacified *Green* and *Black Will*. Now *Arden* having done his Business in *London*, and being ready to return Home, his Man went to *Green* and inform'd him his Master would go down that Night: Upon this they agreed, that *Black Will* should kill him on *Rainham-Down*. When Mr. *Arden* had got to *Rochester*, his Man growing apprehensive that *Black Will* would Murder him as well as his Master, he pricked his Horse on purpose, and made him go lame, that so he might protract the Time and stay behind. His Master observing the Lameness of his Horse, and asking him the Reason of it; *Michael* craftily said, *He did not know.* Well, quoth his Master, *When we come at the Smith's Forge, which is between Rochester and the Foot of the Hill over against Cheetam, let him take off his Shoe and search, and then*
come

come after me. So that his Master rode on ; but before he came to the Place where *Black Will* lay in wait for him, he was overtaken by several Gentlemen of his Acquaintance, so that the Assassine failed here also to accomplish his bloody Design.

After Mr. *Arden* had got Home, he sent his Man, as he usually did to the Isle of *Shepey* to Sir *Thomas Cheney*, then Lord Warden of the *Cinque Ports*, about some Business, by whom Sir *Thomas* sent a Letter back to his Master ; but when he came Home, his good Mistress took and concealed the Letter, and ordered the Fellow to tell his Master, that he had a Letter for him from Sir *Thomas Cheney*, but that he had unfortunately lost it ; and added withal, that he thought it would be his best way to go in the Morning himself to Sir *Thomas's*, because he knew nothing of the Contents of it. Having resolv'd to do so, he order'd his Man to be up betimes in the Morning : In the meanwhile *Black Will* and one *George Shakebag*, his Companion, were, by *Green's* Appointment, concealed in a Store-house of Sir *Anthony Agers* at *Preston*, to which Place Mrs. *Arden* went to see him, who brought and sent him Victuals and Drink several times : Wherefore lurking in that Place, and watching an Opportunity to put his villanous Purposes in Execution, he was charged very strictly to be up early in the Morning, to waylay Mr. *Arden* in a Broom-Close, between *Feversham* and the Ferry, and there to Murder him. Now *Black Will* was up in the Morning betimes, but missing his way, he tarry'd in a wrong Place.

Arden and his Man, early in the Morning riding towards *Shornlan*, where Sir *Thomas Cheney*

ney lay ; when they were come near the Broom Close, *Michael* who was ever affraid that *Black Will* would Murder him with his Master, pretended he had lost his Money Purse : *Why*, said his Master, *thou foolish Fellow, couldst thou take no more Care of thy Purse ? How much was there in it ? Three Pounds*, said he. *Go back you fool*, quoth his Master, *and look for it ; its so early that there is no Body yet stirring, thou may be sure to find it, and so make haste and over-take me at the Ferry* : But *Arden* nevertheless escaped this time by Reason of the 'foremention'd mistake of *Black Will*, who thought he was sure of him in his return Home : But whether some of the Lord Warden's Servants attended him back to *Feversham*, or that he considered it was too late for him to go thro' the Broom Close, and so took another way, *Black Will* once more failed to execute his murdering Designs.

St. Valentines Day being near, the villainous Crew thought it a proper time to perpetrate their wicked Devices ; *Mosbie* intended to pick some Quarrel or other with *Arden* at the Fair, and so Fight with him, saying, He could not find in his Heart to Murder a Gentleman in such a manner as his Wife would have it ; tho' they had made mutual Promises to each other, to be altogether as Man and Wife, and had thereupon received the Sacrament at *London* openly together. But this Project of Quarrelling with *Mr. Arden* would not do, for tho' he had been often before and was then also highly provoked by *Mosbie*, he would not Fight. Now *Mosbie* had a Sister who lived in a Tenement of *Arden's* near his House in *Feversham*, so that *Black Will* on the Eve of the
Fair

Fair was sent for to come thither, *Green* was the Man that brought him, and met Mrs. *Arden* accompany'd with *Michael* her Man and one of her Maids; there were also present *Mosbie* and *George Shakebag*, and here the Plot was laid to Murder *Arden* in the manner they afterwards perpetrated the horrid Fact.

Mosbie indeed at first would not consent to so base and cowardly an Act, but flung away in a Fury, and went up *Abby Street* towards the *Flower-de-Luce*, the House of *Adam Fowle*, whither he often resorted; but before he got thither, he was over-taken by a Messenger sent after him by Mrs. *Arden*, importuning him by all means to return to accomplish the Business he knew of, which he did accordingly: And then she fell down upon her Knees before him, and pressed him to go thro' with the Business if he had any manner of Love for her, and as she had several times told him, he might be assured there was no Body that would be concerned at his Death, or make any search after them that dispatched him.

The Importunity of the wicked Woman at length prevailing, he was brought to a compliance with the accursed Project, and thereupon *Black Will* was convey'd into Mr. *Arden's* House, and hid in a Closet at the end of the Parlour, before which they had sent all the Servants out upon some Pretence or other, except those who were privy and consenting to the villainous Design: *Mosbie* went and stood at the Door in a Silk Night Gown ty'd about him, between the Hour's of Six and Seven at Night; soon after which *Arden*, who had been at a Neighbours House call'd *Dumpking*, and had clear'd some Accounts that
were

were between them, went home, and finding *Mosbie* at the Door, ask'd him, *If it was not Supper-time? I think not* said he, *I believe it's not yet ready.* Then, quoth *Mr. Arden*, let us in the mean time go and play a Game at Tables, and so going directly into the Parlour thro' the Hall, where his Wife was walking, *Mr. Arden* said to her, *How now Mrs. Alice?* But she made him little or no Answer: In the mean time the Wicket Door of the Entry was Chain'd by some Body, and when they had got into the Parlour, *Mosbie* sat down on the Bench, facing the Closet wherein *Black Will* was hid; *Michael*, *Arden's* Man, stood behind his Master with a Candle in his Hand, to shadow *Black Will*, that his Master might by no means perceive him come out of the Closet: In their Play *Mosbie* said, and that seem'd to be the Signal for *Black Will* to come out, *Now, Sir, I can take you if I please.* Take me, said *Arden*, which way? With that *Black Will* whip'd out of the Closet, and threw a Towel about his Neck, to stop his Breath and strangle him; then *Mosbie* having a pressing Iron, weighing fourteen Pounds, at his Girdle, struck him so on the Head with it, that he knock'd him down, upon which he gave a great Groan, which made them believe he was kill'd.

From the Parlour they carry'd him away into the Compting-house, where as they were about to lay him down, the Pangs of Death came upon him, and groaning in a most grievous manner, he extended himself, and *Black Will* giving him a terrible Gash in the Face, he slew him outright; then he laid him along, took his Money out of his Pocket, and the

Rings off his Fingers, and coming out of the Compting-house, said, *The Business is over, give me my Money*; upon which Mrs. Arden gave him Ten Pounds, and then he went to Green's, had a Horse of him, and so rode away.

After *Black Will* was gone, Mrs. Arden went into the Compting-house, and with a Knife stuck him seven or eight times in the Breast, then they cleaned the Parlour, wip'd away the Blood with a Clout, and strew'd the Rushes which had been disorder'd during the Struggle. The Clout and the bloody Knife wherewith she had wounded her Husband, they threw into a Tub by the Wells side, where they were afterwards both found. This done, she sent for two *Londoners* then at *Feversham* to come to Supper, to which they had been invited before the horrid Murder was committed: They were Grocers by Trade, and their Names were *Prune* and *Cole*, when they came, she said, *I wonder where Mr. Arden is? He will not stay long, come let us sit down, he will be quickly with us.* Then *Mosbie's* Sister was sent for, and sat down with them, and they were all very merry.

When Supper was over, Mrs. Arden made her Daughter play on the Virginals, and they Danc'd, and she amongst them, and so seem'd to drill on the time till Mr. Arden came, his Wife saying, *I wonder he stays so long, come let us sit down, he will surely soon be with us, let us in the mean time play a Game at Tables.* But the *Londoners* said, *They must go to their Lodgings or else they should be Lock'd out,* and so took their leave of the Company and departed. As soon as they were gone, the Servants who were not privy to the Murder, were sent into the

Town

Town, some to look for their Master and others upon other Errands, all of them, except *Michael* and a Maid, *Mosbie's* Sister, and one of *Mrs. Arden's* own Daughters. Then they took the dead Body, and carry'd it out into a Field adjoyning to the Church-Yard, and to his own Garden Wall, thro' which he went to Church. In the mean time it began to Snow, and when they came to the Garden Door, they had forgot the Key, so that one of them was sent to fetch it; it was brought at last, and the Door being unlock'd, they convey'd the Corpse into the Field about ten Paces from the Door of that Garden, and laid him down strait on his Back, in his Nightgown and Slippers, between one of which and his Foot stuck a long Rush or two.

Having by this Management effectually secured themselves, as they imagined, from all manner of Discovery, they returned the Same way into the House, the Doors were opened and the Servants which had been sent into the Town being come back, it was by this time grown very late: However the wicked Woman sent her People out again in search for their Master, directing them to go to such Places where he mostly frequented, but they could hear no manner of Tidings of him; then she began to exclaim, and said, *No Woman had ever such Neighbours as she*; and then wept like a Crocodile: This brought some of her Neighbours in, who found her very sorrowful, and lamenting her Case, that she could not find out what was become of her Husband. At last the Mayor of the Town and others, went upon the Search for him. Here we are to observe, that the Fair was wont to be kept

partly in the Town, and partly in the Abbey; but *Arden* procured it to be wholly kept in the Abby Ground, of which he had made a Purchase, and by this means being like to have all the Benefit of it, to the prejudice of the Town and Inhabitants, he was bitterly cursed for it. After they had search'd other Places up and down, they came at length to the Ground where the dead Body was laid; where *Prune*, the *London* Grocer, above-mention'd, happening to spy it first, call'd to the rest of the Company, who narrowly viewing the same, found it to be the Corpse of *Arden*, and how it was wounded; they found the Rushes sticking in his Slippers, and found some Foot-Steps of People in the Snow, between the Place where he lay and the Garden Door.

This administring great cause of Suspicion, the Mayor order'd every Body to stand still, and then appointed some of the Company to go about to the other side of the House and to get in that way, and so thro' into the Garden, towards the Place; where, finding the Prints of People's Feet all along before them in the Snow, it appear'd very plain, that he was convey'd that way thro' the Garden into the Place where they had laid him.

The Mayor and the Company hereupon went into the House, and being no Strangers to the Ill-conduct of Mrs. *Arden*, they very strickly examined her about her Husband's Murder: But she defying them, said, *I would have you to know I am no such Woman*: Then they examined her Servants, and having found some of his Hair and Blood near the House in the way they carry'd him out, as also the bloody Knife she had thrust into his
Body,

Body, and the Clout wherewith they had wiped off the Blood spilt in the Parlour; they urg'd these things so home, as Evidences against them, that they all confess'd the Murder, and she herself beholding her Husband's Blood, cry'd out, *Oh ! the Blood of God help me, for this Blood have I shed.*

Then they were all seized and sent to Prison presently, upon which the Mayor, and the rest that attended him, went to the *Flower-de-Luce*, where they found *Mosbie Abed*: They soon discovered some of the murdered Person's Blood upon his Stockings and Purse, and when he ask'd them what they meant by coming in that manner, they said, *You may easily see the Reason*; and shewing him the Blood on his Purse and Hose, *these are our Evidences.* He thereupon confess'd the horrid Fact, and was committed to Prison, as well as all the rest of the bloody Crew, except *Green*, *Black Will* and the Painter, which last as well as *George Shakebag* that had fled before, were never heard of after.

Some time after, the Assizes were held at *Feverham*, where all the Prisoners were arraigned and condemned. There are no Parts extant, that I can possibly meet with of the formality of their Tryals; the Confession they had made of the cruel Fact, could not admit much of it; only there was one unhappy Circumstance which attended it, that an Innocent Man should suffer with the Guilty; for *Mrs. Arden* accused *Bradshaw*, upon the account of the Letter sent by *Green* from *Grave-send* about *Black Will*, as before related. All the Business was, that by the Description *Bradshaw* gave of *Black Will's* Qualities, he judged

him to be a proper Instrument for the Perpetration of the intended Murder, to which as *Green* some Years after at his Death declared, he was no way privy: Nevertheless, the Man upon Mrs. *Arden's* Accusation, was presently taken up and indicted as a Procurer of *Black Will* to Murder Mr. *Arden*. The Man made all the Defence he could for his Life, and desiring to see the Condemn'd Persons, he asked if they knew him, or ever had any Conversation with him, and they all said *No*: Then the Letter was produced and read. Here the Prisoner told the Court the very Truth of the matter, and upon what Occasion he had told *Green* what he said of *Black Will*, but it availed him nothing; condemned he was, and suffered Death for a Murder he had no manner of knowledge of, which he deny'd to the last.

As for the real bloody Criminals, they were executed in several Places; for *Michael*, Mr. *Arden's* Man, was hang'd in Chains at *Fever-sham*, and one of the Maid Servants was burnt there, most bitterly lamenting her Condition, and loudly exclaiming against her Mistress, who had brought her to that deplorable End, for which she would never forgive her. *Mosbie* and his Sister, were hang'd in *Smithfield* at *London*. As for Mrs. *Arden*, the Founder of all the Mischief, she was burnt at *Canterbury*. *Green* returned some Years after, was apprehended, try'd, condemn'd and hang'd in Chains in the High-way betwixt *Ospring* and *Boughton*, over-against *Fever-sham*. *Black Will* was burnt on a Scaffold at *Flushing* in *Zeland*: *Adam Foule*, who liv'd at the *Flower-de-Luce*

Luce in *Feverham*, was brought into Trouble about this unhappy Affair; he was carry'd up to *London* with his Legs ty'd under the Horse's Belly, and committed to the *Marshalsea*: The chief ground for this, was *Mosbie's* saying, That had it not been for *Adam Foule*, he had not been brought into that Trouble, meaning the Silver Dice he had brought for a Token from Mrs. *Arden* to him; but when the matter was thoroughly searched into, and that *Mosbie* cleared him of any manner of Privicy to the Murder, he was at length discharged.

*The History of the Attainder of Thomas,
Lord Seymour, of Sudley, for Treason
in 1549; and the Tryal of his
Brother Edward, Duke of Somerset,
for Felony, Anno. 1552.*

THESE noble Persons were Brothers, whose Fate depended so much upon one another, and there is such a Concatenation in the History of their Misfortunes, that they could not well be separated, without obscuring it very much. They were Uncles of *Edward VI.* King of *England*; the first of them enjoy'd the Post of Lord High Admiral, the other was Protector of the King and Kingdom. The Duke being in the Zenith of his Glory, fell from that envy'd height of Grandeur and Prosperity, by quicker Steps than his Advancement had been; and that, as all Historians do agree, by the subtile Artifices of *John*, Earl of *Warwick*, and Duke of *Northumberland*, to make way for his own aspiring Designs, which yet ended in the like fatal and more unpittied Destruction.

The Duke of *Somerset's* Brother, *Thomas*, Lord *Seymour* of *Sudley*, Lord High Admiral of *England*, is Characterized to have been a Nobleman of great Courage, courtly Behaviour, stately Personage, good Elocution, but empty of matter; both of them so well affected to the King, that the one might justly be term'd his Sword, and the other his Buckler. The Duke was most in favour with the People,
the

the Lord *Sudley* most respected by the Nobility, and both of them highly esteemed by the King: They were alike fortunate in their Advancements, and alike ruined by their own Vanity and Folly. While they held together, they were like two Arms, the one defended the other, and both of them the King their Nephew; but many were the Causes which contributed to their Ruine, the one was of a tractable and milde Disposition, the other stiff and brooking no Superior. They were secretly envy'd by the Ancient Nobility, whom they eclipsed with their new Lustre: As both of them were open-hearted, hasty and soon moved, so they were uncircumspect and easier to be ruined; to which the haughty Pride and Vanity of a foolish Woman did mainly contribute.

The Lord *Sudly*, had marry'd the Lady *Catherine Parre*, Dowager to *Henry VIII.* a Woman endued with many excellent Vertues, and especially with Humility: The Duke, on the contrary, had to his Second Wife, *Anne*, Daughter to Sir *Edward Stanhope* of *Shelford* in *Nottinghamshire*, a Woman intollerably Proud, exceeding Subtile and Violent in accomplishing her Ends, for which she had no Regard either to Shame or Conscience. Her first hatred was to the Queen Dowager, says Sir *John Hayward*, and no Body else except lying *Sanders*; because she had Precedency before her, and next to the Lord *Sudley*, for his Wife's Sake, who died in Child-bed; yet so inveterate was her Malice, that she was continually beating it into the Duke's heavy Head, that his Brother being of a different Religion from his, used all his Devices to take away his Life, as well upon

upon the Account of Religion, as perhaps to obtain his Place.

Having used all her Womanish Artifices to bring the Duke into a firm Belief of his Brother's Machinations against his Life, he gave into her, and the Earl of *Warwick's* sly and wicked Suggestions from behind the Curtain, who was very well pleased her Passions should be gratify'd, so as the Duke might incur Hatred and Infamy. Wherefore the Lord *Sudley* was seized and sent Prisoner to the *Tower* on the 16th of *January* 1549.

Having in this manner fairly given the Substance of what Sir *John Hayward* says concerning the Duke of *Somerset's* Conduct in respect to his Brother, which seems to be indeed nothing else but a Coppying after *Sanders*, an Author full of Lies and Calumnies: It's necessary we should for the Vindication of that good Duke take Notice, that tho' the Admiral was no Papist, as he suggests, he having before his Death committed the Care of his Daughter to the Dutches of *Suffolk*, a Zealous Protestant, and desired the assistance of Mr. *Latimer* with his Council and Prayers at his last Hour; yet 'tis very certain he was an ill Man, of a turbulent Spirit, and full of ambitious Designs from the very beginning of the King's Reign, which being observed by the Duke his Brother, who was not that dull Head *Hayward* makes him to be; he by all fair means frequently advised, and earnestly dissuaded him from such dangerous Courses, pardoned what had past, and gratify'd his aspiring mind so far, as to grant him Estates, and the great Office of Lord High Admiral. Notwithstanding all which, he continued

tinued turbulent, raised Forces, and threatned *He would make the blackest Parliament that ever was in England*: Nay, he was suspected to have Poison'd his Wife, that excellent Woman, *Queen Catherine*, that so he might make his Addressees to the *Lady Elizabeth* the King's Sister, one of the Heirs to the Crown; so that in fine, the Parliament adjudged these Proceedings to have been a Traiterous Aspiring to the Crown.

There were **Three and Thirty** Articles of High Treason and other Crimes exhibited against him, as they are entered in the Council Book, and they are these following:

I. **W** *Hereas the Duke of Somerset was made Governor of the King's Majesty's Person, and Protector of all his Realm and Dominions and Subjects, to which you yourself did agree, and gave your Consent in writing: Its objected and laid unto your Charge, that notwithstanding this, you have attempted, and gone about by indirect means to undo this Order, and to get into your Hands the Government of the King's Majesty, and to the great detriment of his Highness's Person, and the Subversion of the State of the Realm.*

II: *It is objected, and laid to your Charge, that by corrupting with Gifts and fair Promises, divers of the Privy-Chamber, you went about to allure his Highness to condescend and agree to the same most heinous and perilous Purposes, to the great Danger of his Highness's Person, and to the Subversion of the State of the Realm.*

III. *It is objected and laid to your Charge, that you wrote a Letter with your own Hand, which*
Letter

Letter the King's Majesty should have subscribed, or transcribed from that Copy, to the Parliament House, and that you delivered the same to his Highness for that Intent, with which so written by his Highness, or subscribed, you had determined to go into the House of Commons yourself, and there with your Friends and Adherents, before prepared, to have made Broyls, Tumults and Uproars, to the great danger of the King's Majesty's Person, and to the Subversion of the State of the Realm.

IV. *It's objected and laid to your Charge, that you yourself spoke to divers of the Council, and labour'd with divers of the Nobility of the Realm, to stick and adhere to you for the Alteration of the State, and order of the Realm, and to attain your own Purposes, to the danger of the King's Majesty's Person, now in his tender Years, and Subversion of the State of the Realm.*

V. *It's objected and laid to your Charge, that you did say openly and plainly, you would make the blackest Parliament that ever was in England.*

VI. *It's objected and laid to your Charge, that being sent for by Authority to answer to such Things as were thought fit to be reform'd in you, you refused to come; a very bad Example of Disobedience, and danger thereby of the Subversion of the State of the Realm.*

VII. *It's objected and laid to your Charge, that since the last Sessions of Parliament, notwithstanding much Clemency shew'd unto you, you have still continued in your former mischievous Purposes, and continually by yourself, and others, studied and labour'd to put into the King's Majesty's Head and Mind,*

Mind, a dislike of the Government of the Realm, and of the Lord Protector's Actions, to the Danger of his Person, and the great Peril of the Realm.

VIII. *It's objected and laid to your Charge, that the King's Majesty being of these tender Years, and yet by reason of his Youth unable to manage his own Affairs, you have gone about to instill into his Head, and as much as in you lies, perswaded him to take upon himself the Administration of Publick Affairs, to the Danger of his Highness's Person, and great Peril of the whole Kingdom.*

IX. *It's objected and laid to your Charge, that you have corrupted some of the Privy Chamber with Money, to perswade the King's Majesty to have Confidence in you, and so to insinuate yourself into his Favour, that when he wanted any thing, he should have it of you and no other, to the Intent he should dislike the Management, and that you might the better, when you saw your Opportunity, use the King's Highness for an Instrument to this purpose, to the danger of his Royal Person, and Subversion of the State of the Realm.*

X. *It's objected and laid to your Charge, that you promised the Marriage of the King's Majesty's at your own Will and Pleasure.*

XI. *It's objected and laid to your Charge, that you have labour'd and gone about to make a Combination and Confederacy with some Persons, and especially excited those Noblemen whom you thought to be discontented, to retire into their respective Countries, and to strengthen themselves, and otherwise to allure them to serve your Purposes, to the danger*

*The History of the most Remarkable
danger of the King's Majesty's Person, and Peril of
the State of the Realm.*

XII. It's objected and laid to your Charge that you have devised and imagined to cause Divisions in the Realm, to set some of the Nobility at Variance with others of them, whom you thought might be an Impediment to your divelish Purposes, and so laboured to be strong in all your Devices, to the great danger of the King's Majesty's Person, and great Peril of the State of the Realm.

XIII. It's objected and laid to your Charge, that you had advised certain Persons, to endeavour to gain the Favour and Good-will of the Principal Yeomantry and leading Men in certain Countries, to the Intent that they might engage the Mob and Populace, when you thought it proper, to fall in with your Designs.

XIV. It's objected and laid to your Charge, that you have not only studied and imagined to have the command of a great number of People in your own Power, but that you have attempted to get, and have also got, divers Stewardships of Noblemen's Estates and their Mannors, in order to make your Party strong for your Purposes aforesaid, to the danger of the King's Majesty's Person, and the great Peril of the State of the Realm.

XV. It's objected and laid to your Charge, that you have retained young Gentlemen, and hired Yeomen in great multitudes, and far above such numbers as is allowed by the Laws and Statutes of the Realm, or were otherwise necessary or convenient for your Service, Post or Estate, in order to strengthen
then

then yourself, for the compassing of all your evil Intentions and Purposes.

XVI. It's objected and laid to your Charge, that you had so managed the matter, as to be able to make up of your own Men, out of your Lands and Rules and other your Adherents, 10000 Men; besides Friends, in order to the Advancement of all your Intentions and Purposes, to the great danger of the King's Majesty's Person, and the great Peril of the State of the Realm.

XVII. It's objected and laid to your Charge, that you had projected and concerted Methods for such Sums of Money, as would Maintain the 10000 Men for a Month, and that you knew how and where to have the said Sum; and that you had given Notice to have, and prepare the same heap of Money in a Readiness, to the danger of the King's Majesty's Person, and great Peril to the State of the Realm.

XVIII. It's objected and laid to your Charge, that you have not only before you marry'd the Queen, attempted and gone about to marry the King's Majesty's Sister, the Lady Elizabeth, second Inheritor, to the Reversion of the Crown, but also being then prevented by the Lord Protector and others of the Council, since that time, both during the Lifetime of the Queen, continued your Endeavours that way, and pursued your Amour, and after her Decease, by secret and cunning Devices, practised to accomplish the said Designs of marrying the Lady Elizabeth, to the danger of the King's Majesty's Person, and Peril of the State of the Realm.

XIX. It's

XIX. It's objected and laid to your Charge, that you marry'd the late Queen, so soon after the King's Death, that if she had conceived presently after, it would have been a great doubt, whether the Child born, should have been accounted the late King's or yours: Upon which, great Dangers and Inconveniencies might and was like to have ensued to the King's Majesty's Succession, and Peace of the Realm.

XX. It's objected and laid to your Charge, that you first marry'd the Queen privately, but dissembled and concealed the same; so that a good while after you had marry'd her, you solicited the King's Majesty, and obtained a Letter of his own Hand writing, to excite and require the late Queen to marry you; and you likewise procured the Lord Protector to speak to the Queen in your Favour, and perswaded her to marry you. By which fallacious Practises, your evil Nature and Dissimulation, may not only be known, but 'tis also to be fear'd, that at this time you had an Intention to use the same Practises in respect to the marrying of the Lady Elizabeth's Grace.

XXI. It's objected and laid to your Charge, that you have not only, as far as lay in your Power, put a stop and been an Impediment to all such things, as either in Parliament or otherwise tended to the Advancement of the King's Majesty's Affairs, but have withdrawn yourself from the King's Service; and you have been spoke to and press for your own Honour, and in consideration of your Abilities, to serve and promote the King's Majesty's Affairs, and the Lord Protector's, but you would always slink back pretend Excuses, and declare openly you would not do it.

XXII. Wherefore

XXII. Wherefore upon consideration of all the Pre-
 mises with many more, the intention must be, that all
 these Preparations of Men and Money, the Attempt
 and secret Practices about the said Marriage, the
 abusing and perswading the King's Majesty to dis-
 like the Government, State and Order of the Realm
 as it now stands; and to assume the Administration
 himself, and to confide in you, was to no other End and
 Purpose, but that after having obtained a Pretension
 of Title to the Crown. and strengthened your self both
 by Sea and Land sufficiently both with Men and
 Money, to have aspir'd to the Royal Dignity by some
 Heinous Enterprize against the King's Majesty's
 Person, to the Subversion of the whole State of the
 Realm.

XXIII. Its objected and laid to your Charge, that
 you had not only got into your Hands, the strong and
 dangerous Isles of Scilly, which you bought of se-
 veral Persons, but that you did all that lay in your
 Power to have that of Lundy also; and under Pre-
 tence to have Victuall'd the Ships therewith, not only
 projected, but also solicited the Lord Protector and the
 whole Council, that you might, by Publick Authority,
 have that which by secret Fraud and Falshood, and a
 Confederation with Sharington, you had got, that is,
 the Mint at Bristol to be your own entirely, and only
 to serve your designs; projecting, in all Appearance,
 that in case these Traiterous Purposes had not the
 wish'd for Success, you might yet convey thither a
 Mass of Money, in which being assisted by Shipping,
 and joyning in with Pirates at all ill Events, you
 might at all times have a sure and safe Refuge, if
 any thing upon the Account of your Demerits should
 be laid to your Charge.

XXIV. *Its also objected and laid to your Charge, That knowing that Sir William Sharington had committed Treason, and otherwise wonderfully defrauded and deceived the King's Majesty, you have nevertheless, both by your self getting Counsel for him, and all other ways you could devise, aided, assisted and supported him, contrary to your Duty and Allegiance to the King's Majesty, and the good Laws and Orders of the Realm.*

XXV. *Its objected and laid to your Charge, That though you ow'd Sir William Sharington, Knt. a great Sum of Money, yet to abet, sustain and palliate the Grand Cheating of the said Sharington, and to defraud the King's Majesty, you were not afraid to say and affirm before the Lord Protector and the Council, that the said Sharington did owe you a great Sum of Money, even 2500 Pounds and to combine with him in that Fraud, and to take a Note of such pretended Debt into your Hands from him.*

XXVI. *Its objected and laid to your Charge, That you by your self and Agents, have not only extorted and obtain'd large Sums of Money of all such Ships as should go to Island, but also any other where to Traffick, contrary to the Liberty of the Realm, and to the great Discouragement and Decay of the Navigation thereof, to the great Danger of the King's Majesty and the State of the Realm.*

XXVII. *Its objected and laid to your Charge, That whereas divers Merchants, as well Foreigners as Natives, have had their Effects Stolen and Piratically taken from them, you have had their Goods in your Power and Custody, as has been daily seen in your House, and distributed amongst your Servants
and*

and Friends, without any Restitution made to the Parties injur'd, insomuch that Foreign Princes have, in a manner been weary of the King's Majesty's Friendship, and made several Complaints by their Ambassadors upon that Account, to the great Disreputation of the King's Majesty, and Danger of the State of the Realm,

XXVIII Its objected and laid to your Charge, That whereas some Persons have taken certain Pirates, you have not only despoil'd the Captors of the said Pirates, of the Goods and Ships so taken, without any Reward, but have clapt the said Captors into Prison, for the good Services they have done the King's Majesty, and there detained them long, some Eight Weeks, some more, some less, to the great Discouragement of such as should faithfully serve the King's Majesty against his Pirates and Enemies.

XXIX. Its objected and laid to your Charge, That several of the chief Pirates being brought before you, you have let the same go again to Sea, and taken from the Captors of them, not only all their Commodity and Profit, but from the true Owners of the Ships and Goods, all such as ever came into the Pirates Hands, as though you had Authority to be the Head Pirate, and to have all the Advantage they could bring you.

XXX. Its objected and laid to your Charge, That whereas Cognizance having been taken by the Lord Protector and the whole Council, of certain Goods Piratically taken away upon the Seas, and otherwise known not to be Wreck'd or Forfeited, should be restor'd to the true Owners; and that Letters were thereupon sent by the Lord Protector and Council about the same, to which you your self set your

Hand among the rest ; you have nevertheless commanded your Officers, that no such Letters should be obey'd, and written privately to the contrary, forbidding the Restitution of the said Goods, and kept them for your own use and benefit, contrary to your own Hand-Writing in the Council Chamber, and to your Duty and Allegiance, and to the perilous Example of others, and great Scandal and Danger of the Realm.

XXXI. *Its objected and laid to your Charge, That whereas certain Strangers, who were Friends and Allies to the King's Majesty, had their Ships shatter'd in Storms, and yet came Unwreck'd to the Shoar, when the Lord Protector and Council wrote Letters for the Restitution of the said Goods, and that the Country should aid and assist in the saving of as much of the Goods as could be, you your self subscribing and consenting thereunto, you have nevertheless not only given contrary Orders to your Officers, but like a Pirate, wrote Letters to some of your Friends to give their Assistance, that as much of those Goods as possible, should be secretly convey'd further off in the Night time ; in Hopes that if the same could once be secur'd, that the Owners would make no further Search after them, and so you might convert them to your own use, contrary to the Justice and Honour, and to the great Scandal of the Realm.*

XXXII. *Its objected and laid to your Charge, That you have not only disclos'd the King's Majesty's secret Council, but also, when you your self, among others, have confirm'd and agreed to certain things for the Advancement of the King's Affairs, you have spoke against and endeavour'd to prevent the Accomplishment of the same.*

XXXIII.

XXXIII. *Its farther objected and laid to your Charge, That your Deputy, Steward, and others of your Ministers of the Holt, in the County of Denbigh, have, against Christmas last past, made such Provision of Wheat, Malt, Beeves, and other things necessary for the Support of a great number of Men, and have also amass'd all the Money that was possible to be got together, insomuch, that the whole Country wonders at it, and the more, because your Servants have spread false Reports, That the King was dead; for which Reason the Country is under great Apprehensions, Doubts and Expectations of some Commotions, and would have been more so, if they had not now been stopp'd by your Apprehension.*

The Admiral was press'd by the Lords of the Privy Council, and that upon his Allegiance, to make Answer to these Articles; but he could never be perswaded to it, only at last he made some Answer to the three first and no more, nor would he set his Hand to them. His Answer here follows,

In the first, he said, that about Easter-tide was Twelve-month, he said to Fowler, as he suppos'd it was, That if he might have the King in Custody, as Mr. Page had, he would be glad, and that he thought a Man might bring him through the Gallery into his Chamber, and so to his House: But this, he said, he spoke merrily, and meant no hurt, And that in the mean time after he had heard, and upon that search'd for some Precedent that there were in England at the same time, a Protector, a Regent of France, and the Duke of Exeter, and the Bishop of Winchester

chester, Governors of the King's Person: He had some Intention to apply to the Parliament upon that Account, and that he had the Names of all the Lords, and mark'd those whom he thought might be for his purpose to work the Change; but coming afterwards to converse with the Comptroller at Ely House, who reminded him of his assenting and subscribing his Name, That the Lord Protector should be Governor of the King's Person, he was asham'd of his Actions, and quite laid aside the Prosecution of his Designs that way.

As to the second Article, he said he gave Money to two or three of them that were about the King; He own'd, he gave to Mr. Cheek at Christmas was Twelve-month, when the King was at Enfield, 40 l. half of which he was to have for himself; the others was the King, to give it among his Servants, as his Majesty pleas'd. That Mr. Cheek was very loth to take it, nevertheless he would needs press it upon him, neither did he remember that ever he had given him any more since the King had been Crown'd — That he gave Money at New-Years-tide to the Groom of the Chamber, but did not well remember how much. — He said he gave Money to Fowler for the King, since the beginning of the Parliament now last at London: That the King had several times sent to him for Money, and that he had sent it. — That when Mr. Latimer Preach'd before the King, his Majesty sent to him to know what he should give Mr. Latimer; that he sent him 40 l. by Fowler, with word, That 20 l. was a good Reward for Latimer, and that he might distribute the rest among his Servants: Whether he had given Fowler any Money for himself, he could not well remember.

In reference to the Third, *He own'd he drew such a Bill indeed himself, and offer'd it to the King, or else to Mr. Cheek, he could not well tell; and before that, he said, he caused the King to be sound-ed by Mr. Fowler, Whether he could not be content he should have the Government of him as Mr. Stanhope had? That he knew not what Answer he had, but upon that he drew the Bill to that effect, That his Majesty was content, but what Answer he had to the Bill, he could not tell, Mr. Cheek could.*

In the mean time the Privy Council waited on the King, and the Chancellor having explain'd the matter as it stood to his Majesty, and withal deliver'd his Opinion, for leaving the whole Affair to the Parliament; every Privy Counsellor then spoke his own Sentiments, and all to the same purpose; and last of all the Protector, who protested, this was a most sorrowful Business to him, that he had used all the means in his Power to keep it from coming to this Extremity: But were it Son or Brother, he must prefer his Majesty's Safety before them, for he weigh'd his Allegiance more than his Blood, and that therefore he was not against the Request made by the other Lords, and said, *If he himself were guilty of such Offences he should not think himself worthy of Life, and the rather, because he was of all Men the most bound to his Majesty, and therefore he could not refuse Justice: The King answered them in these Words, We perceive there are great Things objected and laid to the Charge of my Lord Admiral my Unkle, and they tend to Treason, and we perceive that you equire but Justice*

stice to be done, we think it reasonable, and we will that you proceed according to your Request. These Words, as noted in the Council-Book, coming so suddenly from his Grace's Mouth, of his own Motion, as the Lords might well perceive, they wonderfully rejoyc'd at it, and gave the King most hearty Praises and Thanks.

The Lord *Sudley* being thus refractory as before related, and a Parliament then sitting, it was thought most advisable to proceed against him by way of Bill of Attainder, a practice the Peers had been so us'd to in *Henry VIII's* time, that they easily came into it: The Bill was on the 25th of *February* 1540 read the first time in the House of Lords; they gave it a second Reading the next Day, and a third on the 27th, which was a quick Dispatch, and concluded with the common Assent of all the Peers, only the Protector, for *Natural Pity's sake*, as 'tis in the Council-Book, desir'd to withdraw. The Bill was sent down the same Day to the Commons, and at the same time their Lordships sent the Master of the Rolls, *Sir James Hale* and Serjeant *Molineux* down to the House, to declare to them the manner after which the Lords proceeded in that Affair; and further to declare, that in case the Commons were minded to proceed in like sort, certain Noblemen, who had given Evidence against the Lord Admiral, should be sent to them, to declare Personally and *Vive Voce* such things as in the mean time should appear to them under their Hands: The same Persons were sent again to the Commons on the 2^d of *March*, in effect with the like Commission as before;

before; the Commons answer'd, *They would take the Matter into Consideration, and would speedily send up their Resolution thereupon.* But no haste being made therein by the Commons, the Lords, after long waiting, concluded to adjourn, and desired the Lord Protector, *That he would be pleas'd to receive the Answer of the Commons, and report the same at their next Meeting, which would be the Monday following.*

By the Journal of the House of Commons it appears, that the Bill was read there the last Day of *February* the first time, and the 1st of *March* the next, and that on the 2d, the Master of the Rolls, Serjeant *Molineux*, and Serjeant *Hale*, the King's Solicitor, were sent from the Lords, to know the Pleasure of that House, *Whether they would Pass the Bill of Attainder of the Admiral, in such order as the Lords had done it.* It was then resolv'd, *They would Answer by Messengers of their own, and that Evidence should be heard regularly, as it was before the Lords, and Vive Voce, and that this Answer should be deliver'd to the Lord Protector by the Speaker and other Members of that House that were of the Privy Council.*

The Truth of the Matter was, that the Commons were not for proceeding after such an Arbitrary manner, as the Lords, against the Admiral, many of the Members arguing against Attainders in Persons Absence, and they thought it an odd way, that some Peers should rise up in their Places in their own House, and give an Account of things to the detriment of another, and that thereupon he should be Attainted; therefore it was press'd that it might be done by a Tryal, and that
the

the Admiral should be brought to the Bar, and allow'd to Plead for himself.

But on the 4th of *March*, the Master of the Rolls declar'd, that it was the King's Pleasure, *That the Admiral's Presence was not necessary in the Court, and therefore he should not be there*: This was very hard, that a Man could not be heard, when his *All*, I mean his *Life*, was at Stake, and, God be thank'd, that we live to see better Days, not only that the accus'd Person shall Answer for himself, but have Counsel also to make his Defence: But to return, It was farther declar'd to the Commons, *That if the House would have the Lords come and give in their Evidence before them, it should ...one.* Upon which it was Order'd, *That the Comptroller and others of the Privy Council, should hear the Lords, and require, if it were judg'd necessary, upon any further Message, they might come down to the Commons.* The Bill for the Attainder of the Admiral was Read the third time, and pass'd on the 5th; a most cruel Practice, and scarce ever used since, unless a Person was in actual Rebellion, or had fled from Justice.

Being thus attainted unheard, there was in less than a Fortnight after, a Warrant Sign'd for his Execution, a Copy of which extracted from the same Authority as the Articles above-nam'd, may justly claim a Place here.

March 17.

‘ **T** His Day, the 17th of *March*, the Lord
 ‘ Chancellor, and the rest of the King's
 ‘ Council, meeting in his Highness his Pa-
 ‘ lace at *Westminster*, heard the Report of the
 ‘ Bishop of *Ely*, who by the said Lords and
 ‘ others

others of the Council, were sent to Instruct
 and Comfort the Lord Admiral, now at-
 tainted and condemn'd by the Parliament;
 they did condescend and agree, that the
 said Lord Admiral should be executed the
Wednesday next following, betwixt the Hours
 of Nine and Twelve in the Forenoon the
 same Day, upon *Tower-Hill*: His Body and
 Head to be bury'd within the *Tower* by the
 King's Writ (as in such Cases as heretofore
 hath been accustom'd) being first directed
 and put forth for that purpose and effect.
 Whereupon calling to the Council Chamber
 the Bishop of *Ely*, they willed him to de-
 clare this their Determination to the said
 Lord Admiral, and to instruct and teach
 him the best he could, to the quiet and
 patient Suffering of Justice, and to prepare
 himself to Almighty God.

E. Somerset

T. Cantuarien.

William Paget

R. Rich, Chancel.

Anthony Wingfield

W. St John

William Petre

J. Ruffel

A. Denny

J. Warwick

Edward North

F. Shrewsbury

R. Sadler.

Thomas Southampton

How culpable soever the Admiral might
 be, it's certain the Duke, his Brother, by
 this Prosecution, and I may say, unnatural
 Action, laid the Foundation Stone of his own
 Ruin: We may say of him as a great Man
 said to *Valentinian III.* who ask'd him, *What he*
thought of his putting Ætius to Death? That he
had cut off his Right Hand with his Left. He
 began

began now to be generally hated by the People, many of the Nobility cry'd out against him for a Blood-sucker and a Murderer; all his other Actions underwent the most finister Constructions and severest Censures; more particularly they exclaim'd much against him, for pulling down a Church and two Bishops Palaces to build *Somerset-House*, and raised Reports of his Intentions, to pull down others to carry on that magnificent Structure, which, perhaps, never entred into his Head.

The Crafty Earl of *Warwick* finding the Conjunction very proper for him to play his Game, he engag'd no less than Eighteen of the Privy Council to joyn with him against the Duke; who withdrawing from Court, fell to secret Caballing, and walked up and down the Streets of *London* with many Servants and new Liveries. The Protector, who was of no such timorous Spirit as some represented him to be, wrote to them by Secretary *Petre*, in the King, his own and the other Lords Names that were with him; that they wonder'd at the manner of those Lords Proceedings, bent with Force and Violence to bring the King's Majesty and him into Extremities; but that if they would take no other way, he intended to defend the King and himself with extremity of Death, and to put all into God's Hands: But that if they sought no hurt to the King, as for other private Matters, to avoid Effusion of Christian Blood, and to preserve the Kings Person, Realm and Subjects, they should find him agree to any reasonable Terms, and so he pray'd them to send their final Answer.

The Protector having in the mean time put 500 Men in Arms, rampir'd the Court-Gates, caused more Troops to be rais'd, both by Letters and Proclamation, to come to the King's Assistance, whom he remov'd by Night from *Hampton-Court* to *Windsor*, with a Retinue more resembling an Army, says *Hayward*, than a Train. This increased the present Terrors, and the Lords at *London* laying hold of the Opportunity to possess themselves of the *Tower*, they sent for the Lord Mayor and Court of Aldermen to *Ely House*, where the Earl of *Warwick* Lodg'd, and there appearing secretly Arm'd, they caused the Lord Chancellor *Rich* to make a Speech to them; wherein laying open the Personal Imperfections of the Protector, he very much aggravated his Pride and Opinionativeness, in that he would hearken to no Counsel but that of a mischievous Woman, his Wife; he charg'd him with being guilty of Bribery and Extortion, the Imbezzlement of the King's Jewels and Treasure; the Sales and Exchanges of the Crown Lands; of Offices and Preferments; Colledges and Chantries; erecting a Mint for his own use; levying Subsidies under Pretence of War; extorting Money by Loans, Non-Payment of the Soldiery and Servants; Expences in sumptuous Buildings; Endeavours to put his Brother to Death, to make the *French* King his Friend, by betraying the King's Forts to him beyond Sea; Intentions to procure a Resignation of the King's Sister's Right to the Crown, and to Entail it upon his own Issue, and concluded with the Necessity there was to remove him from the great Trust he had.

Having

Having in this manner prepared the Minds of the Citizens to joyn in with them, in the Overthrow of the Protector; they endeavoured to do the same by the Lords at *Windsor*, in a Letter wrote to them the next Day, wherein they laid a great many Irregularities to his Charge, requiring the disbanding of the Forces he had rais'd, his withdrawing from the King, and submitting himself to Reason and Justice.

The Protector did all he could to accommodate Matters with them by Secretary *Petre*, whom he sent once more to *London*, and that failing, he wrote two Letters, one, in his own Name to the Earl of *Warwick*, his most dangerous Enemy, and the other, from the Lords at *Windsor* to the Lords at *London*; in both which he made such Complaints, Expostulations, Intreaties and Acquiescences, as were sufficient to inspire Courage into any Enemy once declar'd against him. Hereupon the Lords at *London* put out a Proclamation, wherein having charg'd all our Calamities and Misfortunes both at Home and Abroad, upon the Male-Administration of the Protector, they forbid all the Subjects in the King's Name, any longer to obey him. Those that put their Names to this Proclamation, were

The Lord <i>Rich</i> ,	Lord	Earl of <i>Arundel</i> .
Chancellor.		Lord Chamberlain.
Lord <i>St. John</i> ,	Lord	Earl of <i>Shrewsbury</i> .
Great Master, and		Earl of <i>Southampton</i> .
President of the		Sir <i>Thomas Cheney</i> ,
Council.		Treasurer of the
Marquis of <i>Nor-</i>		King's Household.
<i>thampton</i> ,		

Sir Thomas Page, Con- stable of the Tower.		Sir Ralph Sadler.
Sir Edward North.		Sir John Baker.
Sir Edward Mountague, Chief Justice of the Common Pleas.		Sir Edward Wooton. Dr. Wooton, Dean of Canterbury. Sir Richard Southwell.

Having proceeded thus far, there was no looking back, and therefore they directed three Letters to *Windsor*; one to the King, another to the Protector, and a third to the Household; that to the Protector was guilded over with many smooth Expressions, fair Promises and Hopes, but the other two were not sparing in Invectives against him, and Instances of his Unfitness and Incapacity to Govern the Kingdom. Sir *Robert Wingfield*, Captain of the Guard, was sent with them to *Windsor*, who represented Matters to the King so artfully, that the Protector then present was remov'd from his Person, and had a Guard put upon him, till next Day, when the Lords from *London* were appointed to be there. They came accordingly, but without the crafty Earl of *Warwick*, though he was the main Engine that set all at Work: They complained to the King of the mischievous Government of the Protector, and that it would be safer for him to have that Power vested in many, than one Man. The young King was sway'd with their Authority, and the Duke committed Prisoner to *Beauchamp's Tower* within that Castle, from whence being convey'd to *London* next Day, he rode through *London* betwixt the Earls of *Southampton* and *Huntington*, follow'd by Three Hundred Lords and Gentlemen on Horseback, and being at *Soper-Lane* received
by

by the Lord Mayor and his Officers, was conducted to the Tower.

Having breath'd here a short time, some of the Lords of the Council were sent to him, who with utmost Diffimulation having made their Acknowledgements of former Favours from him, and of the Services he had done the Publick, artfully enough interlac'd some Errors and Defects wherewith they seem'd to Reproach him, and then laying certain Articles before him, as from the rest of the Council, they desir'd to know forthwith, *Whether he would acknowledge them to be true, or stand upon his Justification?* A very unfair way of Proceeding, for which Vengeance pursu'd some of them afterwards, to their utmost Confusion and Ruine. The Articles were these,

I. **T***hat he took upon him the Office of Protector upon express Condition That he should do nothing in the King's Affairs, but by the Consent of the late King's Executors, or the Majority of them.*

II. *That contrary to this Condition, he caused a failure of Justice, and subverted the Laws of his own Authority, as well by Letters as other Commands.*

III. *That he caused several Persons secured for Treason, Murder, Manslaughter and Felony to be Discharg'd, contrary to the Laws and Statutes of the Realm.*

IV. *That he appointed Lieutenants for Armies, and other Officers for the weighty Affairs of the King under his own Hand and Seal.*

V. *That*

V. That he had Conferences alone with Foreign Ministers, about the weighty Affairs of the Kingdom.

VI. That he would brow-beat several of the Privy Council, for giving their Advice in reference to the Publick against his Opinion; telling them sometimes, They were not fit to sit in Council, at other times, That he had no need to lay State Matters before them, and that if they did not concur with his Opinion, he would dismiss them.

VII. That contrary to Law, he kept a Court of Requests in his own House, forcing others to Answer there for their Real and Personal Estates, and he decided the same.

VIII. That being no Officer without the Advice of the Council, or the Major part of them, he dispos'd of the King's Bounty-Money, Granted Leases and Wards, gave away Bishopricks, and sold the King's Lands.

IX. That he commended Alchimy and Multiplication to be practis'd, and so debas'd the King's Coin.

X. That he several times said openly, The Nobility and Gentry were the only cause of Dearth, which encourag'd the People to rise, and pretend to reform Matters themselves.

XI. That contrary to the Opinion of the whole Council, he put out a Proclamation about Inclosures, which had caus'd several Insurrections, whereby many of the King's Subjects were destroy'd.

XII. That

XII. *That he issu'd a Commission, with Articles annext, concerning Inclosures, High-ways, Cottages, and the like, empowering Commissioners to hear and determine those Causes, whereby the Laws and Statutes of the Realm were subverted, and many Rebellions rais'd.*

XIII. *That he suffer'd Rebels to Assemble and lie Arm'd in Camp against the Nobility and Gentry of the Kingdom, without speedy suppressing of them.*

XIV. *That he encouraged divers Rebels, by giving them Money, and promising them Fees, Rewards and Services.*

XV. *That he sent out a Proclamation against Law, and in favour of the Rebels, That none of them should be su'd or molested for their Offences in their Rebellion.*

XVI. *That he said in the time of Rebellion, He approv'd of the Actions of the Rebels, and that Gentlemen's Avarice was the Cause of the People's Rising, and that it was better for them to Die, than to Perish or Want.*

XVII. *That he said, The Lords in Parliament were loath to reform the Business of Inclosures and other Matters, and therefore that the People had good Reason to reform them themselves.*

XVIII. *That after Declaration of the Defaults of Balonie, and the Pieces there, by such as did survive them, he would never amend the same.*

XIX. *That*

XIX. *That he would never suffer the King's Places of Newhaven and Blackneis to be furnish'd with Men and Provisions, though he was inform'd of the Defects, and advis'd to it by the Council, which encouraged the French King to make Attempts upon them.*

XX. *That he would neither give Authority, nor suffer Noblemen and Gentlemen to suppress Rebels in due time, but wrote to them to use gentle means with them.*

XXI. *That upon the 5th of October that very Year, he at Hampton-Court for the Defence of his own private Causes, procured Seditious Bills to be written in counterfeit Hands, and secretly to be dispers'd into several Parts of the Kingdom, beginning thus, Good People, with an Intention thereby to raise a Rebellion and open War.*

XXII. *That the Privy-Council having consulted at London about coming to him, to desire him to reform his Male-Administration, as soon as he heard it, he declared by his Letters in several Places, That they were notorious Traytors for so doing.*

XXIII. *That he falsely told the King, as well as the young Lords attending his Person, That the Lords at London intended to destroy the King, and desired him never to forget to Revenge it, requiring the young Lords at the same time, to put the King in mind of it, with an Intent to cause Discord between the King and his Nobility.*

XXIV. *That he said at divers times, and in several places, That the Lords of the Council at London intend to kill the King, but if I die, the King shall die, and if they famish me, they shall famish him.*

XXV. *That he had of his own head removed the King so suddenly from Hampton-Court, without any due Provision made, that he was thereby not only put into great Fear, but thrown into a dangerous Distemper.*

XXVI. *That he by his Letters made the People draw together Arm'd in great Numbers, after a Warlike manner, to come to his Assistance and Defence.*

XXVII. *That he caused his Servants and Friends at Hampton-Court and Windsor to be furnish'd with Arms belonging to the King, while the King's Servants and Guards went Unarm'd.*

XXVIII. *That you caused at Windsor your own Person in the Night-time to be guarded in Harness by many Persons, leaving the King's Majesty's Person unguarded, and would not suffer the King's Guards and Servants to be next the King's Person, but appointed your Servants and Friends to keep the Gates.*

XXIX. *That he intended to fly to Jersey and Wales, and had provided Post-Horses, Men and a Vessel for that purpose.*

Tho' it's not to be doubted, says Sir *John Hayward*, but that some of these Articles were a meer Forgery, that others were exaggerated and wrested, and some again disguised with odious Interpretations; yet he subscribed them, in Acknowledgement of his Offences contained in them, and humbly upon his Knees submitted himself to the King's Clemency; intreating the Lords at the same time to represent to the King, that his Crimes were rather the effects of Negligence, Rashness and other Indiscretions, than any malicious or treasonable Intentions; begging his Favour and Clemency to himself, Wife and Children, and not to proceed against him according to the Rigour of the Laws. To which Sir *John* adds, *To this I make no other Defence, but intreat the Reader not to Condemn him for Perishing so weakly, and for that he, who should have lost his Life to preserve his Honour, cast away both his Life and his Honour together.*

Whether it were out of Regard to the Affection the young King his Nephew, might still retain for the Duke, or any other motives, his Life was now spared; but they took effectual care to strip him of his great Offices of Protector, Treasurer and Earl Marshal, of all his Goods, and near Two Thousand Pounds a Year in Land.

Notwithstanding which he wrote to the Lords of the Council Letters full of Acknowledgements for their Favour, in bringing his Cause to an End; that he never had any Intention to contend with them, nor in any thing to justify himself, considering he was far from being the wisest of Men, and might easily err, and that it was scarce possible

for any Man in a great Station, so to compose himself, as that all his Actions in the Eyes of Justice should be Blameless; wherefore he wholly submitted to the King's Clemency and their Discretion for some Moderation; desiring them to believe, that his Errors proceeded rather from a Defect in Judgement than any Malicious Design: He concluded with humble Intreaties of Pardon and Favour, assuring them they should ever find him so Obedient to their Lordships, and Compliant with their Orders, as to make some Amends thereby for his former Follies: The Duke who had gone that Length to subscribe the Articles drawn up against him, how blameable soever he might be for it, yet was he infallibly in the Right, in making this Consequential Submission, where he soon found his Account; for the King was so pleased with it, that he had his Fines remitted, his Goods and Lands restor'd, except such as had already been given away, and his Pardon and Liberty granted him, yet so as that he should be limited to stay at the King's House at *Sheen*, or his own at *Zion*, and not to go Four Miles from them, nor come to the King or Council unsent for. The Malice of his Enemies being either satiated with the Mortifications they had brought him under, or their Power was not yet sufficient to restrain the Favours now shewed him.

The King soon after entertained and feasted him with great Marks of his Royal Favour, and he was again admitted to be Member of the Privy Council; so that there seemed to have been an entire Reconciliation and Confidence between him and the Lords, and to cement

t still the faster, there was a Match concluded between the Duke's Daughter and the Lord *Lisle*, Son and Heir to the Earl of *Warwick*, now made Lord High Admiral of *England*: But alas, these ill cemented Affections burst out again next Year into open Enmity; and the Duke of *Somerfet* being charged with a design to Murder the Earl of *Warwick*, newly created Duke of *Northumberland*, in his own Lodgings, under the colour of a Visit, the haughty hopes of aspiring to Absolute Command, prompted *Northumberland* to make use of all his wicked Artifices entirely to Ruine him. Rumours were continually spread, that *Somerfet* had caused himself to be proclaimed King in several Countries, which, tho' known to be false, yet left an ungrateful Relish behind it: After which being charged with endeavouring to bring several of the Nobility to chuse him Protector again in the next Parliament, his not confidently denying it, but entangling himself in a dubious Story, created still the greater Suspicions, and was Tantamount to a Proof of the Accusation to his Enemies, who now wanted no Instruments to compleat his Ruine.

There was one Sir *Thomas Palmer*, a great Creature of *Northumberland's*, who charged him with a Design to Murder the Duke of *Northumberland*, the Marquis of *Northampton* and the Earl of *Pembroke*, at a Banquet to which they were to be invited, or in their way thither if slenderly attended; declaring further, That Sir *Ralph Vane* had 3000 Men in Readiness, that Sir *Thomas Arundel* had made sure of the *Tower*, that *Seymour* and *Hammond* would wait upon him, and that all the Horse

of the *Gens d'Arms* should be slain : To which Secretary *Cecil* added, That the Duke had sent for him and said, *That he suspected some ill Designs against him* ; and that he reply'd, *If he were not in Fault, he might trust to his own Innocence ; if he were, he had no more to say but to lament him.*

As soon as the Duke had Intelligence of those Informations, he immediately defy'd *Cecil* in a Letter, to stand to what he said ; and *Palmer* upon his writing to him, deny'd all that he had alledged against him : But this did not serve the Duke's Turn, who must fall a Sacrifice to the Malice of *Northumberland* and the rest of his Enemies, and therefore going a few Days after to Court, he was apprehended, and the Day following his Dutchess was sent to the Tower unpittyed. *Vane* fled, *Palmer* now stood his Accusation and made some Additions ; *Crane's* Confession seem'd to corroborate *Palmer's* Charge against him, and he added, That the Lord *Paget's* House was the Place where the Nobility were to be invited to a Banquet, and to lose their Heads ; and that the Business had been done, but that the Importance of the Enterprize occasioned Delays, and some times diversity of Opinions ; but my Author adds, That this *Crane* having wasted his own Estate, was a Man of a desperate Fortune, and prepared for any Mischief. Things being thus prepared, the Tragedy was now to be acted ; the unhappy Duke, after a short Confinement in the Tower, was brought to his Tryal at *Westminster*, the Marquis of *Winchester*, who had succeeded him in the great Office of Lord Treasurer, sitting as High Steward under the Canopy of State, on a Bench raised three Steps higher

higher than the rest, and the other Peers to the Number of Twenty Seven sat on the next to it. Their Names being these:

The Lord Marquis of *Winchester* High Steward.

Duke of <i>Suffolk</i> .	Lord <i>Bergavenny</i> .
Duke of <i>Northumberland</i> .	Lord <i>Wharton</i> .
Marquis of <i>Northampton</i> .	Lord <i>Euers</i> .
Earl of <i>Derby</i> .	Lord <i>Latimer</i> .
Earl of <i>Bedford</i> .	Lord <i>Borrroughs</i> .
Earl of <i>Huntington</i> .	Lord <i>Zouch</i> .
Earl of <i>Rutland</i> .	Lord <i>Stafford</i> .
Earl of <i>Bath</i> .	Lord <i>Wentworth</i> .
Earl of <i>Suffex</i> .	Lord <i>Darcy</i> .
Earl of <i>Worcester</i> .	Lord <i>Sturton</i> .
Earl of <i>Pembroke</i> .	Lord <i>Windsor</i> .
Lord Viscount <i>Hereford</i> .	Lord <i>Cromwell</i> .
	Lord <i>Cobham</i> .
	Lord <i>Bray</i> .

The Charge against the Duke consisted of Five Parts. 1. *Of raising Men in the North Parts of the Kingdom.* 2. *Of drawing Men together to kill the Duke of Northumberland.* 3. *Of resisting his Attachment.* 4. *Of killing the Gens d'Arms; and 5thly, Of assaulting the Lords, and compassing their Deaths.*

It's very strange that the Three Peers, the Duke of *Northumberland*, the Marquis of *Northampton*, and the Earl of *Pembroke*, who were his profess'd Enemies, and against the first of which it was pretended in the Indictment that he had conspir'd, should sit his Judges; for tho' by the Law, no Peer can be challeng'd

challeng'd in a Tryal, yet the Law of Nations, which must be superior to all other Laws, makes a Man incapable of being a Judge in his own Case; and what was very unusual, the Lord Chancellor, tho' then a Peer, was left out of the Number: But 'tis likely a Reconciliation between him and the Duke of *Somerset* was suspected, and made him not to be called for to be one of the Judges.

The Duke having pleaded Not Guilty, and put himself upon the Tryal of his Peers, was, it seems, a little acquainted with the Law, and therefore did not desire Council to plead, or assist him in Points of Law. He deny'd that he had ever any Intent to raise Men in the *North*; but that upon some Apprehensions of Danger, he sent to Sir *William Herbert* to continue his Friend; that he never determined to kill the Duke of *Northumberland*, or any other Lord, but only spoke of it, and resolv'd to the contrary; adding, that it had been a mad undertaking with his Hundred Men, as *Palmer* deposed, to attack the *Gens d'Arms*, consisting of Nine hundred Men, and that if he had succeeded, it would have signify'd nothing, and therefore being an absurd and senceless Charge, might justly disparage the rest of the Evidence; that he never projected any Commotion at *London*, which he always looked upon as a Place of his best Security; and for having Men in his Chamber at *Greenwich*, as *Hammond* had inform'd them, it was manifest he meant no harm, because he did none, when it was in his Power. Moreover, he objected several things against the Persons whose Examination were read against him, desiring they might be brought Face to Face, which

which could, continued he, be no unreasonable Request in a Person of his Fortune and Quality; nor indeed in any Man, tho' of the meanest degree in the Kingdom, there being nothing that look'd more like an ill Design than to deny one all necessary or lawful means, for the Preservation of his Life.

On the other Hand, the King's learned Council at Law, were very bitter in their Pleadings against him, and argu'd, that to levy War was certainly Treason; that to assemble Men with an Intention to kill Privy Counsellors was also Treason; that to have met about to resist and hinder his being seiz'd, was also Felony; and to Assault the Lords and contrive their Deaths, was Felony. It no where appears, whether the Duke made any Defence in Law or not; for the material Defence is not accounted for in any of the Records or Histories I have been able to meet with; which Defence was that these Conspiracies and Drawing together of the King's Subjects were only Treasonable and Felonious, after they had been required to disperse and refused to obey: For so the Act which was made but the last Parliament intends it, and says, That if Twelve Persons should be brought together to kill any Privy Counsellor, and not disperse themselves upon a Proclamation, it was Treason, or if such Twelve should by any malicious Artifice be brought together for any Riot, and being warned, did not disperse, it should be Felony, without Benefit of Clergy or Sanctuary: It was evident this was not done.

It's never so much as alledged, no not in the Indictment it self to have been done;
it's

it's very evident it was not, for if any Proclamation or Charge had been sent him, it's probable he would either have obey'd, or gone to *London* or the Country, and try what he could have done by Force; but to have refused such a Command, and so to have come within the Guilt of Treason, and yet not to stir from his House, are not things consistent. When the Peers withdrew, it seems the Proof about his design of an Insurrection in the *North* or the City, or of killing the *Gens d'Arms*, did not well go down with them; for all these beyond dispute, had been Treasonable, and therefore they dwelt only upon that Point of Conspiring to Imprison the Duke of *Northumberland*. Now if the Duke of *Somerset* with Twelve Men about him, had conspir'd to do that, and had continued together till after Proclamation against it, it was certainly Felony. The Duke of *Suffolk* was of Opinion, that no Contentions among private Subjects, should on any Account be screw'd up to be Treason. The subtle Duke of *Northumberland*, said, *He would never consent that any Practice against him should be reputed Treason*: But after a great diversity of Opinions, they all acquitted him of Treason, but the Majority found him Guilty of Felony.

When they returned the Duke not Guilty of Treason, the People express'd their Joy by very loud and repeated Acclamations, which lasted not long, when they heard they had brought him in Guilty of Felony, and as a Felon had Sentence of Death pass'd upon him. This done, he thank'd the Lords for their Favour, and ask'd Pardon of the Duke of *Northumberland*, the Marquis of *Northampton* and the Earl of *Pembroke*, for his ill Intentions
against

againſt them deſiring his Life might be ſpared in Compaſſion to his Wife, Children and Servants, and for the Payment of his Debts. Now whether this asking of the Lord's Pardon, imported a full Confeſſion of the Crime laid to his Charge, or only a Complement to them, that they might not obſtruct his Pardon, is but a meer matter of Conjecture: He confeſs'd he had talked about killing of them, and this made it reaſonable enough for him to ask their Pardon; ſo that it did not imply a Confeſſion of the Crime

Moſt People were of Opinion, that the Duke being acquitted of Treason, and no Felonious Act done by him, but meerly intentional, and that only of Imprifoning a Peer, proved, that one ſo nearly related to the King in Blood, could never be put to Death upon ſuch an Occaſion. But to prejudice the King againſt him, a Story was brought and put by himſelf into his Journal, that at the Duke's coming to the *Tower*, he confeſs'd that he had hir'd one *Bartuile* to kill the Lords; that *Bartuile* himſelf own'd it, and that *Hammond* knew of it. But whether this was invented to alienate the King's Affections from him, or whether it was true, I know not how to determine: The former ſeems to be moſt likely; but ſuppoſing it were true, it was Felony indeed in *Bartuile*, if he was the King's Servant, but not in the Duke who was a Peer. It's certain, there was no Evidence at all of any Deſign to kill the Duke of *Northumberland*, otherwiſe the Indiſtment had not been laid againſt him, as it was only for deſigning to ſeize and imprifon him, the Conſpiring to kill him not being ſo much as mention'd in the Indiſtment;

ment; but it was maliciously given out to possess the World and the King against him.

The Duke of *Somerset* was indeed using means to have the King better inform'd and disposed towards him, and engaged the Lord Chancellor *Rich* to be his Friend, who thereupon sent him an Account of somewhat design'd against him by the Council, and being in haste, Supercribed the Letter only, *For the Duke*, and bid one of his Servants carry it to the *Tower*, without giving him particular Directions to the Duke of *Somerset*: But his Servant being sensible of the Intimacies between his Master and the Duke of *Norfolk*, still a Prisoner in the *Tower*, and knowing of none between him and the other Duke, delivered the Letter to the Duke of *Norfolk*. As soon as the Chancellor at Night had found the unhappy Mistake, and that he was sure the Duke of *Norfolk*, to make *Northumberland* his Friend, would certainly discover him, he went immediately to the King, and desired to be discharged of his Office, and thereby prevent the Malice of his Enemies; and upon this he fell Sick, either pretendedly, to move the more Compassion for him, or perhaps the Fright had really put him into a Fever, and the great Seal was put into the Hands of the Bishop of *Ely*.

But to return, the Power of the Faction (for so I may call it) was then so great, that the King was entirely beset with their Creatures, and all imaginable Care was taken to divert his Thoughts from the Duke, as well by Masquerades, Tiltings and other Pastimes, as by Affairs of State: Neither were they wanting to instill into him Notions of
the

the Dangerousness of the Person, who had made away with his own Brother, and contrived the Death of the principal Noblemen of the Kingdom. *And where, said they, should this Mischief have ended? Would it have raged against all, and left the King only untouch'd? The Duke certainly having been always a cruel and false Man, there would have been no End of his ill Practices, therefore all his submission must be esteem'd Counterfeit and Hypocritical; but his Avarice and Ambition being once remov'd, the Way would be laid open to Vertue and Merit.*

The King giving way to these sly Insinuations, whatever Natural Affections he might retain for so near a Relation as an Unkle, yielded the Duke should suffer Death by being Beheaded, and Sir John Hayward summarily Characterizes him in this manner. *He was a Man little esteem'd either for Wisdom, Person and Courage, but being in favour with Henry VIII. and much employ'd by him, he was always observ'd to be both faithful and fortunate, as well in giving Advice, as in managing a Charge; that being Warden of the Marches against Scotland, the Invasion made by James V. was by his Direction disappointed at Salmone-Moss, where several of the Scotch Nobility were taken Prisoners; that he and the Earl of Warwick, with a handful of Men, fired Leith and Edinburgh, and made a leasurely Retreat of four and forty Miles thro' the Body of Scotland; that he invaded the Scottish Borders near Tiviotdale and the Marches, and very much ravag'd the Country without any loss; that being order'd to view the Fortifications upon the Marches of Calais, he afterwards with a Body only of Seven thousand English, forced an Army of One hundred and twenty thousand French to decamp from*
over

The History of the most Remarkable
 over the River before Bologne, with the loss of
 their Cannon, Carriages, Tents and Treasure, and
 not a Man of his own; and that in his Return from
 thence by Land to Guisnes, he took the Castle of
 Outing, commonly called the Red-Pile, within
 Cannon shot of Ardre; that in some time after,
 he invaded and ravag'd Picardy; began the Forts
 of Newhaven, Blackness and Bullingberge, in
 which he used so much Industry, that in a few Weeks
 they were made Tenable: That upon these and the
 like Successes, his succeeding Fortunes were ever
 esteem'd rather new than strange, and his Presence
 only was look'd upon as a sufficient Security for an
 Army: And yet all this did not puff him up with
 haughtiness of Temper or Contempt of others, but he
 continued Courteous and Affable, steering a Course
 between stiff Stubbornness and base Flattery, that was
 least subject to Envy, and never aspired higher than
 to be the second Person in the Kingdom; being harm-
 less and faithful, never hatching any hopes prejudi-
 cial to the King, but always intended his Safety and
 Honour.

Thus far Sir John Hayward, to which we
 may add from Godwin, that the Duke having,
 since his Sentence, continued two Months in
 Prison, the violence of his Enemies, notwith-
 standing the tender Inclinations of the King
 to save him, brought him on the 24th of Ja-
 nuary 1552, to the Scaffold on Tower-Hill;
 where he address'd himself to the People with
 the Compellation of Dearly beloved Friends;
 and said, That he was brought thither to suffer
 Death, tho' he never offended against the King ei-
 ther by Word or Deed; but had always been as
 faithful and true to the Kingdom as any Man; but
 forasmuch as he was by Law Condemn'd to Die, he
 acknowledg'd himself, as well as others, to be sub-
 ject.

ject thereunto, wherefore, to testify the Obedience which he ow'd to the Laws, he was come thither to suffer Death, whereunto he willingly offered himself, with hearty Thanks to Almighty God that had given him this time of Repentance, who might by sudden Death have taken away his Life, that he neither should have acknowledg'd God nor himself.

That there was yet somewhat he must put them in mind of, touching the Christian Religion, which so long as he was in Authority, he had always diligently set forth and further'd to his Power; and he did not repent him of his Doings, but rejoiced therein; since now the State of Religion came most near the Form and Order of the Primitive Church, which thing he esteem'd as a great Benefit given of God both unto them and him; and most heartily exhorted them all, that this which was most purely set forth unto them, they would with all thankfulness accept and embrace, and set the same forth in their Lives, which if they did not, undoubtedly greater Mischief and Calamity would ensue.

Then the Duke stop'd for some time, upon a certain Hurly-burly which happen'd among the People, and was partly occasion'd by Sir Anthony Brown's coming and riding towards the Scaffold, by whom the People thought a Pardon was brought, but proving otherwise, the Duke proceeded and said; There was no such Matter as they hop'd and believ'd; that so it seem'd good unto Almighty God, whose Ordinance it was meet and necessary we should all be obedient to; wherefore he pray'd them all to be quiet, and to be contented with his Death, which he most willingly suffer'd; then desired them to joyn in Prayer unto the Lord, for the Preservation of the King's Majesty, unto whom he had always hitherto shewed himself a most faithful and true Subject; that he had

always been most diligent about his Majesty in his Affairs both at Home and Abroad, and no less diligent in promoting the common Welfare of the Kingdom. [At which Words all the People cry'd out, It was most true.] That unto the King's Majesty he wish'd continual Health, with all Felicity and prosperous Success. [Whereunto all the People cry'd out again, Amen, Amen.] He wished moreover unto all his Counsellors, the Grace and Favour of God, whereby they might in all things rule uprightly with Justice, unto whom he exhorted them all in the Lord to shew themselves obedient, as it was their bounden Duty, under the Pain of Condemnation, and also most profitable for the Preservation and Safeguard of the King's Majesty.

That forasmuch as heretofore he had oftentimes Affairs with divers Men (and hard it was to please every Body) therefore, if there were any that had been offended or injured by him, he most humbly required and asked their forgiveness, and especially Almighty God, whom throughout all his Life, he had most grievously offended; and all others, whosoever they were, that had offended him, he did with all his Heart forgive them.

Then once again, he required the People, they would keep themselves quiet and still, least through their Tumult they might trouble him; for albeit, the Spirit was willing and ready, the Flesh was frail and wavering; and that through their quietness he should be much more quiet himself; and he desired them all to bear him witness, that he died there in the Faith of Jesus Christ, desiring them likewise to help him with their Prayers, that he might persevere constant in the same to his Life's End.

It was thought necessary to give this Speech at large, because some Authors have omitted, and others added things which the Duke never spake,

spake, and particularly Sir *John Hayward*, who nevertheless owns the Duke suffered with admirable Constancy; neither appearing by Voice, Gesture nor Countenance any way dejected, or concern'd at the Apprehension of Death.

That his Death was generally lamented, was manifest by the many Persons that dipp'd Handkerchiefs in his Blood, which they kept as so many sacred Reliques; among others, there was about two Years after, a sprightly Dame, of a Temper (it seems) not so prone to Compassion as Revenge, who when the Duke of *Northumberland* was lead Prisoner thro' the City, for his opposition to Queen *Mary's* coming to the Crown, ran to him in the Street, and shaking her bloody Handkerchief before him, said, *Behold the Blood of that Worthy Man, the good Unkle of that excellent King, which being shed by thy treacherous Machinations, doth at this very time begin to Revenge it self upon thee*——.

Finally, Dr. *Godwin* says, *As for the Life of the Duke of Somerset, he was a pious just Man, very zealous in Point of Reformation, and very solicitous of the King's Safety, and the Good of the Publick; only a little tainted, continues the Bishop, with the Epidemical Distemper of those Times, who thought it Religion to reform the Church, as well in its Exuberancy of Wealth, as of Superstitious Ceremonies, whereof not a few of our Cathedrals complain to this Day.*

I had almost forgot to observe, that some blam'd the Duke for being too apt to convert Sacred things to his own use; and because a great part of his Estate was rais'd out of the Spoils of many Churches, some late Writers

inferred from thence, that upon his not claiming the Benefit of his Clergy, he was thus forsaken of God in a way of just Judgment upon him; but in this they have betray'd their own Ignorance, for by the Statute, *That Felony of which he was found Guilty, was not to be purg'd by the Clergy.*

Edward, the Duke's Eldest Son by his second Wife, was in the first Year of Queen *Elizabeth* made a Baron, by the Title of Lord *Beauchamp*, and also Earl of *Hertford*, but his Eldest Son *Edward*, Lord *Beauchamp*, dying in his Life-time, as also *Edward*, his Grandson by him, the Honour descended to Sir *William Seymour* his second Son; who in 1640 was created Marquis of *Hertford*, and living till after the Restoration, the Attainder of his Great Grandfather was repealed by Act of Parliament, and he restored to the Title of Duke of *Somerset*, who being succeeded by his Grandson *William* (the Son of *Henry*) who dy'd unmarried, his Unkle *John* came to be Duke of *Somerset*; and he departing this Life without Issue, *Francis*, Grandson by his Son *Charles*, to *Francis*, Lord *Seymour* of *Troubridge*, third Son to *Edward*, Lord *Beauchamp*, Son and Heir to *Edward*, Earl of *Hertford*, came to be Duke of *Somerset*, and was the Elder Brother of *Charles* the present Duke.

*The Tryal of Sir Nicholas Throg-
morton, Knt. for Treason, in the
First Year of the Reign of Queen Mary,
at Guildhall, London, Anno
1554. before*

Sir Thomas White, Kt.
Lord Mayor of *Lon-
don.*

Earl of Shrewsbury.

Earl of Derby.

Sir Thomas Bromley, Kt.
Lord Chief Justice
of *England.*

Sir Nicholas Hare, Kt.
Master of the Rolls.

Sir Francis Englefield,
Kt. Master of the
Court of Wards and
Liveries.

Sir Richard Southwell,
Kt. one of the Pri-
vy Council.

Sir Roger Cholmley, Kt.
one of the Privy-
Council.

Sir Edward Waldgrave,
Kt. one of the Privy
Council.

Sir William Portman, Kt.:
one of the Justices
of the Queen's
Bench.

Sir Edward Sanders, Kt.
one of the Justices
of the Common-
Pleas.

Sergeant Stamford and
Sergeant Dier.

*Edward Griffin, Attor-
ney General.*

Mr. Sendall and Mr.
Peter Tichbourn, Clerks
of the Crown.

First, after Proclamation made, and the
Commission read, *Thomas Bridges, Esq;* Lieu-
tenant of the Tower, brought the Prisoner

to the Bar, then Silence was commanded, and Sendall said to the Prisoner as follows,

Sir Nicholas Throgmorton, Kt. Hold up your Hand, you are Indicted of High Treason, &c. That you did then and there falsely and traiterously, &c. conspire and imagine the Death of the Queen's Majesty, &c. and falsely and traiterously levy'd War against the Queen, within her Realm, &c. and have adhered to the Queen's Enemies within her Realm, giving them Aid and Comfort, &c. and also have falsely and traiterously conspired and intended to depose and deprive the Queen of Her Royal State, and so finally destroy Her, &c. and you have also falsely and traiterously devised and concluded violently to take the Tower of London, &c. of all which Treasons, and every of them, in manner and form, &c. Are you Guilty or not Guilty?

May it please, said Sir Nicholas, my Lords and Gentlemen, who by the Queen's Commission, are Authoriz'd to be my Judges this Day, to give me leave to speak a few Words, which concern both you and me, before I answer to the Indictment, and which are not altogether impertinent to the Subject Matter in hand, and then I will plead to the Indictment.

Here Bromley interpos'd, saying, *The Method is not so, you must first plead Guilty or Not Guilty.*

If that be your Law and Method, quoth the Prisoner at the Bar, you may Judge accordingly: You must first, said Hare, answer to the Matter wherewith you are charg'd, and then you may talk at your pleasure. The Prisoner answer'd, That things spoke out of due time and place, were as good as not spoke at all. These are but delays, said Bromley, to waste the time, and therefore you are required to answer as the Law directs.

Here

Here *Throgmorton* pray'd their Lordships not to make too much haste with him, nor to think it long before their Dinner time came, for his Case required Deliberation ; and they would not have well Din'd, without they truly administred Justice : Our Saviour said, *Blessed are they who hunger and thirst after Righteousness.*

The Court seeming to take Disgust at his Expressions : *I can,* said *Bromley,* *forbear my Dinner as well as you, Sir Nicholas, and perhaps care as little for it as your self.* And the Earl of *Shrewsbury* at the same time expressing himself thus, *Do you come hither, Throgmorton, to check the Court ? We will not be us'd so, no, no ; for my own Part, I have gone without my Breakfast, Dinner and Supper to serve the Queen.* Sir *Nicholas* reply'd, *I know it very well, my Lord, I had no design to offend your Lordship, your Pains and Services are evidently known to every body.*

Then Sir *Richard Southwel* said, Sir *Nicholas,* *there is no occasion for this Discourse ; we know what we have to do ; you pretend to teach us our Duty ; you do your self an Injury ; come to the Matter in hand.*

Sir, you mistake me, quoth Sir *Nicholas.* *I have no Thoughts of instructing you or any of you ; but to put you in mind, I hope, of all you are well inform'd of, and therefore I shall say nothing upon a supposition, That you know what you have to do, and ought to know ; and so I answer to the Indictment, and do plead Not Guilty of the whole, nor of any part of it.*

Sendal. *How will you be try'd ?*

Throgmorton. *Shall I be try'd as I would, or as I should ?*

Bromley. You shall be try'd as the Law requires, and therefore you must be try'd by God and your Country.

Is that your Law for me, said Sir Nicholas? It is not as I would, but finding you will have it so, I am content, and desire to be try'd by just and honest Men, that fear God more than Man.

The Names of the Jury.

<i>Lucar.</i>	<i>Low.</i>
<i>Young.</i>	<i>Whetston.</i>
<i>Martin.</i>	<i>Painter.</i>
<i>Beswick.</i>	<i>Banks.</i>
<i>Barscarfield.</i>	<i>Calthorp.</i>
<i>Kightley.</i>	<i>Cater.</i>

Then the Attorney General went immediately to Sir Roger Chomley, shew'd him the Pannel, telling him, *That being acquainted with the Citizens, he knew their Corruptions and Dexterities in Affairs of that Nature, and named some of them who ought to be Challeng'd on the Queen's Behalf: This was look'd upon, and that most justly, to be foul Practice, and perhaps unexampled; and the rather, because the Men were known to be honest and substantial Citizens, against whom no Exceptions ought to be taken, unless it were upon the account of their Uprightness and Honesty, which indeed was the Case: Nevertheless, Mr. Attorney whispering Sergeant Dyer, he peremptorily Challeng'd one Baker and another Citizen for the Queen: The Prisoner asked them, The Reason of the Challenge: To which the Sergeant answer'd, We are not oblig'd to tell you the Cause of our Challenging any Men in*
behalf

behalf of the *Queen*. Then the Jury was made up of two others, whose Names were *Whetston* and *Lucar*.

The Prisoner observing, as I may well say, this Pervertion of Justice, told the Court, *He hoped they had not dealt with him that Day, as formerly he had known a Gentleman used, who stood in the same Place and Circumstance as he did: But so it was, that one of the Judges being suspicious that the Prisoner, by reason of the Justice of his Cause, was like to be acquitted, said to one of his Brethren, when the Jury appear'd; I do not like this Jury, they are not for our purpose, they seem to have too much Compassion and Charity to condemn the Prisoner. No, no, said the other Judge, Cholmley by Name, I'll warrant you they are Fellows pick'd on Purpose, but he shall drink of the same Cup with his Associates: I was then a Spectator of the Pageantry, as others are now; but now, the more is my Misfortune, I am an Actor in that woeful Tragedy. Well as for those and such others like them, the Black Ox hath lately trod upon some of their Feet: But I hope I shall not be so served.*

In the mean time *Cholmley* consulted with the Attorney General about the Jury, which being observ'd by the Prisoner at the Bar, he said, *Ab! Sir Roger Cholmley, will you never leave off this foul Play? Why, what hurt do I do, pray Sir Nicholas? reply'd he, I am sure I did no hurt, do you pick Quarrels with me? To which Throgmorton rejoyn'd, If you do well, it will be the better for you, God help you.*

Then the Jury was Sworn, and Proclamation made, That whoever had any thing to give in Evidence against *Sir Nicholas Throgmorton, Kt.* they should come in and be heard,
for

for the Prisoner stood upon his Defence ; whereupon Sergeant *Stamford* stood up in order to speak, but the Prisoner was beforehand with him, and said, *If it please you, Mr Sergeant, and the rest of the Queen's Learned Council in the Law, as I had a mind to say a few Words to the Persons who are in the Commission to Try me, to put them in Mind of their Duty in the Administration of Justice, and the Impartiality they ought to shew in reference to my self this Day ; so with your leave, I think it expedient for me to say somewhat to you and the rest of the Queen's Council, who are appointed to bring Evidence against me ; and tho' you, Mr. Sergeant, and the rest of them are here to be employ'd for that very End and Purpose against me, yet I desire you to remember, that I am not a Stranger but your Christian Brother, neither are you under any other Obligation but such as is agreeable to Justice ; and in the performance of your Office, you are to have always in your view at the same time the Duty you owe to God. It's very just that you should make use of your Learning, Art and Eloquence, which God hath largely bestow'd upon you on this occasion, not so as that you ought to seduce the Minds of the well-meaning and unlearned Jurymen, to make them believe things to be otherwise than they are in reality: For, Mr. Sergeant, give me leave to tell you, that I am not ignorant how far by Perswasions, Inforcements, Presumptions, Applications, Implications, Conjectures, deduction of Arguments, wresting of Law, Circumstances, Depositions and Confessions, ignorant Men may be brought to believe and imagine, that such things as are indifferent, at the most but Over-sights, are heinous Treasons and Offences ; so great is the Power of Oratory, and so much the Ignorance of illiterate Men ; God Almighty, by the Mouth of his*
Pre-

Prophets, pronounces such Advocates accursed in these Words, Cursed be he that does his Office craftily, corruptly and maliciously : I would have you also to consider, that my Blood will be required at your Hands, and you and yours punish'd to the third and fourth Generation ; notwithstanding you that are of the Queen's Council and the Judges, ever excuse such Male-Practices, when at any time afterwards they are call'd in Question, and throw them upon the Verdict of the Jury ; but be assur'd, your Purgation will be like that of Pilate, seeing you imbrue your Hands in Blood, as he did in Christ's.

Then Sergeant Stamford took the Word, and said, My Lords, I do not doubt but most evidently and manifestly to make out, that Throgmorton is justly and deservedly Indicted and Arraigned of the Treasons laid to his Charge, and that he was a principal Deviser, Contriver and Promoter of the late Rebellion, and that Wiat was but his Instrument therein : What do you say Sir Nicholas Throgmorton ? Did you not send Winter to Wiat in Kent, and form a design to surprize the Tower of London, with other Instructions concerning Sir Thomas Wiat's Insurrection and Rebellion ?

Pray give me leave, said Throgmorton, to answer these things which are laid to my Charge separately one after another, for my Memory is bad, and much decay'd since my severe Imprisonment, for want of Sleep and other Inquietudes : I own I did say to Winter, That I understood Wiat had a mind to speak with him.

Stamford. Yes, Sir, and you contrived together to seize the Tower, and to carry on your other Treasonable Designs.

Throgmorton. I deny your Assertion ; prove it.

Stam-

Stamford. *Yes, Sir, you met Winter several times, and in several Places, and this will be clearly made out to you.*

Throgmorton. *Suppose it was so, this proves nothing of what is suggested in the Indictment.*

Here Sergeant *Stamford* read *Winter's* Confession, which was to this effect: ‘ That
 ‘ *Throgmorton* met *Winter* one Day in *Tower-*
 ‘ *street*, and told him, *Sir Thomas Wiat* had a
 ‘ mind to speak with him; *Winter* asking
 ‘ where *Wiat* was? *Throgmorton* answer’d, at
 ‘ his House in *Kent*, not far from *Gellingham*,
 ‘ as I am inform’d, where the Ships lye; that
 ‘ they parted at that time, and that soon af-
 ‘ ter *Throgmorton* met *Winter* again, and *Winter*
 ‘ told him, that *Sir Thomas Wiat* very much
 ‘ dislike’d the *Spaniards* coming into this King-
 ‘ dom; that he was afraid they would be
 ‘ soon here, because he had daily Advice of
 ‘ it, and saw several of them arrive, but dis-
 ‘ pers’d up and down like Soldiers; and that
 ‘ therefore he was of Opinion, the *Tower* of
 ‘ *London* should be surpriz’d by some Strata-
 ‘ gem or other, before the Arrival of Prince
 ‘ *Philip*, lest that should be deliver’d into the
 ‘ Hands of the *Spaniards*: What do you say, *Sir*
 ‘ *Nicholas*? That he answered, *I dislike it upon*
 ‘ *various Accounts. As I do indeed,* said *Win-*
 ‘ *ter*. That at another time *Throgmorton* met
 ‘ the said *Winter* in *St. Paul’s*, having sent one
 ‘ for him to his House on purpose, and said
 ‘ to him, *You are Admiral of the Fleet now going*
 ‘ *for Spain. Yes, I am,* said *Winter*. Then
 ‘ *Throgmorton* ask’d, *When will your Ships be rea-*
 ‘ *dy? Within ten Days,* said *Winter*. *Throgmorton*
 ‘ reply’d, *I understand you are appointed to Con-*
 ‘ *voy the Lord Privy Seal over into Spain, and*
 ‘ seeing

' seeing the danger there is from the French, who
 ' were fitting out their Navy, as you say with all
 ' Expedition, I think you would do well to put my
 ' Lord and his Retinue ashoar in the West Coun-
 ' try, to avoid all Dangers. Throgmorton said
 ' also, That Wiat had alter'd his Design of seiz-
 ' ing the Tower. Winter said, He was glad of
 ' it: And as for the French, I'll so manage my
 ' Affairs, that I'll warrant you the Queen's Ships
 ' shall come to no danger. It goes on thus: A-
 ' nother time I met Sir Nicholas Throgmorton
 ' when I came from the Emperor's Ambassa-
 ' dors, and told him, That the Emperor had sent
 ' me a fine Chain, which I shew'd him; who
 ' said, You have Sold your Country for this Chain;
 ' I reply'd, Neither the Emperor nor French
 ' King can make me Sell my Country, but I will be
 ' a good Englishman; and then they parted.

Then Sergeant Stamford turning to the Ju-
 ry, said, Gentlemen you have heard my Words
 confirm'd by Winter's Confession; What do you say
 Sir Nicholas, do you deny this? If you will, you
 shall have Winter call'd to justify it to your
 Face.

Throgmorton. My Lords, Will you give me
 leave to deliver my Answer?

Bromley. Say what you have a mind.

Throgmorton. I can justly deny some part of
 this Confession; but seeing there is nothing very ma-
 terial in it, and suppose the whole were true, what
 is there in these Depositions that can bring me within
 the compass of the Indictment.

Here Sergeant Stamford telling him, That
 it appear'd he was in Consultation with Wiat, since
 he sent Winter down to him, who declared several
 Traiterous Designs to him. Throgmorton reply'd,
 All this is Conjecture, but since you will put such a
 malicious

malicious Construction upon it, I will relate to you how I sent Winter to Wiat, and then I pray you, Gentlemen of the Jury, to judge better of the Matter than Mr. Sergeant does. I met a Servant of Sir Thomas Wiat's by accident, who asking me for Winter, and saying, His Master would be very glad to speak with him, desired me without any more Words, if I saw him, to let him know his Master's Mind, and where he was; and this is all that was done about sending Winter down to him.

Then said the Attorney General, *Pray, Sir, What have you to say about taking the Tower of London, which is Treason?*

Throgmorton's Answer was, That tho' Wiat might think it adviseable to attempt so dangerous an Enterprize, and that Winter had informed him of it, they could not impute Wiat's Conspiracies to him, nor make him guilty of Treason. For, continued he, is there any manner of Proof or Treason in this? Wiat would have taken the Tower, ergo, Throgmorton is a Traytor: Winter clears me even by his own Confession, as now read by Mr. Sergeant, tho' I were to say nothing in my own Defence, for Winter declares there, I did not like it at all; and because you may the more fully comprehend my Disapprobation of those Practices of Wiat, I said these Words to Winter when he acquainted me with it; I think Wiat would willingly hurt no Englishman and this Enterprize cannot be carry'd on without Blood and Slaughter on both sides; for I know him who has the Custody of it, and his Brother also, they are both brave Men, one of them had a great Trust repos'd in him, I mean Borlogn, which was vigorously attack'd, and yet he bravely defended it in his time; I am
sure

sure he will do the same here: Besides, to contrive how to take the Tower, is very dangerous in Construction of Law. These were my Words to Winter; neither is it at all likely that I of all Men should fall into such a Project against the Lieutenant of the Tower, whose Daughter my Brother had marry'd, and his Family and mine ally'd by several Inter-marriages within the Compass of a few Years.

Hare. What have you to say to this, that Wiat and you have had several Conferences together at Warner's House and other Places?

Throgmorton answer'd, This is a very general Charge, to have Conferences together: But why was it not as lawful for me to confer with Wiat, as well as with you or any other Person? I then knew no more hurt by Wiat than any other Man; and to prove to you, that to talk with Wiat was a thing both lawful and indifferent, I saw my Lord of Arundel with other Noblemen and Gentlemen talk Familiarly with him in the Presence Chamber.

Hare. But they did not Conspire or Talk of any Insurrections against the Spaniards, as you pretended and designed against the Queen; for you, Crofts, Rogers and Warner, several times in Warner's House, conferred about your Traiterous Designs; or else what did you so often there?

Throgmorton. I confess I disliked the Queen's Marriage with the Prince of Spain, and the coming of the Spaniards into this Kingdom; and I thought I had then Reason for it, and that indeed I learnt of you Sir Nicholas Hare, and Sir Richard Southwel and others in the Parliament House, where it appear'd the whole Body of the Nation was against it; I being a Hearer, and no Speaker there, learnt my Dislike of them, from the several Reasons that were produced amongst you against

ganinst them: But as for any Commotion or Insurrection against the Spaniards, I never made nor procured any ever to be made: And as for resorting so frequently to Mr. Warner's House, it was not in order to confer with Sir Thomas Wiat, but to testify my Respects to my very good Lord, the Marquis of Northampton, who lodg'd there, when he had his Liberty.

Stamford. Did not you, Sir Nicholas, tell Winter, That Wiat had altered his Mind about Surprizing the Tower, by which it plainly appears you were privy to his Designs.

Throgmorton. Truly I did not tell him so: Tho' I do not care if I gave you that Card to play; pray see what you can make of it.

Stamford. Nay, it proves you were privy to Wiat's Treasons and Traiterous Contrivances, and that there was a Correspondence from time to time carry'd on between you.

Throgmorton reply'd, Mr. Sergeant, doth this prove any thing against me, that I knew Wiat had repented of any ill Designs he had form'd? Is it a Sin to know of Wiat's Repentance? It can at most but be a venial Sin, and if any at all, it's not Mortal. But where is the Messenger or Message sent me by Wiat concerning the Alteration of his Mind; yet it was as lawful for me at that time to hear from Wiat as from any body else, in respect to any ill that I knew to be done by him.

Dier. My Lords, and you Gentlemen of the Jury, We have still several things to produce, in order to prove that Throgmorton was a Principal Actor in this Rebellion; and among others there is Crofts his Confession, who says, That he and you, and your Accomplices, formerly confer'd about the whole Affair; that he communicated to you all his Designs, and that you gave him to
understand

understand you would go into the *West* with the Earl of *Devonshire*, to Sir *Peter Carew*, with others along with you.

Throgmorton. *Mr. Crofts* is still living and is here this Day; how comes it to pass that he is not brought Face to Face to justify this matter, and has not been all this while? Will you know the Truth? Either he did not say so, or he will not stand to it, but souldly recant. And as for my knowing his Projects and Designs, I was so little acquainted with them, that I cannot name one of them, nor you neither, that are known to me.

Here the Attorney-General asking Sir *Nicholas*, Why did you advise *Winter* to land my Lord *Privy-Seal* in the *West*? He answer'd, He that told you, it was my Opinion he should put him Ashore there, has partly given you the Reason of my saying so, were you minded to remember the one as well as the other; but because you are so forgetful, I'll tell you how it was: *Winter* in my Conversation with him, having said, That as the *Spaniards* were making Preparation to Convoy their Prince over into *England*, so the *French* were providing a Force to intercept him in his Voyage; for they begun their Naval Armament, and, as he was inform'd, had already some Ships to the Westward. To this I reply'd, That perhaps the Queen's Ships under his Command would not only be in Danger, but also my Lord *Privy-Seal* and all his Retinue, the *French* being so well provided to meet them, and therefore to prevent the worst, it would be advisable you should Land my Lord in the *West*, in case you saw danger. But what Treason is there in all this, tho' I should not be able to give any Reasons for my Actions?

Now, Sir, said Sergeant Stamford, we shall produce Proofs of your Treason you shall hear what Cutbert Vaughan says against you. Then the Sergeant read *Vaughan's* Confession to this Effect. That Vaughan coming out of Kent, met Throgmorton at Mr. Warner's House, who after he had presented Sir Thomas Wiat's Service to him, desir'd to know where Crofts was; Throgmorton answer'd, Either at Arundel Houle, where he Lodges, or Paul's: Then Vaughan desir'd to know how things went at London, saying, Sir Thomas Wiat and we in Kent very much dislike the Marriage with the Spaniard, and the coming of the Spaniards hither upon several Accounts; nevertheless, if other Counties dislike them as much as Kent, they shall have but a sorry Welcome; and so they parted. Soon after Throgmorton met Vaughan in St. Paul's Church, and told him together with several Circumstances, That the Western Men were ready to advance; that Sir Peter Carew had sent to him just then, and that he had a good Troop of Horse and a Band of Foot. Then Vaughan asked, What the Earl of Devonshire would do: Throgmorton answer'd, He will spoil all, for he will not go from hence, and yet Sir Peter Carew will meet him with a Body of Horse and Foot by the way at Andover for his Security, and he should also be well attended from hence with other Gentlemen; and yet all this could not induce him to stir from hence: Moreover 'tis said, the said Earl had discover'd the whole matter to the Chancellor, or else his Taylor has prattled about fitting up a Coat of Mail and making a Cloak. Throgmorton shew'd him he had sent Post to Sir Peter Carew to advance as

soon

soon as possible with his whole Force; and Throgmorton also advised Vaughan to stir up Wiat to come on with all his Power, for now was his time, for the Londoners would side with him, if the Business was laid before them: Vaughan said also, that Throgmorton and Warner were to have rid with the said Earl Westward; and farther deposed, That Throgmorton, when they were talking of the Earl of Pembroke, let him know that that Earl would not Fight against them, tho' he would not side with them. Again, Vaughan said, That Throgmorton told him, he would ride down into Berkshire to Sir Francis Englefield's House, there to meet his eldest Brother, and perswade him to take his Part. And this was the substance of Cuthbert Vaughan's Confession.

Stamford. *What do you say Sir Nicholas? Is not here Evidence enough to prove you a Principal, who not only gave order to Sir Peter Carew and his Adherents to carry on their Rebellious Designs in the West, but also incited Wiat to Rebel, giving him and the others also Directions, when they should enter upon their Enterprize, and how from time to time they should regulate their Affairs: Besides all which plain matter of Fact, you were particularly appointed to go away with the Earl of Devonshire, as a Person who was to direct every thing and manage every Body; and therefore Sir Nicholas, seeing the thing is so clear, and the Evidence so positive, I would advise you to confess your Offences and submit to the Queen's Mercy.*

Bromley. *What do you say, will you confess the matter? It will be best for you.*

Throgmorton. *'No I never will accuse myself unjustly, but since I am come hither to*

‘ be try’d, I desire I may have all the favour
‘ the Law will allow me.

Attorney. *It’s evident you lay in London as
an Agent, to give Intelligence as well to them in
the West as to Wiat in Kent.*

Throgmorton. ‘ How do you prove that? Is
‘ there any Body accuses me, but this con-
‘ demn’d Criminal?

Attorney. *Why, will you deny the thing? You
shall have Vaughan brought hither to justify his
whole Confession before your Face.*

Throgmorton. ‘ There is no occasion for it,
‘ I know his Assurance, he has justify’d some
‘ of this false Conversation before now to my
‘ Face, and ’tis not unlikely, considering the
‘ Reward, but that he will do the same a-
‘ gain.

Attorney. *My Lords, and you Gentlemen of the
Jury, you have Vaughan here present to justify
it before you, and to confirm it with an Oath.*

Throgmorton. ‘ He that has said and cry’d so
‘ much, will not hesitate in such a Case both
‘ to Swear and Lye.

Then *Cutbert Vaughan* was brought into the
Court, and Mr. *Sendall* saying to him, *Is this
your own Confession, and will you stand by every
thing that is contained therein? Let me see, said
he, and I will tell you:* When his Confession
was shew’d him, and that the Attorney-Gener-
al had said, *Because you Gentlemen of the Jury
may the better give Credit to him, pray my Lords
let Vaughan be Sworn.* Being Sworn accord-
ingly to say nothing but the Truth.

Vaughan. *My Lords and Gentlemen, I could
have been very well content to endure Seven Years
Imprisonment; tho’ I were Reclus in Curia, ra-
ther than I would this Day have given Evidence
against*

against Sir Nicholas Throgmorton, against whom I have no manner of Prejudice: But seeing I am oblig'd to Confess the Truth, I must own that what is writ therein is True: What say you Sir Nicholas Throgmorton, was there any Difference between you and me, that should incite me to say any thing against you

Throgmorton. 'None that I know of; tell me
'Vaughan, What Acquaintance was there be-
'tween you and me, and what Tokens of
'Credentials have you brought me from *Wiat*
'or any Body else, that should induce me
'to Trust you?

Vaughan. *As for Acquaintance, I knew you as I did other Gentlemen; and for Credentials, I brought nothing more than Commendations from Sir Thomas Wiat to you, as I did to several others of his Acquaintance at London.*

Throgmorton. 'You might as well have forg'd
'the Recommendations as the rest; but if
'you have done with *Vaughan*, my Lords, pray
'give me leave to Answer.

Bromley. *Speak and be short.*

Throgmorton. 'I direct my Discourse to all
'here present in general, but to you Gen-
'tlemen of my Jury in particular, touching
'the Credibility of *Vaughan's* Depositions a-
'gainst me, who is a condemn'd Criminal:
'I pray you to observe the Circumstance of
'things, as being material to induce you to
'entertain a right Notion of them: I desire
'you in the first Place to remember the little
'Intimacy there was between him and me,
'according to his own Confession; and that
'in order to obtain Credit with me, he
'brought neither a Letter nor Token from
'*Wiat* or any Body else to me, which he has

' also confess'd before you. Now I'll suppose
 ' *Vaughan* to be under as good Circumstances
 ' as any Body here, I mean an uncondemned
 ' Person; I will leave it to your Judgement,
 ' Whether it was likely, that I who only
 ' knew *Vaughan's* Person from another Man,
 ' without any more Acquaintance with him,
 ' would so freely discover my Mind to him,
 ' in an Affair of so dangerous a Consequence?
 ' How improbable, I say, is this to be true,
 ' when several Gentlemen, now in Custody,
 ' who were very intimate with me, could
 ' not lay any thing like it to my Charge; and
 ' yet upon their Examinations have said all
 ' they could of me? And tho' I do not pre-
 ' tend to be a Wise Man, I am not so Rash and
 ' Inconsiderate, as to tell a Stranger, for so
 ' comparatively I may call him, such Things
 ' as would be so very dangerous for me to
 ' utter, and him to hear: But because my
 ' Innocence and his Falsity may the better ap-
 ' pear to you, I will shew you the Inconsistence
 ' of his Evidence; and that I may the bet-
 ' ter be believed, I appeal to you, *Sir Richard*
 ' *Southwell*, whether *Vaughan* when he first
 ' justified this his Accusation of me before the
 ' *Lord Paget* Lord Chancellor, yourself and
 ' others, did not refer to a Letter sent from
 ' him to *Sir Thomas Wiat* for a Confirmation
 ' of his evil Surmise against me, which Let-
 ' ter has neither yet been produced, nor any
 ' Testimony of the said *Wiat* against me upon
 ' that Account; for I have no Reason to
 ' doubt, but *Sir Thomas Wiat* has been exa-
 ' mined about me, and has said what he could,
 ' any manner of way, concerning me: *Vaughan*
 ' also says that young *Edward Wiat* could con-
 ' firm

‘ firm this matter, as one who knew of this
 ‘ pretended Conversation between *Vaughan*
 ‘ and me; and thereupon I requested that
 ‘ Mr. *Edward Wiat* might either be confronted
 ‘ with me, or otherwise examined.

Hereupon Sir *Richard Southwell* telling Sir
Nicholas, You mistake the matter, for *Vaughan*
 said, That *Edward Wiat* knew some part of the
 matter, and was also privy to a Letter *Vaughan*
 sent to Sir *Thomas Wiat*.

Throgmorton. ‘ Yes, Sir, that was *Vaughan’s*
 ‘ last shift, when I charged him before the
 ‘ Master of the Horse and you, with his for-
 ‘ mer Allegations touching his Evidence,
 ‘ which he saw would not answer as well as he
 ‘ imagined, and so he used this Alteration: But
 ‘ where are any of *Wiat’s* Depositions against
 ‘ me? It appears now that neither his first
 ‘ nor last Story are true; for you know Mr.
 ‘ *Bridges*, and so does my Lord your Brother,
 ‘ that I desir’d twice or thrice that *Edward*
 ‘ *Wiat* should be examined; and I am sure, nay
 ‘ very sure, he has been press’d to say what
 ‘ he could, and yet he deposes nothing against
 ‘ me, in reference to any Letter or other Con-
 ‘ versation. Again Pray where is *Vaughan’s*
 ‘ Letter sent to Sir *Thomas Wiat* concerning
 ‘ my Discourse.

‘ I come now to *Vaughan’s* present Condi-
 ‘ tion, as a condemn’d Criminal, whose Testi-
 ‘ mony is of no manner of Validity in Law;
 ‘ and because a false Witness is mentioned in
 ‘ the Gospel, hark, I pray, to what St. *Jerom*
 ‘ says in his Exposition of that Place: The
 ‘ Question is ask’d, *Why Christ’s Accusers who*
 ‘ *related Christ’s Words, not as he spoke them, are*
 ‘ *called False Witnesses: They are False Witnesses,*

said St. Jerom, who add, alter, wrest, double
 Words or Speak with hopes to escape Death, or
 of Malice to procure another Man's Death, for
 every Body may justly enough conclude, that he
 cannot speak Truth of me, or in the Case of ano-
 ther Man's Life, wherein he has hopes to save his
 own by his Accusation. So far St. Jerom on
 that Head. There are many Exceptions to
 be made against such Testimonies by the
 Civil Law; but because we are not governed
 by that Law, neither am I try'd by it, it
 would be needless to waste your time a-
 bout it, and therefore you shall hear what
 your own Law says in the Case: There was
 a Statute made in the Reign of my late So-
 vereign Lord and Master, concerning Ac-
 cusation, and these are the Words:

Be it enacted, that no Person nor Persons, &c.
shall be indicted, arraign'd, condemn'd or convicted
for any Offence of Treason, Petit-Treason, Mis-
prision of Treason, for which the same Offender
shall suffer any Pain of Death, Imprisonment, Loss
or Forfeiture of his Goods, Lands, &c. unless the
same Offender be accused by two sufficient and
lawful Witnesses, or shall willingly without vio-
lence confess the same. And also in the Sixth
Year of his Reign it is thus ratify'd in the
following Words:

That no Person nor Persons shall be indicted,
arraigned, condemn'd, convicted or attainted of the
Treasons or Offences aforesaid, or for any other
Treasons that now be, or hereafter shall be, un-
less the same Offender or Offenders be thereof ac-
cused by two lawful or sufficient Witnesses, which
at the time of the Arraignment of the Parties so ac-
cused, (if they be then living) shall be brought in
Persons before the said Party accused, and allow
 and

and maintain what they have to say against the
 Party, to prove him guilty of the Treason or Offence
 contained in the Bill of Indictment laid against
 the Party arraigned, unless the said Party ar-
 raigned shall be willing without violence to con-
 fess the same. Here I desire you to observe,
 that our Law requires two lawful and suffi-
 cient Accusers to be brought Face to Face,
 and *Vaughan* is but one, and an insufficient and
 unlawful one; for who can be more unlaw-
 ful and insufficient than a condemn'd Crimi-
 nal, and that such an one who knows, that
 to accuse one is the way to save his one Life?
 I desire you to call to mind, how lately and
 how many times *Vaughan's* Execution has
 been respited, and how frequently he has
 been conjur'd, which by the Divine Assistance
 he withstood till the last Hour; but then
 perceiving there was no way to escape, but
 by charging me or some Body else wrong-
 fully, has most unjustly, and to his utter
 shame, redeem'd his Life, as you see here
 before you.

Hare. Why should he accuse you more than any
 Body else, seeing there had been no Difference between
 you, if the Fact had not been true?

Because he must either charge some Body
 or suffer Death, and so he chose rather to
 injure him, whom he was least acquainted
 with, and had the least Affection for, than
 another well known to him, and whom he
 lov'd most. But 'tis to you, Gentlemen of
 my Jury, that I direct my Discourse in a more
 particular manner, and therefore I desire
 you to observe what I say. In a matter of
 less moment than a Tryal for Life and E-
 state, a Man by Law may take Exceptions a-
 gainst

' gainst such as are impanell'd to try Causes
 ' between Man and Man; for Example, a
 ' Man may Challenge upon Account that the
 ' Sheriff is his Enemy, and for that Reason
 ' has been partial in his Return; or in Case
 ' that one of the Jury is the Sherriff my Ad-
 ' versary's Servant. Farther, if my Adver-
 ' sary's Villain or Vassal be impanell'd, I may
 ' lawfully Challenge him, because the Ad-
 ' versary has Power over his Villain's Lands
 ' and Chattles, and the use of his Body for
 ' servile Offices; much more may I of right
 ' take Exceptions to *Vaughan's* Testimony, my
 ' Life and all that I have depending there-
 ' upon; and the same *Vaughan* more bound
 ' to the Queen's Majesty my Adversary, Woe
 ' is me that it is thus! but so the Law does
 ' here term her, than any Villain is to his Lord;
 ' for her Highness has not only Power over
 ' his Body, Lands and Chattles, but also over
 ' his Life.

*Stamford. Its true, Exceptions may be taken a-
 gainst the Jury in such Cases, but not against the
 Witness or Accuser; therefore your Argument will
 stand you in little or no stead.*

Throgmorton. ' It's not so, for the use of
 ' the Jury and the Witness with the effect of
 ' their Actions serve to my purpose, as the
 ' Law shall discuss it, thus I make my Com-
 ' parison. By the Civil Law the Judge passës
 ' Sentence according to the Deposition of the
 ' Witness, and by your Law the Judge pro-
 ' nounces Sentence according to the Verdict
 ' of the Jury; so that the Effect is the same,
 ' viz. a Tryal at Law to terminate the mat-
 ' ter, as well by the Depositions of the Wit-
 ' ness, as by the Juries Verdict; they vary in
 Form

‘ Form and Circumstance ; so *Vaughan’s* Testi-
 ‘ mony being believed, it may be the materi-
 ‘ al Cause of my Conviction, the Jury being
 ‘ induced by his Depositions, to give their Ver-
 ‘ dict that way, and so the Judge finally to
 ‘ pass Sentence thereupon ; and therefore I
 ‘ may use the same Exceptions against the
 ‘ Jury, or any of them, as the chief means
 ‘ that may occasion my being convicted.

Bromley. *Why do you deny the Truth of every part of Vaughan’s Narrative too ?*

Attorney. *You will find he will deny all, and say there was no such Converse between them.*

Throgmorton. ‘ I own some part of *Vaughan’s*
 ‘ Confession to be true, as the Name, Places,
 ‘ Time and somewhat of the matter.

Attorney. *So you Gentlemen of the Jury may observe that the Prisoner confesses some thing is true.*

Throgmorton. ‘ As to my sending to *Sir Peter*
 ‘ *Carew*, or he to me, or my Advice to *Sir Tho-*
 ‘ *mas Wiat* to rise or repair hither, or the *Earl*
 ‘ of *Devonshire’s* parting from hence and my
 ‘ going along with him, or the Business of the
 ‘ *Earl of Pembroke*, I solemnly declare that
 ‘ what *Vaughan* has said in reference to them,
 ‘ is all Falſe.

Southwell. *As for my Lord of Pembroke you have no occasion to excuse him upon this Account, for he has kept himself clear of these things like a Nobleman, and this we all know.*

Hare. *What was the Conversation between you and Vaughan, which lasted so long in St. Paul’s, if things were not as they were represented, how came you to meet so often ?*

Throgmorton. ‘ As to our frequent Meetings,
 ‘ they were not of Purpose, but by Accident,
 ‘ and since you would know what passed be-
 ‘ tween

' tween us in *St. Paul's Church*; we talked of
 ' the Inconveniencies which would attend the
 ' Queen's Marriage with the Prince of *Spain*,
 ' and how grievous the *Spaniards* would be to
 ' us in *England*; and *Vaughan* said, That it would
 ' be very dangerous for any Man that sincerely pro-
 ' fess'd the Gospel to live here, such was the Cruelty
 ' of the *Spaniards*, and especially against Christians.
 ' To which I answer'd, It was God's Judgment
 ' justly come upon us, and that the Almighty dealt
 ' with us now as he had done with the *Israelites*,
 ' by removing their Pious Kings from them; for
 ' their Ingratitude had sent Tyrants to Reign over
 ' them; thus he had dealt with us English-Men,
 ' who had a most pious and virtuous Prince to Reign
 ' over us, my late Sovereign Lord and Master
 ' King Edward, under whom we might both safely
 ' and legally profess God's Word, which we made use
 ' of so unworthily, thro' our evil and irregular Pra-
 ' ctices and Demeanors, that he would send among us,
 ' to scourge us for our Faults, Foreigners to exercise
 ' Tyranny over us, instead of the gentle Reign of the
 ' virtuous and good King we have lost; for most, if
 ' not all, People of all Ranks colour'd their base Af-
 ' fections with a shew of Religion, and made the Gos-
 ' pel a stalking-horse for the accomplishing of their
 ' evil Passions. This was the Sum of our Dis-
 ' course in *St. Paul's Church*.

Here *Stamford* took the matter up again,
 and said, That it may the more evidently appear,
 that *Throgmorton* was a Principal Agent, and in
 the Secret of this Affair, we will produce you his own
 Confession under his Hand. Here the Clerk be-
 ginning to read, *Sir Nicholas* desir'd that *Stam-*
ford might read, and the Jury to be very at-
 tentive to it. *Stamford* goes on thus: That the
 Prisoner at the Bar had Conferences with *Wiat*,
Carew,

Carew, Crofts, Rogers and Warner, as well about the *Queen's Marriage with the Prince of Spain* as about the *State of Religion*, and particularly with every one of the *'fore-nam'd Persons* about the matters just mention'd. Farther, that he had some Discourse with *Sir Thomas Wiat* about the Rumour that the People of the West of England very much disliked the coming of the Spaniards into this Kingdom, as also a Report that they intended to oppose their Arrival, and of their having held a Council about it at Exeter; that *Wiat* said, *Sir Peter Carew* could not bring the Business to a good Issue; and that there was no Body so proper for it as the *Earl of Devonshire*, especially in the Western Parts, seeing they did all draw one way.

That then *Throgmorton* ask'd, How the *Kentish Men* stood affected to the Spaniards? That *Wiat* answer'd, The People sufficiently dislike'd them, as now appears by the Arrival of *Count Egmont*, for they were ready to be up in Arms against him and his Retinue, upon a Supposition that he was the Prince; but, said *Wiat*, *Sir Robert Southwell*, *Mr. Baker* and *Mr. Moile*, with their Kindred and Allies, who have a good Interest in some Parts of the Country, will out of other Malicious Views, hinder the Liberty of their Country. That then *Throgmorton* should say, Tho' I know there has been a misunderstanding between *Sir Robert Southwell* and you about a Money Affair, wherein I have endeavour'd to reconcile you, I doubt not but in so just a Cause as this is, he will fall in with you for the safety of his Country, and so you may be sure of the *Lord Abergavenny* and his Power: That then *Wiat* said, We have differed about another Affair and not Money,

ney, wherein he has used me and others very unfairly and unneighbourly; nevertheless he can do no otherwise to me, nor any Man else, and so I forgive him. *Again, that Throgmorton had a Conference with Sir Peter Carew about preventing the landing of the Spaniards, and preparing of Arms and Ammunition; that is, that Sir Peter Carew told Throgmorton, That he believed his Countrymen would be good English Men, and would not submit to the Government of the Spaniards. Farther, that Sir Peter Carew said, That the French King was interested in this Affair, and he was of Opinion he would oppose the coming of the Spaniards into this Kingdom, with whom the said Sir Peter treated about Arms, Ammunition and Money.*

That then Throgmorton advised him to take heed least he should bring any French into the Kingdom in an Hostile manner, for he as little liked them in such a Case, as he did the Spaniards; he also thought the French King was not in a Condition to assist us, by reason of the heavy burden which lay upon him, on the Account of his own Wars. Sir Peter Carew said, As to the bringing in of the French, he had no such Intentions, for he lov'd neither Party; but his Design was to save his own Country and to redeem it from Slavery; declaring farther to Throgmorton, That he had a small Bark of his own to use as he had occasion, and said, That he shortly designed to return to his own Country, in order to try the Inclinations of his Country Men. That Throgmorton farther said, He would for his part prevent the coming of the Spaniards as much as ever he could by way of Argument, that he lamented his own Condition to Sir
Richard

Richard Warner, and the Tyranny of the Times, in respect to a great many good People on the Account of Religion and wished it were allow'd that People of either Religion might live safely and unmolested according to the Dictates of their own Consciences; for Law, *ex officio*, will be intollerable; and the Discipline of the Clergy, may now be rather compared to *Turkish Tyranny*, than *Christian Instruction*.

This was the sum of the 'forementioned Confession, and brought for a severe Charge against the Prisoner, who spoke thus: ' Mr. Sergeant, ' since you have read and collected those passages, which you think make up most against me, pray take the pains and read farther, so that whatever may hereafter become of me, my Words may not be prevented and abused to the Detriment of other People, and especially of those great Persons, about whom, as appears by my Answers, I have been divers times examined; ' for I perceive that the Net was not cast ' only for small Fishes, but also for great ones. ' *juxta Adagium*.

Stamford. It will be but loss of time, and we have other things to lay to your Charge, and what you desire makes nothing for you.

Dier. For a fuller Confirmation of all the Treasons laid to the Prisoner's Charge, and in order to prove him Guilty, you Gentlemen of the Jury shall hear the Duke of Suffolk's Depositions read against him; which Duke was a Principal in the matter, and has suffer'd accordingly. Then the Sergeant read, and the substance of what the Duke had own'd was, That the Lord Thomas Grey had inform'd him, that Sir Nicholas Throgmorton was
privy

privy to the whole Design against the Spaniards, and was one of those who would go into the West with the Earl of Devonshire.

Here the Prisoner ask'd the Court, ' What
' the Principal Man in that Affair said against
' him, I mean, *said he*, the Lord *Thomas Grey*
' who is still living; Why are not his Deposi-
' tions brought against me? So it should be,
' if he has any thing to say. If you would
' know the Truth; it's so that neither the
' Lord *Thomas Grey* has said, can say or will
' say any thing against me; notwithstanding
' the Confession and Accusation of the Duke
' his Brother, who has affirm'd many other
' things that are not true. I do not speak at
' Random, for the Lord *Thomas Grey* being my
' Fellow Prisoner for a short time, inform'd
' me, that the Duke his Brother, had misre-
' presented him in many things, and amongst
' others in matters touching me, which he
' had declared to you Sir *Richard Southwell*,
' and other Persons sent to Examine him not
' long ago. I am sure, if the Lord *Thomas*
' could or would have said any thing, it would
' now have appear'd here. And as to the
' Duke's Confession, its not at all material;
' since he refers the matter to the Lord *Thomas*
' *Grey's* Report, who has cleared me of it.

Attorney. *My Lords, and you Gentlemen of the*
Jury, we shall make it very plainly appear to you,
that besides these things relating to Wiat's Rebellion,
Sir Peter Carew's Treasons and Confederacies with
the Duke of Suffolk, and the Prisoner's Conspiracy
with the Earl of Devonshire, and with Crofts,
Rogers, Warner and several others in divers
Places; that Throgmorton did Conspire the Queen's
Death, together with William Thomas, Sir Ni-
cholas

Nicholas Arnold and other Traytors, which is worse than all the rest, and the most to be abhor'd. Then they read the Confession of Sir Nicholas Arnold, saying, That Throgmorton told him, as they were riding between Ninan and Crossland in Gloucestershire, that John Fitz-williams was very much dissatisfy'd with William Thomas.

Attorney. William Thomas contriv'd, that John Fitz-williams should kill the Queen, and Throgmorton knew of it, as appears by Arnold's Confession.

Here the Prisoner in his own Defence said,
 ' I deny my having spoke any such Words to
 ' Arnold, and tho' he is an honest Man, he
 ' may either forget himself, or study a way
 ' how to rid himself of so weighty a Burden
 ' as this is, for he is charged as Principal; this
 ' I perceived when he brought me into the
 ' Scrape, and I blame him the less for it, that
 ' he endeavours to clear himself, and makes
 ' me a Witness, provided he can lay the Con-
 ' trivance at the Door of William Thomas: But
 ' in realty I never said any such Words to
 ' him in my Life; and the more fully to clear
 ' the matter, I saw John Fitz-williams in Court
 ' just now, who can bear Witness he never
 ' told me of any Misunderstanding between
 ' them; and as I knew nothing at all of that,
 ' so I know nothing neither of the Cause. I
 ' desire, my Lords, he may be call'd to Swear
 ' what he can as to this Affair. Then Fitz-
 ' williams drawing near, and offering to make
 ' Oath of what he knew in respect to that Bu-
 ' siness in open Court, the Attorney General
 ' opposed his being Sworn, or to speak any
 ' thing at all there, saying, They had nothing to do
 ' with him.

Throgmorton. ‘Why should not he be suffer’d
‘to tell the Truth, and why are you not so
‘willing to hear Truth on my behalf, as Fals-
‘hood against me?’

Hare. *Who invited you hither Fitz-williams,
or bid you speak? You are a very busy Fellow.*

Throgmorton. ‘I called him, and humbly de-
‘fire he may be allow’d to speak and be heard
‘as well as *Vaughan*, or else I have not Justice
‘done me, especially that Mr. Attorney pres-
‘ses this matter so home against me.

Southwell. *Go your ways Fitz-williams, the
Court has nothing to do with you; perhaps you would
not be so forward in a good Cause. Fitz-williams*
went out of the Court, and was not suffer’d
to speak; this was so arbitrary a Proceeding,
of which we can scarce meet with any Exam-
ple, but ’tis probable it made very well for
the Prisoner, and had a great Influence upon
the Jury.

Here the Prisoner took up the matter, fly-
ing, ‘Since this Gentleman’s Declaration will
‘not be allow’d of, I hope you, Gentlemen
‘of the Jury, will take notice, that this Pro-
‘hibition was not upon the Account of any
‘thing he had to say against me, but on the
‘contrary for fear he should offer some thing
‘to the Court that made in favour of me.
‘Now as to *Arnold’s* Deposition against me,
‘I do aver, that I never said any such thing
‘to him. But that the Words may not be
‘so much strained against me, pray Mr. At-
‘torney, why might not I have told *Arnold*
‘that *John Fitz-williams* was angry with *Wil-*
‘*liam Thomas*, and yet not know the Reason of
‘the Difference between them. Who is it
‘confesses, that I knew any thing of the De-
‘sign

‘ sign of *William Thomas* to murder the Queen ?
 ‘ I see no Body, for *Arnold* says not one Syl-
 ‘ lable of it, but only that there was a Diffe-
 ‘ rence between them; and to say that, im-
 ‘ plies neither Treason, nor any knowledge of
 ‘ Treason at all: Is this all the Evidence you
 ‘ have against me, in order to bring me with-
 ‘ in the limits of the Indictment ?

Stanford. I think those things which others have
 Confess’d, together with your own Confession have
 great weight against you. But what have you to
 say as to the Insurrection in Kent, and *Wiat’s* At-
 tempt against the Queen’s Royal Person in her own
 Palace ?

Bromley. Why do you not read to him *Wiat’s*
 Accusation, which makes him a sharer in his Trea-
 sons ?

Southwell. *Wiat* has charged you home, and
 that in Reference to several Particulars, which have
 been confirm’d by others.

Throgmorton. ‘ What ever *Wiat* said of me in
 ‘ hopes to save his Life, he unsaid it at his
 ‘ Death; for since I came into the Hall, I
 ‘ heard one say, whom I do not know, that
 ‘ *Wiat* on the Scaffold cleared the Lady *Eliza-*
 ‘ *beth*, the Earl of *Devonshire*, and all the Gen-
 ‘ tlemen who were Prisoners in the Tower,
 ‘ saying none of them knew any thing of his
 ‘ Insurrection; of which number I take my
 ‘ self to be one.

Hare. Nevertheless, he said, That all he had
 writ and confess’d before the Council was
 true.

Throgmorton. ‘ Nay, Sir, Under Favour, *Wiat*
 ‘ did not say so; it was Master *Doctor’s* Ad-
 ‘ dition.

The History of the most Remarkable
 Southwell. *It seems you have good Intelli-*
gence.

Throgmorton. ‘ God Almighty in his Pro-
 ‘ vidence made way for me to come to the
 ‘ Knowledge of this, this very Day, since I
 ‘ was brought hither: I have been a close
 ‘ Prisoner for Eight and fifty Days, where I
 ‘ could hear nothing but what the Birds told
 ‘ me, who flew over my Head. And now I
 ‘ direct my Discourse in a more particular
 ‘ manner to you, Gentlemen of the Jury, de-
 ‘ siring your diligent Attention: You see I
 ‘ have been indicted, and am now arraigned
 ‘ for compassing the Queen’s Majesty’s Death,
 ‘ levying War against her, taking the *Tower*,
 ‘ deposing and depriving the Queen of her
 ‘ Royal Dignity, and lastly, for destroying her
 ‘ and adhering to her Enemies: To prove me
 ‘ Guilty of all these Treasons, the Queen’s
 ‘ learned Council have given these material
 ‘ things in evidence; that is for compassing
 ‘ and imagining the Queen’s Death, and the
 ‘ destruction of her Royal Person, they have
 ‘ offer’d the Depositions of Sir *Nicholas Arnold*,
 ‘ which import that I should say to Sir *Nicho-*
 ‘ *las* in *Gloucestershire*, that Mr. *John Fitz-wil-*
 ‘ *iams* was angry with *William Thomas*.

‘ You have heard the Answer I have made
 ‘ to it; I both deny the matter. and farther,
 ‘ except against the same, because there is but
 ‘ one Witness for it. As for levying War a-
 ‘ gainst the Queen, my Conferences with Sir
 ‘ *Thomas Wiat*, Sir *James Crofts*, Sir *Edward*
 ‘ *Rogers*, and Sir *Edward Warner* have been al-
 ‘ ledged against me; and for my opposing
 ‘ the *Spanish Match*, and the *Spaniards* coming
 ‘ into *England*, which Discourse I do not deny

in the manner I spoke and meant it; notwithstanding all the malicious Representations which have been made this Day of my Conferences, there is no manner of Proof of my levying War: To prove the same Articles, they have also alledged Sir *James Crofts's* Confession, which you may remember implys no such thing, it being only general Discourse about the *Spanish Match*, and of my going Westward with the Earl of *Devonshire*, which yet Sir *James* does not Avow, and therefore I desire you to esteem it as a thing that was never spoken. Farther, as a Proof of the same Article, they have offered the Duke of *Suffolk's* Confession. with whom I never had any Conference, and as to what was alledged to be said to him by his Brother, I think he has himself sufficiently cleared me; and yet supposing the Words were proved, no great matter could be made of them by Law: They have also for a farther Proof of the same Article, and for deposing and depriving the Queen of her Royal Dignity, and adhering to the Queen's Enemies, produced the Confession of *Culbert Vaughan*, whole Testimony I have sufficiently invalidated by several Authorities and Circumstances, and especially by our own Law, which requires two lawful and sufficient Witnesses to be brought Face to Face. Then for securing the *Tower of London*, *Winter's* Depositions are alledged, which shew my Disapprobation of it, when he spoke to me of Sir *Thomas Wiat's* Project and Resolution to attempt it. And last of all to aggravate matters against me, my own Confession is trump'd up; wherein there appears

‘ neither Treason, Concealment of Treason,
 ‘ whispering of Treason, nor promoting of
 ‘ Treason.

‘ Now for as much as I am brought hither
 ‘ to be try’d by Law, tho’ my Innocence as to
 ‘ all the material Points laid to my Charge, is
 ‘ very manifest and sufficient to my Acqui-
 ‘ tance, and upon which I chiefly rely; yet for
 ‘ your farther Information and Satisfaction,
 ‘ I’ll make it plainly appear to you, that if you
 ‘ should believe all the Depositions produced
 ‘ against me, which I hope you will not, I
 ‘ ought not to be attainted of the Treason
 ‘ comprehended within my Indictment, con-
 ‘ sidering the Statute of Repeal the last Par-
 ‘ liament of all Treasons, than such as are de-
 ‘ clared in the 25th Year of King *Edward III.*
 ‘ both which Statutes, my Lords, I desire may
 ‘ be now read to the Jury.

Bromley. *No, Sir, There shall be no Books brought
 hither at your desire, we all know the Law suffici-
 ently without Book.*

Throgmorton. ‘ Do you bring me hither to
 ‘ try me by the Law, and will not shew me
 ‘ the Law? What does your Knowledge in
 ‘ the Law signify to these Men, who are in
 ‘ truth my Tryers; pray my Lord, and my
 ‘ Lords all, let the Statutes be read, as well
 ‘ in Behalf of the Queen as me.

Stanford. *My Lord Chief Justice can tell what’s
 Law, and will do it, if the Jury are doubtful in any
 particular.*

Throgmorton. ‘ You know it is but reasonable
 ‘ that I should know and hear the Law by
 ‘ which I am to be judged; and seeing the
 ‘ the Statute is in *English*, People of less learn-
 ‘ ing

ing than the Judges can understand it, or else how should we know when we offend?

Hare. *You know not what is proper for your Circumstances, and therefore we must inform you. Its not our business to provide Books for you; neither do we sit here to be instructed by you, you should have been better informed of the Law before you came hither.*

Throgmorton. ' Because I am ignorant I would
' learn, and therefore I have the more occa-
' sion to see the Law, partly for the Instruction
' of the Jury, and partly for my own Satis-
' faction, which, methinks, would be for the
' Honour of the Court. And an't please you,
' my Lord Chief Justice, I do principally di-
' rect my Words to you, when the Queen was
' pleased to advance you to that Honoura-
' ble Post, a great Man, and one of her Ma-
' jesty's Privy Council, told me, *That her Ma-*
' *jesty among other good Instructions, was pleased to*
' *charge and enjoyn you to Administer Justice and*
' *execute the Law impartially, and without Re-*
' *spect of Persons.* And notwithstanding the
' old Error among you, that you would not
' allow any Witness to speak, or any thing
' else to be heard in favour of the opposite
' side, where her Majesty was a Party; it was
' her Highness's pleasure that whatever could
' be produced in favour of the Subject should
' be heard; and farther, that you in a particu-
' lar manner, as also all the other Judges, were
' to consider with themselves, that they sate
' in Judgment, not only on Behalf of the
' Queen's Majesty, but also of the Subject.
' And therefore this method of Impartiality
' in your Proceedings being principally en-
' joyn'd by God's Command, which I designed

' to have reminded you of at first, who are
 ' in the Commission, if I could have had leave
 ' to do it, and the same also given in Com-
 ' mand to you from the Queen's own Mouth,
 ' I think you ought in Justice to allow me to
 ' have the Statutes publickly read, and to
 ' reject nothing that could be offer'd in my
 ' Defence; in so doing, you would have ap-
 ' proved yourselves worthy Ministers of
 ' Justice, and of such a Mistress.

Bromley. *You mistake the thing, for the Queen
 said those Words to Morgan, Chief Justice of the
 Common Pleas; but you have no reason to Complain,
 you have been suffered to speak as much as you
 pleased.*

Hare. *What would you do with the Statute Book?
 The Jury do not insist upon it; they have heard
 the Evidence, and they must upon their Consciences
 try whether you are Guilty or not, so that there is
 no need of the Book; if they will not believe such
 clear Evidence, then they know not what they do.*

Bromley. *No Books ought to be read here at
 your Pleasure; if any Question arises in Point of
 Law, the Judges are here to inform the Court, and
 you do but spend their time.*

Attorney. *My Lord Chief Justice, I desire you
 would sum up the Evidence for the Queen, and give
 the Charge to the Jury; for the Prisoner will keep
 you here all Day.*

Bromley. *What say you; Have you any more to
 offer for yourself?*

Throgmorton. ' You seem to give and offer
 ' me the Law, but in reality I have no more
 ' than the Form and Shadow of it; never-
 ' theless since I cannot have the Favour to have
 ' the Statutes publickly read, I will with
 ' your Leave guess at them as well as I can;
 ' and

' and if I mistake, I desire your Assistance in
 ' rectifying me, for 'tis long since I have seen
 ' them: The Statute of Repeal enacted the
 ' last Parliament has these Words: *Be it en-*
 ' *acted by the Queen, that from hence forth, none*
 ' *Act, Deed or Offence, being by Act of Parliament*
 ' *or Statute made Treason, Petit-Treason or Mis-*
 ' *prison of Treason, by words, writing, printing,*
 ' *cyphering, Deed or otherwise whatsoever, shall be*
 ' *taken, had, deem'd or adjudged Treason or Petit-*
 ' *Treason, but only such as be declar'd or express'd*
 ' *to be Treason, in or by an Act of Parliament*
 ' *made in the 25th of Edward III. touching and*
 ' *concerning Treasons, and the Declaration of Treas-*
 ' *ons and no other.* Here you may see that
 ' this Law refers all the 'foresaid Offences to
 ' the Statute of the 25th of Edward III. which
 ' has these Words touching and concerning
 ' the Treasons that I am indicted and ar-
 ' raigned for; that is to say, *Whoever com-*
 ' *passes or imagines the Death of the King, or levys*
 ' *War against the King within the Realm, or is an*
 ' *Adherent to the King's Enemies within or with-*
 ' *out the Kingdom, and be thereby probably attainted,*
 ' (these are the Words) *by open deed, by People*
 ' *of the same Condition, shall be adjudged a Traytor.*
 ' Now I desire you, Gentlemen of the Jury,
 ' in whose Hands my Life is, to take dili-
 ' gent heed to those things which now are
 ' Treasons; and how these Treasons must be
 ' try'd and detected; that is, by open deed
 ' which the Laws at the same time call an
 ' Overt-act. And now I ask, for all my In-
 ' dictment, which is nothing but matter al-
 ' ledged, where does the Overt-act of my
 ' compassing and imagining the Queen's
 ' Death appear? Or where does any open act
 of

‘ of my Adhering, assisting or conforthing of
 ‘ the Queen’s Enemies appear? Or any thing
 ‘ like it of taking the Tower of London.

Bromley. *Why do not you who are the Queen’s learned Counsel at Law answer him; I think Throgmorton you have no occasion for the Statutes, you have them at your Fingers Ends.*

Stanford. *You are mistaken, in concluding that all Treasons are contained in the Statute of the 25th of Edward III. for that Statute is but a Declaration of certain Treasons, which were Treasons before at Common Law; so that there remains several other Treasons at this Day at Common Law, which are express’d by that Statute as the Judges can declare, yet there is sufficient matter alledged and prov’d against you, to bring you within the compass: of that same Statute.*

Throgmorton. ‘ Pray name those things which
 ‘ bring me within the compass of the Statute
 ‘ of Edward III. for the Words are these, And
 ‘ be attainted thereof by open deed, by People of
 ‘ like Condition.

Bromley. *Sir Nicholas you mistake the meaning of these Words, by People of like Condition; for by them the Law means the discovery of your Treason: For Example, Wiat and the other Rebels, attainted for their Treasons already declare you to be his and their Adherents, for as much as you have had at several different times Conferences with him and them about the Treason, so that Wiat is now one of your Condition, who, ’tis notorious to all the World, has openly committed a Trayterous Fact.*

This is a most vile Interpretation of the Law-Text, and such a Pervertion of the genuine meaning thereof, as would make an Infidel blush. Sir Nicholas took it right, and
 said,

said, 'By your leave, my Lord, this is a very
 'strange and singular understanding; for I
 'presume the Legislators meant by the Words
 'by *People of the same Condition*, such as were of
 'the same State and Condition as those who
 'should be on the Jury to try the Party ar-
 'raigned, and find him guilty or not guilty;
 'and not at all the detection of the Offence
 'by the act of another Man, as you would
 'have it; for what have I to do with *Wiat's*
 'Actions, who was a Hundred Miles distant
 'from him?

Attorney. *Will you assume to yourself a greater
 Knowledge of the Law than the Judges? I do not
 doubt but you that are of the Jury will believe in
 such a manner as you ought to do.*

Cholmley. *As to the true meaning of these
 Words, By People of their Condition, my Lord
 Chief Justice has interpreted right, for Wiat was
 one of your Condition; that is, in your Condition.*

Hare. *Sir Nicholas, You do not deny but that
 there have been Conferences and Messages between
 you and Wiat; he and Winter have owned the
 same besides others; so that it is plain, Wiat may
 be called one of your Conspiracy.*

Sir Nicholas saw plainly enough thro' their
 trifling Argument, which surely little be-
 came grave Men, Judges, and such as ought
 to be the Sages of the Land; and therefore
 he answer'd, 'Seeing you, my Judges, do so
 'strangely pervert the meaning of these
 'Words, I'll insist no longer upon them;
 'but where is it proved by *open deed* against
 'me, to which the Treason is more particu-
 'larly referr'd.

Bromley. *If three or four Persons confer, ima-
 gine and conspire to perform some Trayterous Action,*
 one

one of whom afterwards commits the Treason, as it was Wiat's Case, the Law reputes it to be their Act, and every one of them; so that Wiat's Acts implys and proves your open Deed; and thus the Law terms, and takes it to be.

Throgmorton. ' These are very strange Ex-
' positions and unheard of Explications, that
' another Man's Act to which I was no way
' privy, should be accounted mine; for Wiat
' clear'd me so far that I knew nothing of the
' Insurrection.

Hare. *But, Sir, you were a principal Agent and Manager of Wiat's Rebellion, tho' you were not actually with him when he took up Arms; and the Law, as my Lord has observ'd, always adjudges him to be a Traytor, who was privy to, and a Fomenter of the Treason, or an Exciter of any other Man to commit Treason or a Trayterous Action, as you did, Wiat and others: So that the Overt-act of those who committed it by your means, shall be accounted your open deed: We have a common Case in Law; if a Person by Procurement should dispossess you of your Estate, the Law looks upon both to be Offenders, and allows a Remedy as well against the one as the other.*

Throgmorton. ' I beg of you do not apply
' such Constructions as these against me, and
' tho' you are not affected with my present
' Condition, yet you would do well to con-
' sider your own Station, and think that the
' same measure you give to others, you may
' depend upon it will be measur'd to you a-
' gain. Such is the Condition of human Af-
' fairs, that Men cannot at all foresee what
' Fate hangs over them: I as little thought
' within these Twelve Months I should stand
' here, as you do who sit upon the Bench;

' As

‘ As to the Case last mention’d and urg’d by
‘ you, I have learned of you, Sir *Nicholas Hare*
‘ and Mr. Sergeant *Stanford*, in the House of
‘ Commons, where you sate to make Laws,
‘ that Doubts and Ambiguities in Law ought
‘ to be sincerely explained and resolved, and
‘ even without Partiality and Affection; I say,
‘ I learn’d there of you, and others who are
‘ Masters in the Profession of the Law, this
‘ Difference between the Cases you cited just
‘ before, and the Statute upon which I am
‘ indicted. There is a Maxim in Law which
‘ ought to be sacred and inviolable, and that
‘ is, that no penal Statute may, ought or
‘ should be constrain’d, explain’d, stretch’d
‘ or wrest’d, any otherwise than the plain
‘ Words and naked Letter of it will bear
‘ and warrant. And I do remember, that a-
‘ mong several other solid and valuable Rea-
‘ sons by you urg’d, Mr. Sergeant *Stanford*, in
‘ the Parliament House for keeping that Max-
‘ im inviolable, you said that considering
‘ the private Affections of both Princes and
‘ Ministers of State in this Kingdom, which
‘ frequently prevail, since they are Men and
‘ will, and can Err, to refer the Interpreta-
‘ tion and Intention of penal Laws to any
‘ Judge’s Equity, for that was the term you
‘ then used, which may either for fear of the
‘ higher Powers be seduced, or by Ignorance
‘ and Folly abused, would be so far from be-
‘ ing a Security, that it would be highly dan-
‘ gerous to the Liberty of the Subject. I
‘ think this is a sufficient Answer to what has
‘ been said, and insisted on so much about
‘ Procurement.

Bromley.

Bromley. *Notwithstanding your insisting so much upon a strict adhering to the Letter of the Law; it appears and is upon Record in our Law Books, that several Cases have been adjudged Treason, without the express Words of the Statute, as the Queen's learned Counsel can inform you.*

Attorney. *It appears that the Prisoner at the Bar, not only excited Wiat, Carew, Rogers and others to commit Trayterous Acts, his open Facts thereby appearing according to Vaughan's Depositions produced against him, but also he intended in a short time to go and joyn those Traytors, for he designed to go Westward with the Earl of Devonshire.*

Throgmorton. *I hope my Innocence in these respects has been sufficiently made out by my former Answers, notwithstanding the unjust Accusation of the condemn'd Criminal brought against me; but because the genuine Sence of the Statute is in Debate, I do insist upon it, that Procurement, especially by Words alone, is not within the Compass of it, and that I have learnt and prove according to the principle, I have learnt of Mr. Sergeant Stanford.*

Stanford. *Sir Nicholas Throgmorton, It's likely you and I shall not agree at this time about the Sence of the Law, for I am for the Queen and you for yourself; it must be left to the Determination of the Judges.*

Bromley. *I am certain you know very well, that he who procures another Man to commit Felony or Murder, the Law adjudges the Procurer to be a Felon or Murderer; and in case of Treason, it has always been so taken and reputed.*

Throgmorton *I do and must adhere to my Innocence, for I procured no Man to commit Treason; but yet I desire for Information*

c mation sake, to know a Case that has been
 c so adjudged, as you say the Law now is. I
 c must own, that when there were Statutes
 c made about the Procurer, Adviser, Abetter
 c and the like, as there were in the Reign of
 c Henry VIII. such cruel Constructions might
 c be made, and Procurers be brought within
 c the Reach of the Law: But these Statutes
 c being repealed, you ought not now to do
 c it. And as to the chief Procurer in matter of
 c Felony or Murder, its not the same as in
 c Treason; for the Principal and Accessaries
 c in Felony and Murder are to be try'd and
 c punish'd by the Common Law, and so in
 c such Cases, the Judges may use their Dis-
 c cretion, and extend the Determination of
 c the Fault as they please; but it is otherwise
 c in Treason, the same being limited by an
 c Act of Parliament, which I say and do affirm
 c is exclusive of any Judge's Interpretation,
 c according to the Maxim before recited.

Stanford. *Your Lordships know a Case in Ri-
 chard III's time, wherein the Procurer to Coun-
 terfeit false Money, was adjudged a Traytor, and
 the Law was the same then as it is now.*

Hare. *Mr. Sergeant puts you in mind, Sir Nicho-
 las, of a Case which happened before your time, that
 the Law has been so taken, and yet the word Pro-
 curer was not express'd in the Statute; but the Law
 has been always so understood.*

Throgmorton. *I never study'd the Law, for
 c which I am very sorry: When there was a
 c Debate in the House of Commons about
 c Penal Laws, I remember you who were the
 c learned there, cited some Cases quite con-
 c trary to this last mention'd, and if I re-
 c late them not right, I desire your assistance.*

c As

‘ As to the Case urg’d about a Procurer to
 ‘ counterfeit Money, the Procurer at one
 ‘ time was adjudged to be a Felon, and at
 ‘ another time neither Felon nor Traytor:
 ‘ Thus you find some of your Predecessors
 ‘ adjudged the Procurer to be no Traytor in
 ‘ the same Case, but confined their Judge-
 ‘ ment to the Principal; tho’ some others
 ‘ extended their Constructions of that Law
 ‘ much farther, and here are two Cases for
 ‘ you against your one.

*Bromley. Because you confine the business to the
 Principal, I am to observe to you, that a Man in
 the Reign of Henry IV. taking off the Great Seal
 from one Instrument in writing, and affixing it to
 another, was adjudged a Traytor; and yet the Fact
 did not come within the express Words of the Statute
 of Edward III. Several other the like Cases might
 be produced, if there was any occasion for them.*

*Throgmorton. I desire, my Lord, you would
 ‘ be pleased to recollect yourself, and remem-
 ‘ ber that in the very like Case of the Great
 ‘ Seal, Judge Spelman, a grave and learned
 ‘ Person, since that time, would not Condemn
 ‘ an Offender, but censur’d the former Judg-
 ‘ ment by your Lordship cited, as errone-
 ‘ ous.*

*Stanford. If I had thought you were so well ver-
 sed in Law Cases, I would have come better pre-
 pared for you.*

*Throgmorton. Mr. Sergeant, I know no-
 ‘ thing but what I chiefly learn’d of you and
 ‘ other Lawyers in the Parliament House, and
 ‘ therefore I may say with the Prophet, Sa-
 ‘ lutem ex Inimicis Nostris.*

Southwel. You have a very good Memory.

Attorney

Attorney. *If the Prisoner be suffered in this manner to put off his Treasons, the Queen's Person must be in great danger; for Jack Cade and his Brethren, some times urged the Law in their own behalf, and at other times alledged they intended the King no harm, but his Council; in the same manner as Wiat, the Duke of Suffolk, and others did against the Spaniards, when there were none of them in the Kingdom: The Duke and his Associates misunderstood the Law, as you do; tho' at last they confess'd their Ignorance and submitted, and it would be your best way to do so to.*

Throgmorton. *' As to Cade and his Adherents, ' I am not so well acquainted with their Treasons as you are; but I have read in our Histories, that they took the Field with an Arm'd Power against the King, which was a plain Overt-Act. As for what the Duke of Suffolk did, its nothing at all to me; and tho' you have a mind to compare my Words and Expressions against the Spaniards with the Duke's Actions, who had an Arm'd Force with him, its very plain there is a vast Difference between them. I am sorry, I should aggravate any other Person's Faults, but it is useful for my own Defence, and therefore I hope no Body will think the worse of me for it: God forbid that Words and Actions should be thus confounded.*

Attorney. *Sir William Stanley used the same Shift the Prisoner does now; he said, He did not levy War against King Henry VII. but said to the Duke of Buckingham, That he would in a good Quarrel assist him with Five hundred Men, and yet Stanley was Attainted for these Words, who, every Body knows, had before very justly and faithfully serv'd that Prince.*

Throgmorton. ' Pray, Mr. Attorney, do not
 ' draw Conclusions against me from blind
 ' Contrarieties: Whether you rightly state
 ' *Stanley's* Case or not, I cannot tell, but ad-
 ' mit it to be as you say, What is that to me?
 ' I promis'd no Aid to *Sir Thomas Wiat*, nor
 ' any other Person; the Duke of *Buckingham*
 ' levy'd War against the King with whom,
 ' as you say, *Stanley* was a Confederate.

Attorney. I desire you, my Lords, who are the
Queen's Commissioners for this Tryal, that you would
 not suffer the Prisoner to use her Majesty's Learned
 Council in this manner: I was never thus inter-
 rupted in my Life neither have I ever known any
 suffer'd to talk as the Prisoner does; some of us
 will come no more to the Bar if we are thus
 used.

Bromley. *Sir Nicholas Throgmorton* you
 must suffer the *Queen's* Council to speak, or else we
 must take Care of you, you have been suffer'd to talk
 as you pleas'd.

Hare. Its plainly prov'd, that you have talk'd
 with *Wiat* against the coming in of the Spaniards,
 and contriv'd how to prevent it, and also promis'd
 to do what you could against them, and therefore
Wiat being encourag'd by you, levy'd Forces and
 made War against the *Queen's* Person.

Throgmorton. ' It was neither Treason nor
 ' the Procurement of Treason, to talk against
 ' the coming of the *Spaniards* into this King-
 ' dom, neither was it Treason for me to say,
 ' I would, as much as I could, prevent their coming,
 ' if you take my meaning right; nay, tho'
 ' you put the worst Construction upon it,
 ' they were but Words, and no Treason, as
 ' things are now according to Law. As for
 ' *Wiat's* Actions they do not affect me, for
 he

‘ he clear’d me at the time of his Death, when
 ‘ it was very unseasonable for him to tell
 ‘ Lies.

Bromley. *The Queen’s Learned Council in the Law, as you have heard, have cited several Cases, by which it appears, that Procurement, tho’ no other than by Words, which you would make to be nothing, has for a long time and by a great many learned Men in the Laws of this Land, been adjudged Treason: And therefore your Procurement being so very plain as it is, we may justly say it was Treason, because Wiat did a Trayterous Action.*

Throgmorton. ‘ As to the afore-mention’d
 ‘ Precedents cited against me, I have produc’d as many for me, and I wish, my Lord
 ‘ Chief Justice, you would chuse rather to
 ‘ follow the Examples of your worthy Predecessors, Justice Markam and others, who
 ‘ hating corrupt Judgments, gave their Opinions plainly and sincerely according to Law
 ‘ and the Principles of it, than by deviating
 ‘ from Law and Truth, shew Corruption, Malice and Partiality in your Proceedings.

Bromley. *Judge Markam had reason for what he did, for it appear’d, that a Merchant of London was arraign’d and falsely accus’d of Treason, for contriving and imagining the King’s Death, he said, He would make his Son Heir to the Crown, but the Merchant meant a House in Cheap-side, at the Sign of the Crown, but your Case is otherwise.*

Throgmorton. ‘ I own my Case is different,
 ‘ but more particular, because I have not
 ‘ such a Judge: Yet there is another reason
 ‘ for the restraining your extravagant and remote Interpretations, I mean, a Proviso in
 ‘ the latter end of the Statute of Edward III.

' which runs thus, *Provided always, if any other*
 ' *Case of suppos'd Treason shall chance hereafter to*
 ' *come in Question or Tryal before any Justice, o-*
 ' *ther than is in the said Statute express'd, that then*
 ' *the Justice shall forbear to adjudge the said Case,*
 ' *till it be shewn to the Parliament, to try whether*
 ' *it should be Treason or Felony. Here you are*
 ' *expressly restrain'd to adjudge any Case, that*
 ' *is not clearly mentioned before, until it be*
 ' *laid before the Parliament.*

Portman. *That Proviso is to be understood in re-*
spect to Cases which may come in Tryal, which has
been in Use: But the Law always took the Pro-
curer to be a principal Offender.

Sanders. *In Cases of Treason all are Principals*
and no Accessaries in the Eye of the Law, as in o-
ther Offences; and therefore a Man that commits
Treason, either by an Overt-Act or Procurement, so
as that a manifest Fact appears, he is adjudged by
the Law to be a principal Traytor.

Throgmorton. ' *Methinks you pass a very fe-*
 ' *vere Opinion upon the Word Procurement.*
 ' *Now to say nothing of Principal, the Pro-*
 ' *viso I mention'd, and the good Example of*
 ' *the best and most learned of your Predeces-*
 ' *sors, the Judges of the Land, and notwith-*
 ' *standing the extended Interpretation made*
 ' *of the Word Procurement, I am not afraid*
 ' *of it, for there is no Evidence that I pro-*
 ' *cured any one whatsoever to attempt a*
 ' *Trayterous Act.*

Stanford. *The Jury are to decide that, whether*
you have done so or not.

Hare. *I know no way so proper to decide the Bu-*
siness of Procurement, as by Words, and that way
makes sufficiently against you, as well by your own
Confession, as other Men's Depositions.

Throg-

Throgmorton. ' To talk of the Queen's Marriage with the Prince of Spain, and of the coming of the Spaniards into this Kingdom, is not to procure Treason to be committed, for then the whole Parliament House, I mean the Commons, have procured Treason. But since you will make no Difference between Words and Actions, let me remind you of a Statute made in the Reign of the late King Edward VI. my Lord and Master, which manifestly shews the Distinction. The Words are these: *Whosoever doth compass or imagine to depose the King of his Royal Estate by open Preaching, express Words or Sayings, shall, for the first Offence, lose and forfeit to the King all his and their Goods and Chattels and also shall suffer Imprisonment of their Bodies at the King's Will and Pleasure. Whosoever, &c. for the second Offence, shall lose and forfeit to the King, the whole Issues and Profits of all his and their Lands, Tenements and other Hereditaments, Benefices, Prebends, and other Spiritual Promotions. Whosoever, &c. for the third Offence, shall for term of Life or Lives of such Offender or Offenders, &c. and shall also forfeit to the King's Majesty, all his or their Goods and Chattels, and suffer during his or their Lives, perpetual Imprisonment of his or their Bodies. But whosoever, &c. by Writing, Cyphering or Act, &c. shall, for the first Offence be adjudged a Traytor and suffer the Pains of Death.* Here you may see the Judgment of the whole Kingdom, in respect to the manifest Diversity there is between Words and Actions; and therefore the Legislative Power has appointed diversity of Punishments, because they would not confound Words and Deeds together, enacting, that to com-

pass and imagine by Words should be Imprisonment, and by open Facts, Death.

Bromley. *Its the Judgment of the whole Bench, that the Procurer and Adherer should be always esteem'd a Traytor, when a Trayterous Act has been done by any one in the same Conspiracy; now there is plain Proof of your adhering to Wiat, both by your own Confession and otherways.*

Throgmorton. ' Adhering and procuring are not the same thing; for the Statute of Edward III. speaks of Adhering, but not of Procuring, and yet Adhering ought not to be extended farther than to the Queen's Enemies within her Dominions, for so the Statute limits the meaning of it. Now *Wiat* was not the Queen's Enemy, neither was he so reputed when I talked with him last, and our Conversing together did not imply an Enemy, nor tend to Treason, or the procuring of Treason. And therefore I desire you, Gentlemen of the Jury, to take notice, that I plead Law, I insist upon my Innocence, the best part of my Defence.

Hare. *Your adhering to the Queen's Enemies within the Kingdom is plainly proved, for Wiat was the Queen's Enemy within the Realm, every Body knows it; he confess'd it at his Arraignment and at his Death.*

Throgmorton. ' Under favour, *Wiat* neither at his Arraignment nor the time of his Death, confess'd he was the Queen's Enemy; when I talked with him last, he was neither reputed nor taken to be so for fourteen Days after, when he drew Arm'd Men together, at what time I was at your House Mr. Englefield, where I had the first Intelligence of *Wiat's* Infurrection: And I ask the Court, where

‘ where the Depositions are, that any manner
 ‘ of Correspondence was held between *Wiat*
 ‘ and me, after he had discovered himself an
 ‘ Enemy to the Queen by his Actions? If I
 ‘ had been so inclin’d, who could hinder me
 ‘ to go and joyn with him, or to send to him
 ‘ or the Duke of *Suffolk* either, who was in my
 ‘ own County, whither I might have gone
 ‘ without any suspicion of leaving my Habi-
 ‘ tation.

Englefield *Its very true, you were at my House with some others, and to my knowledge knew nothing of these things.*

Bromley. *Sir Nicholas, you confess’d you talked with Wiat and others, against the coming in of the Spaniards, and about seizing the Tower of London, whereupon Wiat rose up in Arms to fight against the Spaniards, so all of you say, but in Reality it was against the Queen, which he confess’d at last; therefore Wiat’s Actions prove you to be an Adviser and Procurer, though you would never so feign put the thing off from your self.*

Throgmorton. ‘ Methinks the Conclusions
 ‘ you make against me are drawn from very
 ‘ ill favour’d Premissès, according to the Rules
 ‘ of Logick, if you will give me leave, I’ll
 ‘ form another Argument.

Stanford. *Judges do not sit here to make Disputations, but to declare what is Law, and this has been done over and over again, if you would but Judge rightly of it.*

Hare. *You have heard Law and Reason, if you will but take it.*

Throgmorton. ‘ Good God who seeft all things,
 ‘ what manner of Proceedings are these? To
 ‘ what Purpose was the Statute of Repeal
 ‘ made the last Parliament, where I heard some

of you who are here in Court, and several o-
 thers of the Queen's learned Council, inveigh
 bitterly against the cruel and too rigorous
 Laws of *Henry VIII.* and some Statutes enact-
 ed in the late King my Masters time: Some
 term'd them *Draco's* Laws, which were writ
 in Blood; others said, they were more intol-
 erable than any Laws made by *Dionysius* or
 any other Tyrant. In a Word, as many as
 there were Men, so many bitter Names and
 Terms were these Laws call'd by. Besides,
 we have it in the Preamble of the same
 Statute, that many great Persons and o-
 thers of good Reputation, had been most
 barbarously destroy'd by those blood-thirsty
 Laws, with many other Suggestions tending
 to the Repeal of them: Let us now but
 look with an impartial Eye, and weigh things
 thoroughly, whether, as the Judges con-
 strue and stretch the Statute of *Edward III.*
 we are not in a much worse Condition than
 we were when yok'd with those cruel Laws.
 Nevertheless those Laws, how grievous so-
 ever they were, yet they had the Property
 of Laws, according to *St. Paul*; for they
 admonish'd us, and discover'd our Offences
 plainly to us, so that when we are fore-
 warn'd, we are usually fore-arm'd; but these
 as they are manag'd, are meer Baits to en-
 snare us, and only prepared for that pur-
 pose: For at first sight they assure us, that
 we are freed from our former Captivity,
 and by the late Repeal live in more Securi-
 ty; but when it pleases the higher Powers
 to call any Man's Life and Words into Que-
 stion, then there are such Constructions, In-
 terpretations and Extensions of Laws re-
 served

‘ served in the Breasts of the Judges, that the
‘ Party Try’d, as now I am, will find himself
‘ in a much worse Condition than when those
‘ cruel Laws were in Force. But I desire of
‘ you who are honest Men, and of my Jury,
‘ to consider these things, and that some Peo-
‘ ple are inclinable rather to give Judgment
‘ according to the Current of the Times than
‘ of Truth; that their Judgments are repug-
‘ nant to their own Principles, repugnant to
‘ the Determinations of their pious and learn-
‘ ed Predecessors, and I say, repugnant to the
‘ Proviso in the Statute of Repeal made in the
‘ last Parliament.

Attorney. *Sir Nicholas Throgmorton be easie,
and it will be the better for you.*

Throgmorton. ‘ I am not so uneasie as you
‘ are, and yet our Cases are not unlike; but
‘ because I have been so tedious and trouble-
‘ some to the Court, I desire my Lord Chief
‘ Justice to repeat the Evidence given against
‘ me, and the Answers I have made to all the
‘ Objections, if there is nothing else to be
‘ laid to my Charge.

Here the Lord Chief Justice made a very particular Recapitulation of all the Depositions and Evidences given against the Prisoner, and either for want of a good Memory, or rather Good-will, was very short and defective in the Prisoner’s Answers, who thereupon desired, *he would shew himself impartial,* and made up the Deficiency himself.

Sendal. *Gentlemen of the Jury, your Business now is to see whether Sir Nicholas Throgmorton, Kt. Prisoner at the Bar, is Guilty of the Treasons, or any of them, of which he has been indicted, and this Day arraign’d, Yes or No: And if you find him*

him Guilty, you are to inquire what Lands, Tenements, Goods and Chattels he had on the Day the Treasons were committed, or at any time since; and whether he fled for those Treasons, if you find him Not Guilty.

Throgmorton. ' Have you said what you had
' to say ?

Sendall. *Yes, for this time.*

Throgmorton. ' Then I desire leave to say a
' few Words to the Jury: My Cause was of
' so much Weight and Importance, that it has
' occasion'd me to give you a great deal of
' Trouble, and therefore I shall not detain
' you much longer with a tedious Speech:
' You have seen and heard the great Contest
' that has been between the Judges and the
' Queen's learned Council at Law on the one
' part, and me the poor distress'd Prisoner at
' the Bar on the other: The Decision of the
' whole Controversy of my Innocence, of my
' very Life, Estate and Goods, and the Ruin
' or Welfare of my Posterity, depends wholly
' upon your Verdict; and tho' many this Day
' have inveigh'd much against me, my Doom
' does not depend upon them, but the final
' Determination is wholly devolv'd upon you.
' I hope you cannot but call to mind, how
' grievous and terrible the shedding of Inno-
' cent Blood is in the sight of God; therefore
' I say, be careful for Christ's sake, and do
' not defile your Consciences with such hei-
' nous and notorious Crimes; those that do
' so are grievously and sorely punish'd, even
' in this World and Vale of Misery, in their
' Children's Children to the third and fourth
' Generation, and in the World to come with
' everlasting Fire and Damnation. Lift up
' your

' your Eyes to Heaven, be not too intent up-
 ' on the things of this World, look not back
 ' to the Flesh-pots of *Egypt*, which will allure
 ' you from Cœlestial Considerations, and
 ' make you fix your Minds upon Worldly Se-
 ' curity, wherein there is nevertheless no
 ' safety: I beseech you to believe, that the
 ' Queen and her Ministers take more De-
 ' light in favourable and equitable Deter-
 ' minations, than in rash Cruelties: And see-
 ' ing you are all Citizens, I'll take my leave
 ' of you with St. *Paul's* Valediction to the
 ' *Ephesians*; Citizens you also are, whom he took to
 ' record, that he was free from any Man's Blood.
 ' A very particular Doctrine left for your In-
 ' struction, that each of you should be clear
 ' from shedding of Innocent Blood, when you
 ' leave this miserable World, may the Holy
 ' Spirit be with you.

Then *Sendal* calling to the Sergeant, bid him
 take the Jury along with him, and to suffer
 no Body to come at them, but to be manag'd
 as the Law directed, until they agreed on their
 Verdict.

Here Sir *Nicholas Throgmorton* having mov'd
 the Persons in Commission to try him, that
 they would order that no Body should have
 access to or speak with the Jury, nor that
 any of the Queen's learned Council at Law
 should be suffer'd to confer with them, till
 they came back into open Court to deliver
 their Verdict: The Bench in Compliance with
 his just Request, order'd two Sergeants should
 be Sworn to suffer no Body to come at the
 Jury, till they had agreed on their Verdict.
 This done, the Prisoner was, by order of the
 Court, taken from the Bar, and they adjourn'd
 till

till three in the Afternoon; at which time returning to the Hall, they staid there till the Jury had agreed on their Verdict; and Notice thereof being given about the Hour of Five to the Commissioners, the ingenious Prisoner was brought again to the Bar, whither the Jury also repair'd, and being ask'd whether they had agreed on their Verdict, they all answer'd *Yes*, with one accord; then the Court asking who should speak for them, they answer'd, *Whetston* their Fore-man,

Then *Sendal* saying, *Sir Nicholas Throgmorton, Kt. Hold up thy Hand*, and the Prisoner doing so accordingly; *Sendal* added, *You that are of the Jury, look upon the Prisoner*; and the Jury having comply'd, *Sendal* said, *What do you say? Is Sir Nicholas Throgmorton, Kt. there a Prisoner at the Bar, Guilty of the Treasons, for which he has been indicted and arraigned in Manner and Form; Yes or No.*

Whetston. No.

Sendal. What do you say, did not he fly from Justice?

Whetston. No, we find no such thing.

Throgmorton. 'I had forgot to answer that
' Question before, but you have found ac-
' cording to Truth; and the better to justify
' what you have done, you are to understand,
' that I came to *London* and of my own Ac-
' cord appear'd before the Privy Council, as
' soon as I came to know they inquir'd for
' me, tho' I was almost at a Hundred Miles
' distance from hence; if I had not rely'd upon
' my Innocence, I might have easily with-
' drawn and kept out of Danger.

Bromley. What do the rest of you say, Is Whetston's Verdict, the Verdict of you all? Now all of them

them saying *Yes*: The Chief Justice bid them call to Mind, Whether they had seriously consider'd the whole Evidence, as it had been given and declar'd in Court; that the Business concern'd the Queen's Majesty, and also themselves, and therefore they ought to take Care what they did.

Whetston. *My Lord, we have thoroughly weigh'd the Evidence given against the Prisoner at the Bar, and his Answers to every thing that has been alledged against him, and accordingly we have, pursuant to the Dictates of our Consciences, found him Not Guilty.*

Bromley. *If you have done well, its the better for you.*

Throgmorton. *'Its better to be try'd, than
' live under Suspicion. Blessed be the Lord
' God of Israel, for he has visited and re-
' deemed his People, and has raised up a
' mighty Salvation for us in the House of Da-
' vid. Now if you please, my Lord Chief
' Justice, seeing I have been indicted and ar-
' raign'd for several Treasons, and pursuant
' to Law have put my self upon my Tryal by
' God and my Country, that is, by these
' honest Men, who have found me Not Guilty,
' I humbly desire you would allow me such
' Advantage, Acquital and Judgment as the
' Law directs.*

Here the Commissioners consulting together a little while, and the Prisoner applying himself to the Lord Chief Justice, that he would pass Sentence for his Discharge: The Chief Justice said, *Whereas you desire the Benefit which the Law allows, you shall have it, to wit, that for as much as you have been indicted of several high Treasons, and been this Day before the Queen's*
Com-

Commissioners and Judges arraigned for them, to which you have pleaded Not Guilty, and have put your self upon Tryal by God and your Country, who have found you Not Guilty; the Court awards that you should be clearly discharg'd, paying your Fees; nevertheless, Lieutenant of the Tower, take him back with you, for there are other things to be laid to his Charge.

Let the Chief Justice Answer for this Per-
 vertion of Justice; Sir *Nicholas* very wisely
 declined to say any thing that was provoking
 upon it, and giving his Discourse another Turn,
 address'd himself thus to the Court: ' My
 ' Lords and Gentlemen, who are of the Privy
 ' Council, I intreat you to be humble Sup-
 ' plicants in my behalf to her Majesty, that
 ' as I am, by the blessing of God, this Day
 ' clear'd by Law of the Treasons wherewith
 ' I was so severely charg'd, so it may please
 ' her most Excellent Majesty to clear me also
 ' in her own private Opinion, and both to
 ' forgive and forget my Rashness and Auda-
 ' city in talking so freely, of her Marriage
 ' with the Prince of *Spain*; things that are far
 ' beyond my Capacity, and such as I am not
 ' able to weigh as they ought to be, and pro-
 ' per for no Body to meddle with but her
 ' Honourable Privy Council: Now if her Ma-
 ' jesty shall be pleased of her Royal Good-
 ' ness, to remit my former Over-sights, I
 ' shall think my self happy that I have run
 ' the Risque of so much Danger as I have this
 ' Day escap'd, which will be a Caution to me
 ' not to intermeddle with things that are be-
 ' yond my Reach, but to keep within the
 ' Boundaries of my own Duty and Station:
 ' And so God save the Queen's Majesty, and
 ' long

c long may she Reign over us ; and the same
 c Lord be praised for you who are Magistrates,
 c before whom I have been fairly Try'd this
 c Day by the Law, and you have proceeded
 c accordingly ; the Grace of God be amongst
 c you now and for ever more.

The Bench made no manner of Answer, but the Attorney-General having failed of his End in convicting the Prisoner, would wreck his Revenge on the Jury, and said, *My Lords, seeing these Men, who were of the Jury have strangely acquitted the Prisoner of the Treasons laid to his Charge, and will presently go out of Court ; I do move in behalf of the Queen, that they may be bound in Recognizances of Five hundred Pounds a Man, to answer to such things as shall be alledged against them, when ever required to do it.* Hereupon *Whetston* the Fore-man apply'd to the Lords, that the Jury might not be molested for the faithful Discharge of their Consciences, that they being Traders, and their Livelihood depending upon their Industry in their Callings, he desired the Court would appoint a Day for their Appearance, seeing some of them might perhaps be in Foreign Parts attending their lawful Occasions.

These Poor Men met with a most severe usage, for they were clapt up in Prison, wherein Four of them continued not long, for they made their Submission, and own'd their Offence, to the Prejudice of Truth: But the other Eight persisting in their Integrity, were on the 26th of *October* brought before the Council in the *Star Chamber* ; where they affirm'd, that what they had done in respect to their Verdict, was according to the best of their Knowledge and their Consciences, even

as they should answer for the same before God at the solemn Day of Judgment. Nay, Mr. *Lucar* said openly and boldly before their Lordships, *That what they did in that matter, was like honest Men, and true and faithful Subjects; and therefore they humbly intreated the Lord Chancellor and the rest of them, to intercede with the King and Queen, that they might be clear'd and set at Liberty; saying, they were all ready to submit themselves to their Majesties, saving and reserving their Consciences, Veracity and Honesty.*

The Lords extreamly offended with their behaviour, adjudged them to pay most Exorbitant Fines; some said they ought to be fined 1000 *l.* a Man; others that *Lucar* and *Whetston* ought to pay a Thousand Marks a piece, and the rest Five Hundred. In short, the cruel Sentence pass'd upon them was this: That *Whetston* and *Lucar* should pay Two Thousand Pounds apiece within a Fortnight after, and the other six a Thousand Marks each; but the four which submitted, and whose Names were *Loo*, *Painter*, *Biswick* and *Cater*, were excepted. They were all remanded to Prison, where they were to tarry till farther Order, and the Sheriffs of *London* order'd to take an Inventory of their Goods, and to Seal up their Doors.

These unhappy Men having laid in Prison till the 12th of *December*, there were Five of them then discharg'd and set at Liberty, upon the Payment of their Fines which was reduced to Two Hundred and Twenty Pounds apiece; the other three having in an humble Petition set forth their Estates did not amount to the Sum they were required to pay, they were

were discharg'd on the 21st of the same Month, upon the Payment of Threescore Pounds apiece.

It has been the Opinion of some of the best of our Lawyers, that the Jury being the proper Judges of matters of Fact, they ought by no means to be called to an Account for the Verdict they bring in, tho' never so different from the Sentiments of the Court. I remember I have read some where, a great many Years ago, the following Story, with which we may pertinently enough close up this Tryal. Some time during the Reign of the glorious Queen *Elizabeth*, the Chief Justice being on the Circuit, there was a Man try'd before him for the Murder of another Person, and the Evidence and other Circumstances appear'd so plain, that he directed the Jury to find him Guilty. Eleven of the Twelve presently declar'd themselves to be of the Judges Opinion; but the Twelfth Man, cou'd by no manner of Means nor Arguments be brought to comply with the rest, and declar'd he would either starve them, or they should him before he would do it. Being locked up together for a long while and the Judge wondering they were so tedious about their Verdict, he made Inquiry into it; and understanding the Obstinacy of one Man only was the occasion of the delay, he sent for him, and expostulated the matter a little while without being able to work upon him any farther than that he had Reasons for what he did, which he would not divulge: The Judge told him at last, if his Life lay at Stake, he should be in no Danger, provided he would let him know his mind. He thereupon relying upon

the Promise of the Judge, said, *That he himself had murdered the Person for which the Man was try'd, and that he was not willing by finding him Guilty, to commit another Murder.* The Judge after his return from the Circuit, having represented the matter to the Queen, procur'd him his Pardon, which he very well deserv'd.

If the Reader would know what became of Sir *Nicholas Throgmorton* himself, after so narrow an Escape, I find no farther Proceedings against him, neither do our Histories make any mention how and when he obtained his Liberty: But it's likely he did not continue long under Confinement; and surviving till the happy Reign of Queen *Elizabeth*, he discharg'd several Embassies with great Application and Fidelity; and tho' so very much to his Glory, yet he could rise no higher than to those small Preferments, tho' Glorious in Title, of chief Cup-bearer of *England*, and Chamberlain of the Exchequer; and this because he sided with the Earl of *Leicester* against *Cecil*. He dy'd in the 13th Year of the Reign of Queen *Elizabeth*, Anno 1570. with this Character, that he was a Gentleman of great Experience, piercing Judgment, and singular Prudence.

The

*The Tryal of William Parry, Doctor
of Laws, for High Treason, in con-
spiring the Death of Queen Elizabeth.
Anno. 1584.*

William Parry was one of the younger Sons of *Harry ap-David*, who liv'd in a little Village called *Northop*, in the County of *Flint* in *North-wales*, and kept a petty Ale-house there; his Mother was the reputed Daughter of one *Conway*, Parson of a Poor Parish nam'd *Holkin* in the same County. His eldest Brother kept the same Ale-house as their Father had done before. When *William* had learn'd to read and write a little, he became a Servant to one *John Fisher* in *Cheshire*, who had some small Smattering in the Law, and served him several Years as his Clerk; during which time he learned the *English* Tongue, and was suffered, when his Master's business would allow it, to go to the Grammar School to learn Latin, wherein he made some small Proficiency. He was observ'd while he lived in *Cheshire* to be of a villainous Disposition, he ran away from his Master several times, who when he caught him, chain'd, logg'd and clogg'd him: But at length about the Third Year of the Queen's Reign, he took his final leave of him, and going to *London* to seek his Fortune, he shifted from one Service to another, at last took the Character upon him of being a Gentleman of an Ancient Family, and pretended e-

specially upon the Account of his Mother to be kin to Sir *John Conway*, and so to Mr. *Edmund Nevil*, who was a Relation of the Earl of *Westmorland*.

Putting himself thus forward in the World, it made way for his Marriage with a pretty wealthy Widow in *Southwales*, whose Substance he soon spent; so that running much in Debt, he had Officers ever after him to arrest him: This put him upon matching with another Widow of the Name of *Heywood*, who was rich and had a good Joynture; but there was such Inequality in their Age, that she was old enough to be his Mother. Being thus set up again he liv'd with more Profuseness than before, not only ill used his Wife, but debauch'd her Daughter. His Excesses soon brought him into Streights again, and becoming indebted to Mr. *Huge Hare*, who sued him for the Money; *Parry* in a way of Revenge, went in the Night time to Mr. *Hare's* Chamber in the *Temple*, broke open his Door, assaulted and grievously wounded him to the endangering of his Life, for which Fact he was indicted of Burglary, and condemn'd to dye for it.

How or by whose Intercession he obtain'd her Majesty's Pardon does not appear; he tarry'd not long in *England* after he had got his Liberty, but sojourning beyond the Seas, and having Conferences with Jesuits and the like People, he engaged in a most villainous Design to Assassinate the Queen. Soon after his return, he endeavour'd to have private Access to her Majesty, pretending he had Things of very great Importance to Communicate to her; and being admitted to her
in

in an Apartment in *White-Hall*, wherein there was only but one Privy-Counsellor, and he at such a distance, that he could not hear what *Parry* said; he there discover'd to the Queen Part of the Conferences he had had with the Jesuits and others, and especially with one *Thomas Morgan* an *English* Fugitive residing at *Paris*, concerning the Assassination of her Royal Person, and that he did all this in order to discover to her the malicious Designs, and villainous Machinations of her Enemies. The Queen instead of punishing him for these wicked Practices, gave him Access to her in Private, and frequently conversed with him, having conceived such an Opinion of his Fidelity, that she offered him a large Pension; keeping the whole Secret within her own Breast, till such time as he discovered the same to some of the Privy Council, and till it was found out, that he had endeavour'd to draw *Mr. Nevil* to be a Confederate in the Plot.

Nevil on his Part conceiving a great Horror for such an ignoble and base Design, discovered at large what had passed between him and *Parry* to a Gentleman of good Quality belonging to the Court, who immediatly imparting the same to her Majesty, she order'd *Nevil* to be examin'd by the Earl of *Leicester* and Sir *Christopher Hatton*, to whom he firmly avouch'd all he had said to the Gentleman. Orders were hereupon given that *Parry* should be sent to the Secretary's Office, who pursuant to the Directions he receiv'd from above, gave him to understand, that her Majesty in consideration of the Respect he knew she had for *Parry*, and the Confidence *Parry*

seem'd to profess he had in Mr. Secretary, had pitch'd upon him on purpose to confer with him about an Affair which highly concern'd her, and that she did not doubt but he would discharge his Duty to her, according to the extraordinary Professions he had made to her. Then the Secretary told him that there was some ill Design against her Person quickly to be put in Execution, which she believed from the Confidence some of her most disaffected Subjects reposed in him, he could not but be acquainted with, and that therefore it was her Pleasure that he should tell him all he knew of that kind; and whether he himself had dropt Expressions to any Body, tho' with no other Intent than to sound his Disposition, which might raise a Suspicion as if he himself had harboured any such wicked Design. Now *Parry* utterly denying the matter with the greatest and most solemn Protestations, the Secretary told him, That there was a Gentleman of Quality and every way as good as himself, and rather his Friend than his Enemy, that would avouch it to his Face: *Parry* persisting still in the Justification of his Innocence, and that he knew nothing directly or indirectly of the matter, he lay that Night at the Secretary's House, and next Morning desiring to speak with him, he declared to the Secretary that he called to mind, he once had some Discourse with one *Nevil*, a Kinsman of his, as he call'd him, concerning a Point of Doctrine, in an Answer wrote to a Book, entitl'd, *The Execution of Justice in England*; by which Book, is was resolv'd that it was Lawful to kill a Prince, in order to the Propagation of the Catholick

tholick Religion; but he protested they had no manner of Words concerning any Attempt against her Majesty's Person. *Parry* the next Night was carry'd to the Earl of *Leicester's* House, and being there again examin'd by his Lordship, Mr. Vice-chamberlain and Mr. Secretary, he persisted in his Denial of all that was laid to his Charge; upon which *Nevil* being produced, he justify'd the Accusation to his Face: But this was so far from bringing him to a Confession, that he in a very haughty and insolent manner opposed *Nevil's* Reputation with his own, saying, That his Negative was as good as *Nevil's* Affirmative, and would by way of Recrimination, lay the Crime at *Nevil's* Door, who being commanded by the Committee to write down and sign all that he had said on that Occasion; this was the Substance of his Narrative. That *William Parry* last Summer, soon after he had failed of obtaining the Mastership of *St. Catherine*, went to Mr. *Nevil's* Lodgings in *White-Fryers*, where he appear'd to be a great Male-content, and bitterly inveighing against the Queen, assur'd him, *That while things stood as they were, he should never have any Satisfaction of Mind; but seeing, said he, I know you are of Noble Extract, and a Man of Resolution, if you will give me Assurance either of concurring with me, or not to discover me, I'll show you the only way to serve yourself.* *Nevil* having given him his Promise, and going according to Appointment next Day to *Parry's* House in *Fetter-Lane*, he found him a Bed, and ordering his Servants presently to withdraw, he began thus: *My Lord,* for so he stil'd Mr. *Nevil*, *I profess before God, I have three Reasons which chiefly induce me to en-*

gaze in an Enterprize I design to discover to you ; and these are the restoring of Religion, Preferring the Scotch Line, and the Advancement of Justice, so strangely perverted during the present Administration. Then he began to talk of such Places as were most proper for letting in such Foreign Forces as should be approv'd of, in order to the carrying on of such Designs as should be concerted. With this sort of Conversation the time was spent till Dinner, after which the Company being gone, he resumed the Discourse, and said, *If I am not mistaken, the taking of Queenborough Castle would hinder the Queen's Ships to get out of the River ; and finding I did not contradict him, he took Mr. Nevil by the Hand ; Tush, said he, this is nothing, if Men were resolute there is an Enterprize of far greater Moment in view, and much easier to be executed ; an honourable Action, and meritorious in respect to God and the World.* Seeing Mr. Nevil desirous to know what that was, he did not boggle to say in plain Words, *It was to kill the Queen ; in which, if you will concur with me, I'll either lose my Life or rid my Country of her wicked and tyrannical Government.* Then observing Mr. Nevil displeas'd with such Works, he asked, *If he had read Dr. Allen's Book, out of which he cited Authority for it.* Mr. Nevil answering, *No, and that he did not believe that Authority ; Well, said he, What will you say, if I shew a greater Authority than this from Rome itself, even a Plain Dispensation for killing her, wherein you shall find it, as I observ'd before, to be a meritorious Act ?* Mr. Nevil reply'd, *Good Cousin, when I see that I shall think it very strange, to find one Man count that a meritorious Act, which another takes to be a damnable one : Well, said Parry, do me the Favour to consider*

sider of it till to Morrow; and if a certain Person is in Town, I shall not fail to shew you the Instrument it self, and if he is not, he will come in five or six Days, and if you will meet me then in Canon-Row, we may take the Sacrament together to be true to one another, and then I will acquaint you both with the Party and the thing it self. Here Mr. Nevil desired Parry to think better of it, as a thing of the last Importance both as to Soul and Body. I would to God, said Parry, you were as fully satisfy'd in it as I am, for then you would undoubtedly do God good Service.

About eight or ten Days after, Parry coming to visit Nevil at his Lodgings in Horn's Rents in Holborn, as he often us'd to do, they took a Walk into the Fields, where he renew'd his Resolution to Assassinate the Queen, Who, he said, Did not deserve to live, and that he wonder'd Mr. Nevil was so scrupulous in the matter: She has, said he, sought your Ruin, why should you not endeavour to revenge it? That Mr. Nevil own'd his Case was hard, but that yet he was not so desperate as to Revenge it upon himself, which must needs be the Consequence of so unlawful and impracticable an Enterprize. Impracticable, quoth Parry, I wonder at you, for in reality there is nothing easier; you are no Courtier, and therefore know not her way of Walking with a small Retinue, and often very privately in the Garden, where I can easily have Access to her, and you too when known at Court: Our Business is to have a Barge at hand to whip us down the River, where we shall have a Ship ready to transport us out of the Kingdom, if there is Occasion, but I'll wager my Head upon it, we shall not be pursued far. Here Nevil ask'd him, How he would make his Escape out of the Garden, saying, he
would

would not be allow'd to carry any Men with him; and then the Gates would be lock'd, and that he could not carry a Dag without being suspected. As for a Dag, said Parry, I care not, my Dagger is enough, and for the matter of escaping, the Queen's Attendance will be so busy about her, that I cannot miss of an Opportunity to make my Escape, if you will be ready with the Barge to take me in. But if you are still of the Opinion, that this way is too dangerous, we'll stay till she comes to St. James's, and in the mean time provide Men and Horses fit for the Purpose: Cannot each of us keep eight or ten Men without being suspected? For my own part, I'll pick out such Fellows as will follow me without suspecting my Design; so many resolute Men, well provided every one with a Case of Pistols, can do wonders upon a surprize. If she has a hundred People about her, they shall not be able to defend her, when you on one side, and I on the other, come to discharge our Pistols at her; it would be strange we should both miss her: But if our Pistols fail, I shall labour hard with my Sword before she shall escape.

Here Mr. Edmund Nevil interrupting him, said, Pray, Good Doctor, lay aside the thoughts of this odious Enterprize, and let me hear no more of that which my Heart so much abhors; I wish to God the Undertaking were just, I would then shew you whether I wanted Courage or not.

The Queen coming not long after to St. James's, Parry once more renewed his Discourse to him about assassinating her Majesty, perswading him with great Earnestness and Importunity to concur with him in it, saying, He took him to be the only Man, upon the Account of his Valour, that was likely to perform it. Here Mr. Nevil seeming as if he was more inclin'd to hearken to him than before, in Expectati-

on

on he might be induced then to open his Mind to some body else, that might bear witness of the same as well as himself; this did not take effect. Lastly, *Parry* on the 6th of *February* in the Afternoon, went to *Nevil's* Chamber, and desiring to speak with him apart, they withdrew to the Window, where *Nevil* told him before, that a learned Man whom he met by Chance in the Fields, and to whom he put the Question about the Assassination, answer'd, *It was a most villainous and damnable Enterprize*, and advised him to get clear of it. *Parry* then desired to know what that Man's Name was, and what was become of him, saying in a scornful way, *No doubt he is a very wise Man, and you wiser in believing him*; adding, *I hope you did not tell him I had any Instrument from Rome*? Yes, indeed I did, said *Nevil*; he then reply'd, *I wish you had not named me, nor said any thing about what I had from Rome*. Then he earnestly press'd *Nevil* to go forthwith beyond Sea, promising to secure him a safe Passage into *Wales*, and from thence into *Bretagne*: But *Nevil* instead of that, resolv'd to discharge his Conscience, and to discover his most trayterous and horrid Designs against her Majesty.

Parry for his Treasons being committed Prisoner to the Tower, was on the 11th of *February* examin'd there by the Lord *Hunsdon*, Sir *Christopher Hatton*, Vice-Chamberlain, and Sir *Francis Walsingham*, Secretary of State, and did voluntarily and without any Constraint, confess by Word of Mouth, and afterwards put down in Writing, and sent to Court by the Lieutenant of the Tower, an Account of his Treasons against the Queen to this effect.

IN the Year 1570, I was Sworn one of her Majesty's Servants, whom till 1580 I serv'd, honour'd and lov'd with as much Sincerity and Respect as any poor Subject in the Kingdom. About the end of that Year and until Midsummer 1582, I underwent some trouble about wounding a Gentleman of the Temple, for which I was so disgrac'd and oppress'd by two Great Men, to whom nevertheless I have been lately beholden, that I have never had any Peace of Mind after; this laid the foundation of my Ruine. I endeavour'd the July following, to get leave to Travel for Three Years, and having reach'd Paris in September, I was reconcil'd to the Church of Rome, and advised to behave my self inoffensively, and the rather, because the English Catholicks suspected I held a Correspondence with the greatest Man in England; so that I staid not long there, but removed to Lyons, which being the usual Passage between Paris and Rome, I was also suspected there; so that I went to Milan, where having discharg'd my Conscience, and justify'd my self in Point of Religion before the Inquisition; I remov'd to Nice, and there came acquainted with Father Benedict Palmo, a grave and learned Jesuit, with whom conferring about the Difficulties the Catholicks labour'd under in England, and the reading of some Books upon that Head, I devised a way for their Relief, provided the Pope and some learned Divines would approve of the Justice of it. I propos'd it first to Palmo, who commended my Zeal, encourag'd me in it, and in some time brought me acquainted with Campeggio, the Pope's Nuncio in that City. Hereupon I wrote to the Pope, desired a safe Conduct to Rome, and so back into France. Cardinal Como sent me an Answer, I might come and welcome; but

but I not thinking that sufficient, desired better Security, which not coming before my departure to Lyons, I received in that City an ample Passport to go to Rome, In verbo Pontificis per omnes Jurisdictiones Ecclesiasticas, absque Impedimento. I acquainted some of the Fathers there, with the necessity I was under by Promise to set out for Paris, where, upon my Arrival, I found the English Catholics had no manner of Mistrust of me as before, and being one Day in the Chamber of Sir Thomas Morgan, a Gentleman well beloved and much confided in on that side the Water, and talking among other Gentlemen there of the Affairs of England, Morgan desired me to go along with him into another Room, and beginning to open his Mind to me, said, It was to be hoped and expected that I should do some Service for God and his Church. I made answer, I would do it, tho' I were to kill the greatest Subject in England, whom I named to him, and then really hated. No, no, reply'd he, let him live, that his Fall and the Ruin of his Family may be the more conspicuous, I mean the Queen. I readily chim'd in with him, and told him, That might soon be done, if it could be Lawful, and warranted by the Sentiments of some learned Divines: My Scruples being once remov'd, I vow'd to undertake the matter, in order to bring England back under the Obedience of the Apostolick See. Several Divines were proposed to me, I rejected Parsons, approved of Allen, and accidentally came Wats, a learned Priest, to confer with me about my Design; this Person having only alter'd the Case in Name, declared openly and without reserve, That it was unlawful, and I have heard that several English Priests concurred with him in their Opinions, unless they have altered them since the Publication of An
Answer

Answer of the Execution of the *English* Justice, which I must confess bears hard upon me, and I am afraid will do the same with others, without the Catholics are more tenderly used in England: But notwithstanding any Doubts remaining in my Mind, I was engag'd so far by Letters and other ways to and from Italy, that I could not recede from my Engagements, but promis'd faithfully to proceed with the intended Enterprize, upon condition the Pope granted me the full Remission of my Sins.

Having communicated at one Altar with the Cardinals de Vendosme and Narbonne, and procur'd Certificates from them to the Pope, Morgan introduc'd me to the Nuncio Ragazzoni, who having undertaken to send my Letters and the inclos'd Certificate to Rome, wish'd me good success, and promis'd I should be remember'd at the Altar. Some Discourse I had with Morgan about communicating this Design to some Trusty Person, for the better Furtherance of it: Several were named, but none agreed on for fear of a Discovery; only he assured me, that the Lord Fernihurst, then at Paris, should soon after my Departure, go for Scotland, and be ready upon the first Information of the Queen's Death, to enter England with 20 or 30000 Men to defend the Cause of the Queen of Scots.

Being returned to England, I procur'd Access to the Queen, to whom in private I discovered the whole Conspiracy, tho' I cloak'd it with the best Art I could: She heard me without being daunted. I departed from her not without being terrify'd, and cannot now forget what she then said, That no Catholics should be called in Question meerly for Religion or the Pope's Supremacy, provided they approved themselves good Subjects. In the mean while as I was daily solliciting at Court for the Mastership of St. Catherine's, I received Let-

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ters from Cardinal de Como, wherein my Enterprize was commended, and my self, in the Pope's Name, absolv'd. These Letters I imparted to the Queen; what Effect they wrought upon her I know not, to me they certainly added Courage, and took off all manner of Scruple; and yet I was not resolv'd to offer her any Violence, if she could by any means be perswaded to deal more favourably with the Catholicks; and therefore, lest I should commit the Murder, I laid my Dagger aside as often as I had Access to her Person. When I seriously consider'd her and her truly Royal Vertues, I was distracted with dubious Thoughts, for my Vows were recorded in Heaven, my Letters and Promises among Men: These things I often ponder'd with an unquiet Mind, I never was beholden to her for any thing; Have I not spent Ten Thousand Marks since I came into her Service, and never got any thing by her? My Life indeed she once pardon'd, but to have taken it away upon that occasion had been Cruel and Tyrannical.

Hereupon I departed from the Court, very much dissatisfy'd with my Condition: I lighted upon Doctor Allen's Book, wherein he asserted, That Princes excommunicated for Heresy, were to be deprived of their Dominions and Lives, which Book mightily incited me to prosecute my Enterprize. This Book I read to Nevil, who had had his Fingers often in my Dish, and his Hand in my Purse, six whole Months before he accused me. He came afterwards to me and said, Let us venture on somewhat, since we can get nothing from the Queen, and he made several Proposals about setting the Queen of Scots at Liberty: But I have, said I, greater things in my Head, and of more Advantage to the Catholick Cause. Next Day he came and swore upon the Bible, That he would conceal

conceal and constantly pursue any thing that should be for the Good of the Catholick Religion, and I swore the like. We then resolv'd with Ten Horsemen to set upon the Queen, as she rode out to take the Air, and to Murder her; all which Nevil conceal'd till now: But having heard that the Earl of Westmoreland was dead, whose Estate he had already swallow'd in his Imagination, he presently broke his Oath, and accused me of these things: He acknowledg'd also his Fault, begg'd pardon for the same in his Letters to the Queen, the Lord Treasurer Burleigh, and the Earl of Leicester.

It's time now after all this Confession, and the producing of a Copy of Cardinal Como's Letter to him, to corroborate the Design, to come to the Formality of his Trial. He was arraign'd on the 25th of February 1584, at the Queen's-Bench-Bar in *Westminster-Hall*, by virtue of her Majesty's Commission of Oyer and Terminer; before

<i>Henry, Lord Hunsdon,</i> Governor of <i>Berwick.</i>	<i>Sir Gilbert Gerrard,</i> Master of the Rolls.
<i>Sir Francis Knolles,</i> Treasurer of the Household.	<i>Sir Edmund Anderson,</i> Lord Chief Justice of the Common-Pleas.
<i>Sir James Crofts,</i> Comptroller of the Household.	<i>Sir Roger Manhood,</i> Lord Chief Baron of the Exchequer.
<i>Sir Christopher Hatton,</i> Vice-Chamberlain.	<i>Sir Thomas Heneage,</i> Treasurer of the Chamber.
<i>Sir Christopher Wray,</i> Lord Chief Justice of <i>England.</i>	

After

After Proclamation was made as usual, the Lieutenant of the Tower was commanded to return his Precept, which he did, and brought the Prisoner to the Bar,, to whom *Miles Sands*, Esq; Clerk of the Crown, said, *William Parry*, *Hold up thy Hand*, which he did ; then the Clerk went on, *Thou art here Indicted by the Oaths of Twelve good and lawful Men of the County of Middlesex, before Sir Christopher Wray, Kt. and others, before whom you are received in the Indictment, by the Name of William Parry, late of London, Gentleman, alias William Parry, late of London, Doctor of Law ; for that you, as a false Traytor to a most magnificent and truly Christian Princess, Queen Elizabeth, our most gracious Sovereign and Liege Lady, not having the Fear of God before your Eyes, and without any Regard to your Allegiance, but seduc'd by the Instigation of the Devil, and intending to withdraw and extinguish that hearty Affection and just Obedience, which true and faithful Subjects should bear to their Sovereign, did at Westminster, in the County of Middlesex, on the First of February, in the Six and Twentieth Year of her Majesty's Reign, and at several other Times and Places in the same County, maliciously and trayterously conspire and compass, not only to deprive and depose our said Sovereign Lady from her Royal State, Title and Dignity, but also to Murder and Destroy her, and to raise Sedition in the Kingdom, to subvert the Government thereof, and to subvert and supplant the Religion establish'd in the Queen's Dominions.*

And whereas you have by your Letters to Gregory, Bishop of Rome, imparted your aforesaid Purposes and Designs, and at the same time pray'd and desir'd him to give you Absolution, and that afterwards,

*wards, viz. on the last of March, in the 26th Year
aforesaid, you trayterously received Letters from one
Cardinal Como, directed to you, by which the same
Cardinal gave you to understand, that the Bishop of
Rome had perused your Letters, and approved of
your Design, and upon that account had absolved you
of all your Sins, and by the same Letter animated
and excited you to carry on your Enterprize, and
that thereupon you did on the last of August, in
the same Year of her Majesty's Reign, at St. Giles
in the Fields, in the said County of Middlesex,
trayterously confer with Edmund Nevil, Esq;
and communicated to him all your wicked and tray-
terous Devices, and then and there excited him to
be assistant to and concur with you in the Perpetrati-
on of those wicked Treasons, against the Peace of
our Sovereign Lady the Queen, her Crown and Dig-
nity. What say you, William Parry, Are you
Guilty of those Treasons whereof you here stand In-
dicted, or Not Guilty?*

The Indictment being thus read, the Pri-
soner desired he might have leave to speak a
few Words, before he pleaded or confessed
himself Guilty; which being allow'd, and
having made his Obeysance, he began thus.
*God save Queen Elizabeth, and give me Grace to
discharge my Duty to her, and to send you home in
Charity: But as to the Facts of which I am Indict-
ed, some of them were in one place, and some in a-
nother, and done so secretly, that no Body could see
them, but him that is the Seer of all Things; there-
fore I will not lay my Blood at the Door of the Jury,
but am disposed to confess the Indictment, only I
desire first to be inform'd, whether it consists of the
Parts that have been publickly read? And being
answer'd in the Affirmative and of no other,*
the

the Clerk of the Crown said, Parry, Parry, you must answer directly to the Indictment, and say whether you are Guilty or not?

The Prisoner hereupon said, *I confess I am guilty of all that is contained therein; and added, I do not desire to live but die. If you confess the Charge,* said the Clerk of the Crown, *you must do it in the same Form and Manner as comprehended in the Indictment.* To which he reply'd, *I do confess it in the Manner and Form as set down and all the Circumstances of it.* Then the Confession being ready, and the Queen's Council ready to demand Judgment upon it: Mr. Vice-Chamberlain said, *The things contained in this Indictment, and confessed by this Person, are of so great Importance, that they concern the Person of the Queen's most excellent Majesty in the highest degree, the State and Well-being of the Government, and the true Christian Religion settled in her Dominions, as they plainly demonstrate the implacable hatred of the Bishop of Rome, who has shewn himself an Enemy to God and Religion, to all good Princes and Governments, and indeed to all good Men; and therefore I desire for the Satisfaction of the Auditory, that Things may be put into their full Light, that every Body may see they are as bad as the Indictment sets them forth, and as the Prisoner has confessed them.*

The Court well knowing, that the Justice of the Nation had of late been very impudently and most unlawfully Censur'd, readily concurr'd with the Motion, tho' his Confession, in the Eye of the Law, was sufficient to authorize them to proceed to Judgment: Wherefore the Lords and others that were the Commissioners together with the Queen's Council, and the Prisoner himself, agreed that

his Confession of the 11th and 13th of February 1584 before the Lord *Hunsdon*, Mr. Vice-Chamberlain, and the Secretary of State, Cardinal *Como's* Letters, and *Parry's* Letters to the Lord Treasurer and the Lord Steward, should be read in open Court; and *Parry*, in order to the fuller satisfaction of all there present, offer'd to read them himself: But being told, that was the Business of the Clerk of the Crown, he acquiesc'd. Here the Vice-Chamberlain having order'd the Prisoner's Confession, the Cardinal's Letters, and his own aforementioned to be shew'd him, he look'd them over carefully Leaf by Leaf, confess'd and own'd them in open Court.

Then the Vice-Chamberlain said, *Before we proceed to shew what he has confess'd, What do you say, you that is the Prisoner at the Bar? Is what you have here Confess'd true? And have you freely and of your own Accord confess'd it, or was there any Violence us'd to extort it from you? Verily, said Parry, I freely have made this Confession, without any manner of Restraint; and 'tis all true and more too, for there has been no Treason since the first Year of the Queen's Reign, any way relating to Religion, except the receiving of Agnus Dei's, and the seducing of others, wherein I have not much intermeddled, but I have Transgress'd, nay, I have given my Opinion in Writing, concerning the Succession of the Crown, which I own also to be Treason.*

Then the Prisoner's Confession under his own Hand, was openly and distinctly read by the Clerk of the Crown in Court, after which Cardinal *Como's* Letter in *Italian*, was by the Direction of the Vice-Chamberlain delivered to *Parry*, who perus'd it and openly affirm'd it to be the Cardinal's own Hand and Seal, with

with the Cardinal's Cap upon it: Now he himself reading it aloud in *Italian*, and the Court observing Words in it, which imported it was writ to a Bishop or a Person of such Dignity, the Vice-Chamberlain ask'd him, *If he had not been made a Bishop?* He answer'd, *No*, and said at first, *That these were Terms suitable to the Degree he had taken*, but afterwards added, *That the Cardinal thought fit to write to him in that manner out of the Respect he bore to him.* The *English* Translation of the Cardinal's Letter was next read, and acknowledg'd by the Prisoner to be a genuine Version, and last of all, his own Letters to the Lord Treasurer and Lord Steward, which he also acknowledg'd to be his Hand writing.

Here indeed comes a strange Turn after so many open Confessions, and makes the Tryal of this Man exceeding remarkable, that he should now begin to prevaricate and deny the Fact. He first desired leave of the Court to speak, to which the Vice-Chamberlain reply'd, *If you have any thing to offer for a fuller Demonstration of the horrible Facts you are guilty of, proceed: But if you intend to make any Excuse about the things you have confess'd, which otherwise would have been and are proved against you, for my own part I'll not sit to hear you.* Then the Attorney General standing up, said, *It appears before your Lordships, that this Man has been indicted and arraign'd of several most greivous and horrible Treasons, which he has Confess'd, and they are entred upon Record; therefore there remains no more to be done, but for the Court to pass Sentence accordingly, which I do in Behalf of the Queen's Majesty here demand.* The Prisoner hereupon pray'd to be heard for the clearing of his Conscience, and

said, *I will not go about to excuse my self, nor endeavour to save my Life, I value it not, you have my Confession upon Record, that is enough to take away my Life; my design is to offer something more, for which I deserve to die. Pray hear, that I may disburthen my Conscience.* To which the Vice-Chamberlain reply'd, *Parry, do thy Duty, clear thy Conscience, and leave nothing undiscover'd of thy wicked and villainous Purposes.*

He now went on, *My Cause is rare, singular and unnatural; It was projected at Venice in general Expressions, laid before the Pope, resolv'd on at Paris, commended and approved by the Pope, and was to have been executed in England, yet I never intended to Murder the Queen, for which I appeal to her self, the Lord Treasurer and Secretary of State.* Hereupon the Lord Hunsdon interrupting him, said, *Have you so often acknowledg'd it, and so distinctly under your own Hand, which is here upon Record, and yet now, when Sentence is to pass upon you, pursuant to your own Confession, will you recede from it, and deny the whole? How can we believe what you say?*

Then said the Vice-Chamberlain, *This is an Absurdity indeed, have you not only confess'd in general Terms, that you were guilty of the Indictment, which summarily and in express Words sets forth how you had trayterously compassed and imagined the Queen's Death and Destruction, but also own'd particularly that you were guilty of all and singular the Treasons contain'd therein, of which that was One expressly mention'd and read to you: Nay, you said, You were Guilty of more Treasons besides. And did you not upon your Examination freely confess, how you were first incited to it from a Dissatisfaction with your Condition, after you had quitted the Kingdom; and that you were displeas'd*
with

with her Majesty because she had done Nothing for you. How you were perswaded by wicked Papists, and induced by the reading of Popish Books to believe it to be lawful to Murder her? How by your Reconciliation with the Church of Rome, you were become one of that wicked Crew, who accounted her Majesty to be neither a lawful Queen nor a Christian? And that it was a meritorious Act to destroy her. And did you not write to the Pope to let him know your Intention, and received Letters from the Cardinal, importing the Pope's Approbation of it, and exciting you to perpetrate the Fact, upon which you desired Absolution? And did you not contrive promise, vow and swear it, and took the Sacrament upon it? Did you not thereupon affirm, that your Vows were in Heaven, and your Letters and Promises upon Earth to oblige you to it? And that whatever the Queen would have done for you, would never have diverted you from your Intentions and Purposes, unless she would have desist'd from her Severities to the Catholicks, as you call them? This you have plainly confessed; and I do declare in the Presence of the whole Assembly that you have confess'd it plainer and in better Terms, than my Memory can supply me with, and do you now say, that you never intended it?

Ah, said the Prisoner, Your Honours know how my Confession was extorted from me upon my Examination. This made the Lord Hunsdon and the Vice-Chamberlain openly declare, That there was no Torture nor Threats used to him: But Parry reply'd, That they told him, if he did not make a Voluntary Confession, he should be tortur'd. They made Answer, That there was not one Word said to him about torturing at all. You said, quoth Parry, that you would proceed with Rigour against me, if I would not confess of my own Accord; which their

Honours positively deny'd; but said the Vice-Chamberlain, *We'll tell you what we spoke; these were my Words, if you will readily tell the Truth of yourself, it may do you Service, and I desire you would do so; if you will not, we must then proceed in the usual Method to take your Examination; to which you answer'd that you would of your self tell the Truth. Was not this True?* The Prisoner having acknowledged it, the Attorney-General reminded Parry of the Expressions he had used to the Lieutenant of the Tower, Queen's Sergeant at Law, Mr. Gandy, and to himself, on the 20th of February last in the Tower, when he was examined by them there, according to the Lords Order, which was thus: *That he acknowledged that he was most gently and favourably used in all his Examinations, and he then at the Bar own'd the same to be true.*

Then Mr. Vice-Chamberlain said, *That the Queen's Magnanimity could not but be sufficiently admired, that after you had detected your own traitorous Practices so far, as to set it down in your Confession; yet she was so remote from fear, that she would not acquaint any one of her Privy Council with it, to his Knowledge. But besides, what you have own'd under your own Hand, you did confess you had procur'd two Scotch Daggers, with which you design'd to perform the Work; but that having disposed of them, you said another would serve your Turn. Moreover, did you not confess before us, how wonderfully you were amazed and struck at the Queen's Presence last Summer at Hampton-Court, saying, That you thought you beheld the very Picture of Henry VII. in her? And that thereupon, and upon some Expressions which came from her Majesty, you turn'd about and wept bitterly; but that yet you recollected your Vows which were in*
Heaven,

Heaven, and your Letters and Promises upon Earth, and therefore said to yourself, there was no Remedy but you must do it. Did you not confess this?

The Prisoner having acknowledged this, the Lord *Hunsdon* spoke next to this effect: Do you say now that you never intended to kill the *Queen*? Did you not confess that when you discover'd these treacherous Practices to her Majesty, that you put all the artful Gloss imaginable upon it, and this rather out of an Intent to obtain Access to, and credit with her, than any Regard you had for the safety of her Person? But in reality you did it, that you might thereby have a better Opportunity to perpetrate your traitorous Designs; and would you have been subjected to such terrible frights, as you confess'd had seized you, when you discovered them, if you had never intended any such thing? What can you say in your own Justification? Here the Prisoner in a Rage cry'd out, I never intended to kill her; I'll lay my Blood upon the *Queen* and you, before God and the World. And then flying out into Passions, and abusing the Attorney General; the Lord *Hunsdon* said, This is nothing but a Popish Pride and Ostentation, in order to make those of thy Faction and Party to believe, that you are put to Death for your Religion, whereas you are to suffer for a most horrible and dangerous Conspiracy against your *Queen* and Country. As for your Blood, you ought to lay that at your own Door, as the just Reward of Wickedness; you are according to your own Confession most justly condemned by the Laws of the Land, for Conspiring the Death of the *Queen* and all of us: Therefore let thy Blood be upon thy self; neither the *Queen* nor we have ever sought it, thou spillst it thy self.

Here he was ask'd what he could say why Sentence of Death should not be pass'd upon him; he answer'd, He saw he must dye, because
 he

he was not settled. *What do you mean by that,* said the Vice-Chamberlain? *Look,* said he, *into your Study, and into your new Books, and you will find what I mean.* I protest, said the Vice-Chamberlain, *I do not know what you mean: You do not do well to use such dark Expressions, without explaining yourself.* But he said he did not value Death, and that he would lay his Blood amongst them. Then the Lord Chief Justice being required to give Judgment according to Law, said to Parry, *You have been long heard, and what you mean by being settled, I do not understand, but I find you are so settled in Popery, that you cannot find yourself to be a good Subject. As for what you have said concerning the Delay of passing Sentence upon you, you must either bring Proof that the Indictment, which you have confessed to be true, is defective in Law, or else plead something in reference to her Majesty's Clemency; what you have said besides, wherein you have used great Freedom, is more than you could have demanded by Law. These are the things that lye before you.* And the Prisoner making no reply to his Lordship, upon his asking him what he had to say to them; The Chief Justice went on thus: *Parry, you have already been indicted of several horrible and vile Treasons against your most gracious Sovereign and Native Country; nothing more detestable than the matter of it, more subtile and dangerous than the manner of it, and more wicked and villainous than the Means and Occasion, which lead thee to it. That you intended it is very evident from your own Confession; the matter you went upon was the Destruction of the Sacred Person of the Queen your Sovereign and Mistress, who had shewn you so much favour, and more than some of your Betters could obtain; yea, the Ruine of your Native Country, and of a most*
happy

happy Government of which you are a Member, and of such a Queen who has confer'd upon you the greatest Blessings in this World, I mean your Life, which by Law you had forfeited, thro' her Clemency; and yet you, who was her Servant, Sworn to defend her, conspired to take away her Life with your bloody Hands, who in Mercy gave you yours.

As to the manner, it was most subtile and dangerous and you have exceeded all that have form'd any Conspiracy against her Majesty before you; for you pretended only to make Discovery of the evil Designs of others against her, with an Intention to have the freer Access to, and to obtain greater Credit with her Majesty, that you might have the better Opportunity to assassinate her. Lastly, for the Means and Occasions that egged thee on, they were most Impious and Villainous; being the Exhortations of the Pope, Papists and Popish Books: The Pope pretends to be a Pastor, but in reality is so far from feeding Christ's Flock, that he rather seeks like a Wolf to devour and suck the Blood of good Christians, and does as it were thirst for that of our most gracious Queen and Sovereign. Now these Papists, while they pretend to write Divinity, do in reality most wickedly teach and inforce what is quite contrary to God and his Word; for the Scripture teaches Subjects to obey their Princes, and forbids any private Man to kill; but they instruct Subjects to disobey their Princes, and that a private wicked Person may kill, and who I pray? A most pious Queen, and their own natural and most gracious Sovereign. Let every body therefore beware how they receive any thing from them, hear or read any of their Books, and how they confer with any of the Popish Religion. God grant that her Majesty may always take warning from you, how she trusts such People to approach her Person.

If

If you will but consider the End you aimed at in this, you will find it to be wretched and foolish, you imagined it was to relieve those you call Catholicks, who of all others were the most likely to suffer most, if you had compassed your wicked Design. But seeing you have been indicted of the Treasons laid in the Indictment, and arraigned upon it, and have owned yourself guilty of them; the Court does award, that you shall be convey'd from hence to the Place from whence you came, and so drawn thro' the high Streets of London to the Place of Execution and there be hang'd and cut down alive, thy Privy Parts to be cut off, and thy Entrails taken out and burnt before thy Face, then thy Head to be cut off, and thy Body quartered, and to be disposed off, as her Majesty shall think fit, and the Lord have mercy on thy Soul.

The Prisoner was still outrageous and lavish of his Words, and among other extravagant Expressions, summoned the Queen to Answer for his Blood before the Tribunal of God. Upon which the Lieutenant of the Tower was commanded to take him away from the Bar, and upon his Departure, the People being deeply affected with Horror of his intended Enterprize, ceased not to pursue him with their out-crys, *Away with the Traytor, away with him.*

Being convey'd in a Barge to the Tower, he was on the 2d of *March*, pursuant to a Warrant from the same Commissioners of Oyer and Terminer, delivered by the Lieutenant early in the Morning to the Sheriffs of *London* and *Middlesex*, who received him on *Tower-Hill*, and according to the Sentence having placed him on a Hurdle, he was drawn thro' the midst of the City to the Pallace Yard in *Westminster*

minster, where having a long while allow'd him to prepare for Death, he most maliciously and impudently averred, after some other vain Expressions, he never had any Intention to Murder the Queen; and so without desiring People to Pray for him or using any Publick Prayer by himself, by any thing that appear'd, but only a Private Prayer, if he used any, he was executed according to the Tenour of the Sentence pass'd upon him.

Having gone thro' this most Remarkable Tryal, and the Execution of the Traytor, it may not be unpleasing to some of our Readers, if we present them with a Specimen of the Poetry of those Times in the following Epigram made upon him.

William Parry
Was *Ap Harry*,
By his Name,
From the Ale-house
To the Gallows
Grew his Fame.

Gotten *Westward*
On a Bastard
As is thought;
Wherefore one way
Kin to *Conway*,
Had he sought.

Like a Beast
With Incest,
He began:
Mother marry'd
Daughter carry'd
Him a Son.

Much he borrow'd
Which he sorrow'd
To repay:
Hare his Good,
Bought with Blood
As they say;

Yet for Payment
Had Arraignment
Of his Detter.
She that gave him,
Life to save him
Hang'd a better.

Parry's Pardon
Thought no Guardon
For his Worth;
Wherefore sought,
That he mought
Travel forth.

Which

Which obtain'd,
He remain'd
As before ;
And with Rashness,
Shew'd his Bashness
More and more.

He did enter,
To adven-ter
Ev'n her Death,
By whose Favor,
He did ever
Draw his Breath.

It was pitty,
One so witty
Male-content.
Leaving Reason,
Should to Treason,
So be bent.

But his Gifts,
Were but shifts
Void of Grace.
And his Bravery,
Was but Knavery,
Vile and base.

Wales did bear him,
France did Swear him
To the Pope ;
Venice wrought him,
London brought him
To the Rope ;

Wherewith strangled,
And then mangled
Being dead ;
Paul's supporters
Of his Quarters,
And his Head.

The

A Law Suit determined by Combat between the Plaintiff and Defendant's Champions.

ANother sort of Duel or Combat, besides those taken notice of before, in *England* was adjudged before the Judges at Common Law, but they were to engage with Foins or Weapons rebated, since they contended only for Right and Victory; and yet by any thing that appears to the contrary, they might use their Arms so effectually as to be the Death of one another.

In a Writ of Right the issue of the Cause is either cast upon a Duel, or upon the Inquest and Oath of good and lawful Men, called an *Affize*: Both these Methods of pursuing one's Rights, are unusual at this time of the Day, but especially that of *Duelling*. However, it happened to be revived in the manner following, in the 13th Year of Queen *Elizabeth*, in *Trinity Term*, at which the Lawyers were very much troubled and concern'd.

Simon Low and *John Kime* took out a Writ against *Thomas Paramore* for a Mannor, and some Lands lying in the Isle of *Harty*, near the Isle of *Sheppey* in the County of *Kent*; *Paramore* offered to defend his Title by Duel, to which the Plaintiffs agreed. Upon this *Paramore* produces one *George Thorn* for his Champion, a strong well set Fellow, before the Judges of the Common Pleas; the Plaintiffs producing one *Henry Nailer*, a Fencing-Master, and a Servant of *Robert Dudley*, Earl of *Leicester*

ster, not so tall as the other, but a very nimble Fellow. *Thorn* by way of Challenge throws down an Iron Gauntlet, which *Nailer* immediately took up, in Token of his accepting the Duel; upon this, both of them gave in Bail, and made Oath, that upon the next *Monday, Post Crastinum Trinitatis*, they would fight the Duel in *Tuttle-Fields* near *Westminster*. In the mean time, by her Majesty's Order, who was not willing they should cut one another Throats, the Controversy was taken up; the Agreement being made that *Paramore* should remain possessed of all the Lands in Dispute, the Plaintiffs receiving the consideration of a certain Sum of Money: Now that *Paramore's* Title might not receive any Prejudice, it was thought fit to carry on all the Solemnity of the Duel, and that the Bail, who were bound to produce the Champions, should appear according to Custom, and that the Plaintiffs being called at last, should make a Default and be nonsuited for not appearing.

Against the Day assigned for the Combat, there was a little Square railed in, in *Tuttle-Fields* above-mention'd, each side of the Square being Twenty one Yards in length; the Bars were double as in the Cases above-mention'd, the better to keep in the Champions, and to keep out the Crowd. Upon the West side there was a Scaffold erected with a Bench, like that in the Court in *Westminster-Hall*, and ornamented in the same manner to receive the Judges and others belonging to the Court. The other sides were filled with Benches and Seats for the Spectators, much like a Play-house. At the Back of the Judges Bench, there were two Tents set up, one for *Nailer* and the other

other for *Thorn*. The Day they were to fight, *Nailer* was dress'd in a Silk-Scarlet Doublet and Breeches, with a Sattin Cap, Feathers and Sash of the same colour; and having Trumpets and Drums before him, walked the Streets of *London* in a very martial and enterprizing manner; *Thorn's* Gauntlet was carry'd before him upon a Sword's Point, and one *Askam*, a Yeoman of the Guards, likewise carryed a Truncheon of about an Ell long, tipt with Horn, with which he was to Fight; there was also a Leather Shield carry'd among the Equipage. In this formidable fighting Posture he goes into *Tuttle-Fields*, being received by Sir *Jerom Bows*, Kt. and convey'd to his Tent; *Thorn* being before placed in his Tent by Sir *Henry Cheney*.

About Ten a Clock the Court of *Common Pleas* adjourned from *Westminster-Hall* to the new Martial's Bench, with the usual Ceremony; the Lord Chief Justice of the *Common Pleas*, and the rest of the Judges seating themselves upon that Bench. The Sergeants at Law likewise standing in their Places, and appearing in their Scarlet Habits. The Cryer, after having cry'd thrice, *Silence in the Court*, calls for the Plaintiffs, who not appearing, the Bail of *Henry Nailer* are summoned, and order'd to produce *Henry* aforesaid, the Plaintiff's Champion. Then upon the Left Hand of the Judges Bench, *Nailer* enters the Lifts, *Bare leg'd from the Knee down-wards, and bare headed.* (as the chief Justice *Dier* who fate upon the Bench words it.)

In this manner he was introduced by Sir *Jerom Bows*, who carry'd his Truncheon, and led him by the sides of the Rails, till he came

over-against the Judges, and here he made his Honours, and walked up softly towards the middle, where he made another Reverence; and then coming up to the Bar, he makes a third Bow; having his Shield held over his Head by a Person behind him, and thus being ready for the Encounter, he was ordered by the Court to stand by on the Right Hand.

This being done, *George Thorn's* Bail were called for, and order'd to bring him into Court; upon this *Sir Henry Cheney* entering the Lifts on the Right side, with the Ceremony above mention'd, and leading the said *George* about the Ring brought him to the Bar, where he was order'd by the Court to stand by on the Left Hand.

Then the Cryer, after Silence in the Court, made Proclamation in these Words: *The Judges in the Queen's Majesty's Name command, that no Person of what Estate, Condition or Quality here present, should be so bold as to give any token or sign, by his Countenance, Speech or Behavior either to the Appellant or Defendant, whereby either of them might have any Advantage over the other; and that every Person or Persons should keep their Staves and Weapons to themselves, and not suffer either the said Appellant or Defendant to take any of their Weapons or any thing else, that might be of any Advantage either to the Appellant or Defendant, upon Pain of forfeiture of Land, Tenements, Goods, Chattles, Imprisonment and Fines.*

This done, the Appellant was to take an Oath in the Court, the Form whereof here follows: *This hear, ye Judges, that I have this Day neither Eat, Drank, nor have about me either Bone, Stone or Glass, or any Enchantment, Sorcery or Witchcraft,*

Witchcraft, by which the Power of God's Word might be diminished or insured, and that of the Devil augmented, and my Appeal is true, So help me God, &c.

It seems there was no occasion for the administering of this Oath, the Business being to be decided after another manner than by Combat; and therefore the Plaintiffs were now summon'd in, and not appearing upon the last and peremptory Summons, one of the Sergeants of Counsel for *Paramore*, desired their Default might be recorded. This being done, the Chief Justice gave an Account of the History and Progress of the Cause, declared the Plaintiffs to have failed in their Appearance, and therefore gave the Land to *Paramore*, and so discharged the Champions and their Bail.

The Chief Justice also requir'd *Henry Nailer* to return *George Thorn's* Gauntlet; upon which *Nailer* answer'd, That his Lordship might command him to do what he pleased, but he had no Inclination to return the Gauntlet, unless *Thorn* could win it; adding, That he challenged *Thorn* to play with him half a Score Blows for the Diverfion of the Judges and Spectators; but *Thorn* replying, He came thither to Fight and not to Play; the Chief Justice commended *Nailer* for his Courage, and so commanding them both peaceably to depart the Field, broke up the Court.

*The History of the Tryal of Mary,
Queen of Scots, for conspiring the
Death of Queen Elizabeth, &c.
Anno. 1586.*

THIS Queen having been dethroned by her own Subjects, and flying into *England* for Refuge, she continued under Confinement many Years; but having entred into Plots and Conspiracies against *Queen Elizabeth*, the Privy-Council vary'd in their Opinions, what should be done to her on that Account: Some thought that no new rigorous Course was to be taken with her, but only that she should be put under a closer Confinement, both because she was not the Author of the Mischief, but only accessory to it, but also because she was sickly and not likely to live long: Others were of Opinion, that for the Security and Preservation of our Religion, she was forthwith to be put to Death, and that by due Course of Law. The Earl of *Leicester* thought 'twas best to do be done by a Dose of Poyson, and sent a Divine privately to Sir *Francis Walsingham*, Secretary of State, to satisfy him as to the Lawfulness of it; but *Walsingham* protested, that he was so far from consenting that any Violence should be offered her, that he had but lately thwarted the Advice of the Earl of *Morton*, who would have her sent back into *Scotland*, and put to Death on the Frontiers of that Kingdom.

The

The Lords differed likewise in their Opinions, as to what Law she should be try'd by; whether by the Statute of the 25th of *Edward III.* (whereby he is made guilty of Treason, who shall compass or imagine the Destruction of the King or Queen, raise War in his or her Kingdom, or adhere to his or her Enemies) or by the late Act of the 27th of Queen *Elizabeth.* After a long discussion of the matter, it was carry'd for the latter Act, as being made for that very Purpose and Occasion, and therefore to be put in Execution.

To the end therefore that Process might be made, and Sentence pronounced according to this Act made the preceding Year, against all such as should raise Rebellion, invade the Kingdom, or attempt any Violence to the Queen's Person; several of the Privy Council and others of the Nobility of *England,* were made Commissioners by the Queen's Patent for her Tryal, whose Names I have thought fit to insert out of the very Original, which runs thus in the ordinary Form of the Court:

‘ *Elizabeth,* by the Grace of God, of *Eng-*
 ‘ *land, France and Ireland,* Queen, De-
 ‘ fender of the Faith. To the most Reverend
 ‘ Father in Christ, *John,* Archbishop of *Can-*
 ‘ *terbury,* Primate and Metropolitan of all
 ‘ *England,* and one of our Privy Council;
 ‘ and to our trusty and well beloved Sir *Tho-*
 ‘ *mas Bromley,* Kt. Chancellor of *England,* and
 ‘ one of our Privy Council; and also to our
 ‘ trusty and well beloved *William,* Lord *Bur-*
 ‘ *leigh,* Lord High Treasurer of *England,* an-
 ‘ other of our Privy Council; and also to our
 ‘ most dear Cousin *William,* Lord Marquis of
 ‘ *D d 3* *Winchester,*

‘ *Winchester*, one of the Lords of the Parlia-
 ‘ ment; to our most dear Cousin *Edward*, Earl
 ‘ of *Oxford*, Great Chamberlain of *England*,
 ‘ another of the Lords of Parliament; and
 ‘ also to our most dear Cousin *George*, Earl of
 ‘ *Shrewsbury*, Earl Marshal of *England*, ano-
 ‘ ther of our Privy Council; and to our most
 ‘ dear Cousin *Henry*, Earl of *Kent*, another of
 ‘ the Lords of the Parliament; and also to
 ‘ our most dear Cousin *Henry*, Earl of *Derby*,
 ‘ another of our Privy Council; and to our
 ‘ most dear Cousin *Edward*, Earl of *Rutland*,
 ‘ another of the Lords of the Parliament; and
 ‘ to our most dear Cousin *Ambrose*, Earl of
 ‘ *Warwick* Master of our Ordinance, another
 ‘ of our Privy Council; and to our most dear
 ‘ Cousin *Henry*, Earl of *Pembroke*, another of
 ‘ the Lords of the Parliament; and also to
 ‘ our most dear Cousin *Robert*, Earl of *Leicester*,
 ‘ Master of our Horse, another of our Privy
 ‘ Council; and to our most dear Cousin *Henry*,
 ‘ Earl of *Lincoln* another of the Lords of the
 ‘ Parliament; and also to our most dear Cou-
 ‘ sin *Anthony*, Viscount *Montague*, [*Montacute*]
 ‘ another of the Lords of the Parliament;
 ‘ and to our trusty and well beloved *Charles*,
 ‘ Lord *Howard*, our High Admiral of *England*,
 ‘ another of our Privy Council, and to our
 ‘ trusty and well beloved *Henry*, Lord *Hunsdon*,
 ‘ our Lord Chamberlain, another of our Privy
 ‘ Council; and also to our trusty and well
 ‘ beloved *Henry*, Lord *Abergavenny*, another
 ‘ of the Lords of the Parliament; and to our
 ‘ trusty and well beloved *Edward*, Lord *Zouch*,
 ‘ another of the Lords of the Parliament;
 ‘ and also to our trusty and well beloved *Ed-
 ‘ ward*, Lord *Morley*, another of the Lords of
 ‘ the

‘ the Parliament; and to our trusty and well
 ‘ beloved *William*, Lord *Cobham*, Lord Warden
 ‘ of our Cinque Ports, another of our Privy
 ‘ Council; and also to our trusty and well
 ‘ beloved *Arthur*, Lord *Grey of Wilton*, another
 ‘ of the Lords of the Parliament; and also
 ‘ to our trusty and well beloved *John*, Lord
 ‘ *Lumley*, another of the Lords of the Parlia-
 ‘ ment; and also to our trusty and well be-
 ‘ loved *John*, Lord *Stourton*, another of the
 ‘ Lords of the Parliament; and to our trusty
 ‘ and well beloved *William*, Lord *Sandes*, ano-
 ‘ ther of the Lords of the Parliament; and
 ‘ also to our trusty and well beloved *Henry*,
 ‘ Lord *Wentworth*, another of the Lords of the
 ‘ Parliamant; to our trusty and well beloved
 ‘ *Lewis*, Lord *Mordaunt*, another of the Lords
 ‘ of the Parliament; and to our trusty and
 ‘ beloved *John*, Lord *St. John of Bletsho*, ano-
 ‘ ther of the Lords of the Parliament; and
 ‘ also to our trusty and well beloved *Thomas*,
 ‘ Lord *Buckhurst*, another of our Privy Coun-
 ‘ cil; and to our trusty and well beloved
 ‘ *Henry*, Lord *Compton*, another of the Lords
 ‘ of the Parliament; and also to our trusty and
 ‘ well beloved *Henry*, Lord *Cheney*, another of
 ‘ the Lords of the Parliament; to our trusty
 ‘ *Sir Francis Knolles*, Kt. Treasurer of our Houf-
 ‘ hold, another of our Privy Council; and
 ‘ also to our trusty and well beloved *Sir James*
 ‘ *Crofts*, Kt. Comptroller of our Household,
 ‘ another of our Privy Council; and to our
 ‘ trusty and well beloved *Sir Christopher Hatton*,
 ‘ Kt. our Vice-chamberlain, another of our
 ‘ Privy Council; and also to our trusty and
 ‘ well beloved *Sir Francis Walsingham*, Kt. one
 ‘ of our Principal Secretaries, another of our

‘ Privy Council; and also to our trusty and
 ‘ well beloved *William Davison*, Esq; another
 ‘ of our Principal Secretaries, and of our Pri-
 ‘ vy Council; and also to our trusty and well
 ‘ beloved Sir *Ralph Sadler*, Kt. Chancellor of
 ‘ our Dutchy of *Lancaster*, another of our Pri-
 ‘ vy Council; and also to our trusty and well
 ‘ beloved Sir *Walter Mildmay*, Kt. Chancellor
 ‘ of our Exchequer, another of our Privy
 ‘ Council; and to our trusty and well be-
 ‘ loved Sir *Amias Powlet*, Kt. Captain of our
 ‘ Isle of *Jersey*, another of our Privy Council;
 ‘ and also to our trusty and well beloved *John*
 ‘ *Wolley*, Esq; our Secretary for the *Latin*
 ‘ Tongue, another of our Privy Council; also
 ‘ to our trusty and well beloved Sir *Christopher*
 ‘ *Wray*, Kt. Chief Justice assign’d for the Pleas
 ‘ to be holden before us; and to our trusty
 ‘ and well beloved Sir *Edward Anderson*, Kt. our
 ‘ Chief Justice of the Bench; Sir *Roger Man-*
 ‘ *hood*, Kt. our Chief Baron of our Exchequer;
 ‘ Sir *Thomas Gawdy*, Kt. one of our Justices
 ‘ assigned for the Pleas to be holden before us;
 ‘ and *William Periam*, one of our Justices of
 ‘ the Bench, Greeting, &c.

Then after the Recital of the Act made the
 preceding Year, it follows: ‘ Whereas since
 ‘ the end of the Session of Parliament, *viz.*
 ‘ since the first Day of *June* in the 27th Year
 ‘ of our Reign, divers things have been com-
 ‘ passed and imagined, tending to the Hurt
 ‘ of our Royal Person, as well by *Mary*,
 ‘ Daughter and Heir of *James Vth.* King of
 ‘ *Scots*, and Dowager of *France*, pretending a
 ‘ Title to the Crown of this Realm of *Eng-*
 ‘ *land*, as by divers other Persons with the
 ‘ Privity of the said *Mary*, as we are given to
 ‘ under-

understand. And whereas we do intend and resolve that the 'foresaid Act shall be in all and every Part thereof duly and effectually put in Execution, according to the tenour of the same, and that all Offences above-said in the Act above-said mentioned, as afore 'tis said, and the Circumstances of the same shall be examined, and Sentence or Judgment thereupon given, according to the tenour and effect of the said Act. So to you, and the greater part of you, we do give full and absolute Power, Licence and Authority, according to the tenour of the said Act, to examine all and singular matters compassed and imagined, tending to the hurt of our Royal Person, as well by the aforesaid *Mary*, as by any other Person or Persons whatsoever, with the Privy of the said *Mary*, and Circumstances of the same; and other Offences whatsoever above-said in the Act above-said (as afore is said) mentioned, and all Circumstances of the same and every of them, and thereupon according to the tenour of the Act aforesaid, to give Sentence or Judgment as upon good Proof the matter shall appear to you: And therefore we Command you, that you do at such certain Days and Places, which you, or the greater Part of you, shall for that purpose set and agree upon, diligently proceed upon the Premises, in form aforesaid, &c.

The most remarkable thing in this Commission, is the Title given to the supposed Offender, they call her only *Mary, Daughter of James V. King of Scots*, and seem industriously to avoid naming her *Queen* or *late Queen* of that Kingdom; the Times being yet more modest

modest, and the Trying of a Crown'd Head by a formal Proceſs in Law, appeared with a very odious and ghastly Aſpect: But a Set of Profligates have ſince aroſe in the World, who did not ſtick, in the Face of the Sun, to Try their own Sovereign, this Queen's Grandſon, in a pretended Court of Juſtice, for Crimes which they themſelves were guilty of, to Condemn him, and put him to Death before his own Palace Gate, *Oh! Monſtrum Horrendum, &c.*

The greateſt Part of theſe Commiſſioners on the 11th of *October*, met at *Fotheringhay* Caſtle, in the County of *Northampton*, ſeated upon the Banks of the River *Nen*, where the Queen of *Scots* was then in Cuſtody, and next Day they ſent Sir *Walter Mildmay*, *Powlet* and *Edward Barker*, Publick Notary, who delivered Queen *Elizabeth's* Letters into her own Hands. When ſhe had read them, ſhe ſaid with a Countenance becoming her Royal Dignity, and with a quiet and ſedate Mind, ' It grieves me much, that the Queen, my moſt dear Siſter, is miſinform'd of me; and that I after ſo many Years cloſe Confinement in Priſon, and my being grown Lame in my Limbs, have lain wholly neglected, tho' I offer'd ſo many reaſonable Conditions for my Liberty; tho' I have given her full and faithful Notice of ſeveral Dangers that threatned her, yet has no Credit been given to me, but I have been ſtill contemn'd and ſlighted, tho' I be ſo nearly ally'd to her in Blood. When the Aſſociation was entred into, and the Act of Parliament made thereupon, I foreſaw that whatſoever Dangers ſhould happen, either from foreign Princes
' Abroad,

' Abroad and ill design'd People at Home, or
 ' for Religion sake, I must bear all the Blame,
 ' having so many mortal Enemies in the
 ' Court. Certainly I might take it very ill,
 ' and that not without just Reason, that a
 ' League has been lately made with my Son,
 ' without my Knowledge or Privity, but such
 ' Matters I omit. As for this Letter, it seems
 ' strange to me, that the Queen should Com-
 ' mand me as a Subject to submit my self to
 ' a Tryal: I am an absolute Queen, and will
 ' do nothing that may be prejudicial either to
 ' Royal Majesty, or to other Princes of my
 ' Place and Rank, or my Son. My Mind is
 ' not yet so far dejected, nor will I faint or
 ' sink under my Calamity. I refer my self to
 ' what I have formerly protested before *Brom-*
 ' *ley*, now Chancellor, and the Lord *Laware*.
 ' The Laws and Statutes of *England* are to
 ' me altogether unknown, I am destitute of
 ' Counsellors, and who shall be my Peers I
 ' cannot tell; my Papers and Notes are taken
 ' from me, and no Man dares appear to be
 ' my Advocate. I am clear of being guilty
 ' of any thing against the Queen; I have stir-
 ' red up no Man against her, and am not to
 ' be Charged but upon my own Words and
 ' Writings, which I am sure cannot be pro-
 ' duced against me; yet can I not deny, but
 ' I have recommended my self and my Con-
 ' dition to Foreign Princes.'

Powlet and *Barker* returned to the Queen
 next Day from the Commissioners, and gave her
 to understand, that this Answer of hers was
 put into Writing, and ask'd her whether she
 would own it and abide by it? When she had
 heard it distinctly read, she acknowledged it
 to

to be rightly and truly taken, and said she would stand by it. ‘ But this, *said she*, I have
 ‘ quite forgot, which I would now have added : Whereas the Queen writes that I am
 ‘ subject to the Laws of *England*, and to be
 ‘ judged and try’d by them, because I have
 ‘ liv’d under the Protection of them, I answer, That I came into *England* to crave Aid
 ‘ and Assistance, and have been ever since detained in Prison, so that I could not enjoy
 ‘ the Protection and Benefit of the Laws of
 ‘ *England* ; nay, I could never yet understand from any Man, what manner of Laws
 ‘ those were.

In the Afternoon of the same Day, the Commissioners deputed some of their own Number, together with Persons learned in the Civil and Canon Law to attend her ; the Lord Chancellor and the Lord Treasurer justify’d their Authority, and their Intent and Commission, and shew’d that neither her Prerogative nor Royal Majesty could except her from answering in this Kingdom, and advised her with fair Words to hear what should be objected against her, otherwise they threaten’d that by the Authority of the Law they both could and would proceed against her, tho’ she were absent.

The Queen answer’d, ‘ That she would
 ‘ rather dye a Thousand Deaths than acknowledge herself a Subject ; considering that by
 ‘ such Acknowledgment she would both injure the Sublimity of her Royal Dignity, and
 ‘ withal confess herself to be bound by all
 ‘ the Laws of *England*, even in matters of
 ‘ Religion : Nevertheless she was ready to
 ‘ Answer to every thing in a free and full
 ‘ Parliament :

‘ Parliament: That as for that Meeting or
 ‘ Assembly, it was for ought she knew, de-
 ‘ vised against her, (as being already con-
 ‘ demned and prejudged to dye) purposely to
 ‘ have the Face and Colour of a just and legal
 ‘ Proceeding. She advised them therefore to
 ‘ have a Regard to their Consciences, and to
 ‘ remember, that the Theatre of the World
 ‘ was much more extensive than the King-
 ‘ dom of *England*.

Having spoken thus, and beginning to en-
 ter into Complaints of the Injuries which had
 been done her; the Treasuer here interrupted
 her, and began to enumerate the Queen’s
 Kindnesses for her; namely, That she had pu-
 nish’d several Persons, who had opposed and
 deny’d her Title to the Crown of *England*,
 and had been a means to keep her from be-
 ing condemned by the Estates of the Realm,
 for endeavouring to marry the Duke of *Nor-*
folk, for the Rebellion in the *North*, and sever-
 al other things; all which she seem’d to make
 flight of: They left her and went back to their
 Fellow Commissioners with a Report of what
 was transacted by them at that time. With-
 in a few a Hours after, they sent *Powlet* and the
 Attorney-General to her, with the Substance
 of their Commission and the Names of the
 Commissioners; that she might see they were
 to proceed according to Equity and Reason,
 and not upon subtil Devices of Law, or pursue
 any extraordinary Course or Method. She
 made no Exceptions against the Commissioners,
 but strongly objected against the new made
 Law, upon which the Authority of their Com-
 mission wholly depended; insisting, ‘ That
 ‘ it was unjustly devised on purpose against
 ‘ her,

‘ her, that it was without example, and to
 ‘ which she would never subject herself: She
 ‘ ask’d by what Law they intended to pro-
 ‘ ceed? If by the Civil or Canon Law, then,
 ‘ *said she*, you must send for Interpreters of
 ‘ them from *Pavia* or *Poictiers*, or some other
 ‘ foreign University; for there are none fit
 ‘ for it in *England*; *she added also*, that it was
 ‘ very apparent from the Words in the Queen’s
 ‘ Letters, that she was already prejudged
 ‘ guilty of the Crime, before she was heard;
 ‘ and therefore there was no Reason for her
 ‘ Appearance before them. *She farther required*,
 ‘ To have satisfaction given her concerning
 ‘ some Doubts she had in respect to several
 ‘ things contained in those Letters, which she
 ‘ had for her own Satisfaction confusedly and
 ‘ in haste taken notice of, but would not de-
 ‘ liver them in Writing; For, *she said*, it was
 ‘ not consistent with her Royal Dignity to
 ‘ act the Part of a Scrivener.

The Commissioners who had attended her
 before, being sent to her again, she told them,
 ‘ She did not understand what those Words
 ‘ meant, seeing she is under the Queen’s Pro-
 ‘ tection. The Lord Chancellor answered,
*That it was plain to every Body that understood any
 thing, yet that it was not for Subjects to interpret
 what the Queen’s meaning was, neither were they
 Commissioners for that End and Purpose.* Then she
 required to have her Protest, which she had
 formerly made, shew’d and allow’d of. It was
 answer’d, *That it had never been nor could now be
 allow’d, because it was prejudicial to the Crown of
 England.* The Queen reply’d, ‘ You make
 ‘ Laws as you will, to which I have no Rea-
 ‘ son to submit, considering that the *English*

‘ in former times refused to submit themselves
 ‘ to the *Salick Law of France*; and that if they
 ‘ would proceed by the Common Law of *Eng-*
 ‘ *land*, they should produce Presidents in the
 ‘ like Cases; seeing that Law was made up in
 ‘ a great measure of Cases and Customs: And
 ‘ if by the Canon Law, no Body ought to in-
 ‘ terpret the same, but those that enacted it.

It was answer'd, *That they would proceed nei-*
ther by the Civil nor the Canon Law, but by the
Common Law of England; tho' it might be prov'd
both by the Civil and Canon Law, that she ought
to appear before them, if she would not refuse to
hear it. She said, ‘ She did not refuse to hear
 ‘ it, provided it were by an Interlocutory, and
 ‘ not Judicial way.

Then she fell upon other matters, saying,
 ‘ That she had never entertained any Thoughts
 ‘ tending to the Destruction of the Queen;
 ‘ that she had been provoked and incensed
 ‘ with several Injuries and Indignities, that
 ‘ she would be a stumbling block to others, if
 ‘ she were so unkindly used; that she had by
 ‘ *Name* offered all her Interest to revoke the
 ‘ Pope's Bull, that she would have justify'd her
 ‘ Innocence by Letters, but was not permit-
 ‘ ted to do it: Finally, that all the Offices of
 ‘ Kindness and good Will, which she had ten-
 ‘ dred these Twenty Years, had been rejected
 ‘ and slighted.

Having thus deviated from the Affair that
 was proposed to her, they put her in mind
 of it, and desired her positive Reply, Whe-
 ther she would answer before the Commis-
 sioners or not? She reply'd, ‘ That their Com-
 ‘ mission was founded upon the Authority of
 ‘ a very modern Law, enacted to circumvent
 ‘ her;

‘ her ; that she could by no means away with
 ‘ the Queen’s Laws, which she had reason to
 ‘ suspect ; that she had still a good Heart full
 ‘ of Courage, and would not derogate from her
 ‘ Ancestors the King’s of *Scotland*, by owning
 ‘ herself a Subject of the Crown of *England* ;
 ‘ seeing this would be no less than to own
 ‘ them to have been Rebels and Traytors.
 ‘ Nevertheless she did not refuse to answer,
 ‘ provided she was not put upon the Foot of
 ‘ a Subject, but that she had rather utterly
 ‘ perish than answer as a Criminal.

Sir *Christopher Hatton*, at that time Vice-
 Chamberlain, hereupon answer’d her, saying,
You are accused, but not condemned, to have con-
spir’d the Death of our Lady and anointed Queen ;
you say you are a Queen, be it so, nevertheless in
such a Crime as this, the Royal Dignity it self is
not excepted from answering, either by the Civil or
Canon Law ; nay, by the Law of Nations or of Na-
ture ; for if it were allow’d that such Crimes might
be impunedly committed, all Justice would cease and
fall to the Ground. If you are Innocent, you wrong
your Reputation, by declining a Tryal ; you do pro-
test your own Innocence, the Queen is of another
Opinion, not without good grounds for it, and is
heartily sorry for the same ; she has therefore de-
puted Commissioners, who are Persons of Honour,
Prudence and Uprightness, to inquire into your In-
nocence, who are ready to hear according to Justice,
and they shall be exceeding glad to find you able to
clear yourself of such things as are to be laid to your
Charge. Believe me, the Queen herself will be trans-
ported with Joy, she having affirm’d to me when I
was last with her ; That nothing in the World
ever troubled her more, than that you should
be charged with such Misdemeanors. Where-
fore

fore laying aside the fruitless Claim and Priviledge of your Royal Dignity, which can now be of no use to you, appear to your Tryal and manifest your Innocence, least by avoiding it you draw a Suspicion upon yourself, and stain your Reputation for ever.

‘ I do not refuse, reply’d the Queen, to Answer in a full Parliament lawfully assembled, provided I may be declared the next in Succession to the Crown; yea, before the Queen and Council, so that my Protestation may be allow’d of, and I be acknowledged the next of Kin to the Queen: I will by no means submit to the Judgment of my Enemies, before whom all the Defence I shall make of my Innocence will signify nothing.’ Then the Lord Chancellor asked her, *Whether she would Answer if her Protestation was admitted.* ‘ I will never, said she, submit to the new Laws mention’d in the Commission.’ Then the Lord Treasurer concluded, *We will nevertheless proceed to the Tryal to Morrow, tho’ you should be absent and continue Refractory.* Upon which the Queen said, ‘ Examine your Consciences, be tender of your Honours, God reward you and yours according to your Judgment upon me.

The Queen on the 14th in the Morning sent for some of the Commissioners, and desir’d that her Protestation might be admitted. The Lord Treasurer asked her, *Whether she would appear at her Tryal if her Protestation was receiv’d, and set down in writing without Allowance?* She gave way at last, tho’ with great Difficulty and Reluctancy, least she should seem, as she said, to derogate from the Rights of her Predecessors or Successors, but was very de-

firous to clear herself of the Crimes laid to her Charge, being induced thereto by *Hatton's* Reasons, which she had seriously weigh'd and consider'd.

The Commissioners soon after met in the Presence Chamber, at the upper end of which was placed a Chair of State for the Queen of *England*, and under the Canopy of State, over-against it, below and at some distance, near the Beam that ran cross the Room, stood a Chair for the Poor Queen of *Scots*; Benches were placed by the Wall on both sides, upon which sat

On the one side.

The Lord Chancellor.
The Lord Treasurer.
The Earl of *Oxford*.
The Earl of *Kent*.
The Earl of *Derby*.
The Earl of *Worcester*.
The Earl of *Rutland*.
The Earl of *Cumberland*.
The Earl of *Warwick*.
The Earl of *Pembroke*.
The Earl of *Lincoln*.
The Lord Viscount
Montacute.

On the other side

The Lord *Abergavenny*.
The Lord *Zouch*.
The Lord *Morley*.
The Lord *Stafford*.
The Lord *Grey*.
The Lord *Lumley*.
The Lord *Stourton*.
The Lord *Sands*.
The Lord *Wentworth*.
The Lord *Mordaunt*.
The Lord *St. John*.
The Lord *Compton*.
The Lord *Cheney*.

Near unto those in the last Column sat the Knights that were of the Privy Council, *viz.*

Sir <i>James Crofts</i> .	Sir <i>Ralph Sadler</i> .
Sir <i>Christopher Hatton</i> .	Sir <i>Walter Mildmay</i> .
Sir <i>Francis Walsingham</i> .	Sir <i>Amias Pawlet</i> .

Directly

Directly before the Earls sat the two Chief Justices, and the Lord Chief Baron, and on the other side two Barons, the other Justices, *Dale* and *Ford*, Doctors of the Civil Law; and at a little Table in the middle sat *Popham*, the Attorney General, *Egerton*, Solicitor General, *Gawdy*, the Queen's Sergeant at Law, the Clerk of the Crown and two Notaries.

When the Queen was brought into Court, and had seated herself in the Chair provided for her, the Lord Chancellor *Bromley*, after Silence proclaim'd, turning towards her, spake a few Words to this effect: *The most serene Queen Elizabeth being inform'd, not without great Grief and Trouble of Mind, that you have conspir'd the Destruction of her Person, and the Kingdom of England, and the Subversion of our Religion, has, according to her Station and Duty, lest she might seem to neglect herself and her People, and out of no manner of Malice at Heart, appointed these Commissioners to hear such things as shall be objected against you, and how you can clear your self of them, and manifest your Innocence to the World.*

The Queen thereupon stood up and said,
 ' That she came into *England* to sollicite the
 ' Assistance which had been promis'd her, and
 ' yet she had ever since been kept a Prisoner:
 ' She protested that she was no Subject of the
 ' Queen's, but had been, and was a free in-
 ' dependent Queen, not obliged to appear be-
 ' fore Commissioners, or any other Judge, for
 ' any Cause whatsoever, but before God alone
 ' the highest Judge; that she should not derogate
 ' from her own Royal Majesty, the King of *Scots*
 ' her Son, her Successors and other independ-
 ' ent Princes; yet that she now appear'd

‘ Personally to refute and wipe off the Crimes
 ‘ objected against her ; and she pray’d her
 ‘ own Attendants to bear Witness to the
 ‘ same.

The Lord Chancellor not acknowledging any Assistance that had been promis’d her answer’d, *That that Protestation signified nothing, for whosoever of what Place, Quality or Degree they might be, should transgress the Laws of England in England, he was subject to the same Laws, and was to be examin’d and try’d by the late Act; the said Protestation therefore being made in derogation of the Laws and Queen of England, was not to be admitted.*

The Protestation and the Lord Chancellor’s Answer, being recorded by the Consent of the Court, the Commission was openly read, which being grounded upon the Act of Parliament so often already mention’d, the Queen with much Boldness and Resolution offer’d her Protestation against the said Act, as being made directly and on purpose against herself, and herein she appeal’d to their own Consciences : To this the Lord Treasurer reply’d, *That every Person in the Kingdom was bound by the Laws, tho’ never so lately made, and that she ought not to speak against the Laws ; and the Commissioners were resolv’d to proceed according to that Law, whatever Protestations or Appeals she made to the contrary.* So that at last she told the Court, *That she was ready to hear and answer any Fact whatsoever committed against the Queen of England.*

Now Sergeant Gawdy opening the Statute Paragraph by Paragraph, affirm’d she had violated the same ; and then making an Historical
 cal

cal Deduction of *Babington's* Conspiracy, concluded, *That she knew of it, assented to it, promis'd her Assistance, and shewed the ways and means of effecting it.* To which the Queen resolutely answer'd, ' She did not know *Babington*, that
 ' she never received any Letters from him,
 ' nor wrote to him ; that she never plotted
 ' the Destruction of the Queen, and that to
 ' prove any such thing, her own Hand-writing
 ' ought to be produc'd : That for her
 ' own Part she never heard a Word of it ;
 ' that she knew not *Ballard*, nor ever reliev'd
 ' him ; but understanding by some, that the
 ' Catholicks in *England* thought themselves
 ' very severely used, that she wrote to the
 ' Queen about it, and besought her to take
 ' Pity upon them ; that divers Persons who
 ' were utterly Strangers to her, had offer'd
 ' her their Help and Assistance, that never-
 ' theless she had excited and encouraged
 ' no Body to any illegal Attempts, and
 ' being shut up in Prison, she could neither
 ' know nor prevent their Undertakings.'

Here it was urg'd against her from *Babington's* Confession, that they had held a Correspondence by Letters. She own'd, that she had wrote to and received Letters from divers Persons, but it did not thence follow, that she was privy to all their wicked Designs. She insisted, that her own Hand-writing might be produc'd, and asked, where the Hurt was that she should demand her Letters again, which had almost for a whole Year been detained from her. This done, they read Transcripts of *Babington's* Letters to her, wherein the whole Conspiracy was set forth, and to

which the Queen answer'd, ' Perhaps *Babington* might write these Letters, but let it be prov'd that I received them; if *Babington* or any Body else does affirm it, I say directly they Lie; other Mens Faults are not to be imputed to me: A Packet of Letters which has been detained from me almost a whole Year, came to my Hands about that time, but by whom sent I know not.'

Now to prove that the Queen had received *Babington's* Letters, the chief Heads of some Letters, which he had voluntarily confess'd she had wrote back to him, were read, wherein mention was made of the Earl of *Arundel* and his Brothers, and the Earl of *Northumberland*, upon which she burst into Tears and said, *Alas! what hath that noble House of the Howard's endured for my sake?* And then wiping off her Tears, she answer'd, ' That *Babington* might Confess what he pleas'd, but that it was a down right Lie, that she had contrived any such Method to make her Escape; that her Enemies might easily get the Cyphers which she had made use of to others, and therein write many Forgeries and Falshoods; that it was not likely she should make use of *Arundel's* Assistance, whom she knew to be a Prisoner, or *Northumberland's*, who was so very Young, and altogether a Stranger to her.'

Several things there were also pick'd out of *Savage's* and *Ballard's* Confessions, who had owned that *Babington* imparted to them several Letters which he had received from the Queen, who in her own Vindication affirm'd, *That Babington received none from her; nay, that*

that she was very angry with some Persons, who had privately given her Information concerning the invading of *England*, and had charged them to take care what they did.

The next Evidence which was produc'd was a Letter, wherein *Babington's* Conspiracy was commended and approved, of which she desired a Copy, and affirm'd, ' That it did
 ' not come from her, but perhaps might be
 ' wrote by her Alphabet of Cyphers in *France*,
 ' that she had used her utmost endeavours to
 ' recover her Liberty, as Nature herself al-
 ' low'd and dictated, and had solicited her
 ' Friends to procure her Enlargement; tho'
 ' she gave no manner of Answer to some
 ' Persons whom she did not care to Name,
 ' when they offer'd to assist her to obtain her
 ' Freedom: She had indeed a great desire to
 ' avert the Storm of Persecution from the
 ' Catholicks, and had earnestly solicited the
 ' Queen in their behalf: But there were ma-
 ' ny who form'd dangerous Designs without
 ' her Privity, and by a Letter which she had
 ' very lately receiv'd, some People ask'd her
 ' Pardon, if they should make some Attempts
 ' without her Knowledge: That it was not
 ' difficult to counterfeit the Characters and
 ' Cyphers of others, as a young Man had
 ' very lately done in *France*, who gave out he
 ' was her Son's Natural Brother, that she
 ' was also affraid this was done by *Walsing-*
 ' *ham*, to put an end to her Life, who, as she
 ' heard, had conspired against her and her
 ' Son's Life: She protested that she had never
 ' entertained as much as a Thought of Mur-
 ' dering the Queen; that she would rather
 ' joyfully and freely lose her own Life, than

‘ that the Catholicks should be so persecuted
 ‘ and aggrievd out of Hatred to her, and
 ‘ undergo such heavy Punishments for her
 ‘ sake.

Here the distress’d Queen shed abundance of Tears, while the Lord Treasurer said, *That no Man who had approved himself a good Subject, had ever been put to Death for his Religion; that some indeed had been for Treason, while they maintain’d and avouch’d the Pope’s Bull and Authority against the Queen. Yet I, reply’d the Queen, have heard otherwise, and have seen it also in Printed Books. His Lordship rejoyn’d, The Authors of such Books as those, have also wrote, That the Queen had forfeited her Royal Dignity.*

Walsingham, who found himself so openly Charg’d with Designs against her, as I have mention’d, took the opportunity to vindicate himself, and standing up, protested, He had no manner of Malice in his Heart against her. I call God to Witness, said he, that as a Private Person I have done nothing unbecoming an Honest Man, neither have I done any thing in my Publick Capacity and Station, that is unworthy of my Post; I own, that out of my great Care for the Safety of the Queen and Kingdom, I have used my endeavours to sift and find out all Plots and Designs against both: If Ballard had offer’d me his Assistance, I should not have refus’d it; nay, I would have rewarded him for his Trouble and Services: If I have any ways tamper’d with him, why did he not discover it and save his Life?

The Queen said, ‘ She was satisfy’d with this Answer, and desired him not to be angry
 ‘ with her having spoke so freely of the Re-
 ‘ ports she had heard, and that he would give as
 ‘ little

‘ little Ear to those who scandaliz’d her, as
 ‘ she did to those who accused him. Spies,
 ‘ *she said*, were Men of uncertain and little
 ‘ Credit, who made a shew of one thing and
 ‘ spoke another. She then desired him, he
 ‘ would not at all believe that ever she had
 ‘ consented to the Queen’s Destruction.—

Here again she burst out into Tears, saying,
I would never make Shipwreck of my Soul by con-
spiring the Death of my dearest Sister. The Coun-
 cil answer’d, *This should quickly be proved by*
Witnesses: And so ended the Proceeding of the
 Court for that Morning.

To prove the Point last mention’d, in the
 Afternoon there was a Copy of a Letter open-
 ly produc’d, which had been wrote by *Charles*
Paget, and *Curle*, one of her own Secretaries,
 testifying she had received it, concerning a
 Conference between *Mendoza* and *Ballard*,
 about the Design of invading *England*, and
 setting her at Liberty. *This, she said, was no-*
thing to the Purpose, and did not prove she had con-
sented to the Destruction of the Queen.

The Lawyers proceeded to prove farther,
 that she was both privy to the Conspiracy,
 and also actually conspir’d the Death of the
 Queen, and that by *Babington’s* Confession,
 and the Letters which pass’d between him
 and her, wherein he had call’d her, *His most*
dread and Sovereign Lady the Queen: And by the
 way, they took Notice of a Plot that was laid
 for transferring the Kingdom of *England* to
 the *Spaniard*: She confess’d, that a Priest came
 to her and said, *That if she would not concern her*
self in the Affair, she and her Son both should be
disinherited: But the Priest’s Name she would
 not

not tell; she added, *That the King of Spain laid Claim to the Kingdom of England, and would not give place to any Title but hers.*

The next thing which was done, was to press her with the Testimonies of her Secretaries *Name* and *Curle*, out of *Babington's* Confession, and the Letters and Answers between her and *Babington*, the entire Credit of which Proof depended wholly upon their Testimony; and yet they were never brought Face to Face, this being the base Remains of the Tyrannical Practices of a preceding Reign, of which there were so many Instances, that we have only remark'd the grandest and most notorious of them. The Queen acknowledg'd *Curle* to be an Honest Man, but not a competent Witness against her; as for *Name*, she said, he had for some time been Secretary to the Cardinal of *Lorain*, and was recommended to her by the *French* King, and might easily be induced, either by Rewards, Hopes or Fears, to give a false Testimony, for he had several times taken rash Oaths, and *Curle* was so compliant with his Humour, that he would at his Beck, write whatever he bid him: 'Perhaps, said she, these two might insert some things in her Letters which she had never dictated to them; so also it might happen, that such and such Letters might come into their Hands which she might never have seen.' And then she brake out into Expressions of this kind; 'That the Majesty, as well as Security of all Princes must be at an end, if they depended upon the Writings and Testimonies of Secretaries: I dictated nothing to them, but what Nature

' ture prompted me to, that I might at length
 ' obtain my Liberty, and I am not to be con-
 ' victed by any thing but my own Words and
 ' Hand-writing: If they have wrote any
 ' thing to the Prejudice of the Queen my Si-
 ' ster, they have done it entirely without my
 ' Knowledge, and let them suffer the Pu-
 ' nishment their Rashness and Audacity
 ' has brought upon them: I am certain,
 ' if they were present here, they would ac-
 ' quit me of all Blame upon this Account;
 ' and if my Notes were in my Hands, I
 ' could give particular Answers to all these
 ' things.'

Being engag'd thus in her own Defence, the
 Lord Treasurer charg'd her, *That she had In-*
tentions to send her Son into Spain, and to transfer
her Title and Claim in the Kingdom of England
to the Spaniard. To this she answer'd, ' She
 ' had no Kingdom to dispose of or convey,
 ' yet was it lawful for her to bestow those
 ' things which were hers at her Pleasure, and
 ' not be accountable to any for what she
 ' did.'

When her Alphabets of Cyphers, which
 were sent over to *Babington*, the Lord *Lodo-*
wick and *Fernihurst*, were laid to her Charge
 out of *Curle's* Testimony. ' She did not de-
 ' ny, but that she had wrote out many, and
 ' amongst others, that for the Lord *Lodowick*,
 ' when she had recommended him and ano-
 ' ther to the Dignity of Cardinal, and that
 ' she hop'd without any Offence, since it was
 ' as lawful for her to hold Correspondence by
 ' Letters, and to negociate her Concerns with
 ' Persons of her own Religion, as it was for
 ' the

‘ the Queen to do it with the Professors of
‘ another Religion.’

They pressed her more closely with the Testimonies of *Curle* and *Name*, which agreed together, to which she return’d her former Answers, or else contradicted their Testimonies, by an absolute Denial, protesting again, *That she neither knew Babington nor Ballard*. Its pity the Queen did not insist upon having her two Secretaries appear in Court, that she might have confronted them in their Evidence; and that some Body was not so much her Friend, as to put her in Mind she had a Right to it by the first Act of the 13th of Queen *Elizabeth*: The Court consisted of so many Great Men, and most of whom, if not all of them, of so much Integrity, that they would not have deny’d it, and if they had, it would have remain’d as a perpetual Mark of Infamy upon them. I do not enter into the Merits of the Cause, nor offer to say, whether the Queen was Guilty or Not Guilty of the Crimes laid to her Charge, my Business is to relate Matters of Fact: But as the meanest Subject ought to have fair play for his Life, so surely should a Lady of that Greatness and Quality, who had not only wore a Crown her self, but from whom, after the Decease of Queen *Elizabeth*, all the Princes who have ever since Reign’d over us, have descended, and I hope will do so, till Time shall be no more.

The Lord Treasurer here urg’d, *That she knew Morgan well enough, who had sent Parry over privately to Murder the Queen, and that she had assign’d him an Yearly Pension*. She reply’d,
‘ That

' That she did not know whether *Morgan*
 ' had done so, but she knew that *Morgan*
 ' had lost all for her sake, and therefore it
 ' concern'd her in Honour to relieve him,
 ' and she was not bound to revenge an In-
 ' jury done to the Queen, by a Friend that
 ' had deserved so well at her Hands: How-
 ' ever she had endeavour'd to deter him from
 ' any such wicked Attempts. On the other
 ' side, she said, I am sure Pensions have been
 ' allow'd in *England* to *Patrick Gray*, and other
 ' Scots, Enemies both to myself and to my
 ' Son.' The Lord Treasurer answer'd, *When*
the Revenues of the Kingdom of Scotland were
much impair'd and lessen'd through the Negligence of
the Regents, the Queen out of her Princely Munifi-
cence, conferred somewhat upon the King your Son,
her near Kinsman.

They produced in the next place the chief
 heads of several Letters, sent to *Inglefield*,
 to the Lord *Paget*, and to *Barnardine de Men-*
doza. But when the Queen had answer'd,
 ' That those things tended not to the Destru-
 ' ction of the Queen; and if Foreigners en-
 ' deavoured to set her at Liberty, it was not
 ' to be laid to her Charge, and that she had
 ' several times plainly let the Queen know,
 ' that she would endeavour to obtain her
 ' own Liberty.' The matter was put off till
 the next Day.

When she appear'd in Court again, she insist-
 ed upon her former Protestation, and required
 to have it recorded, and a Copy of it deli-
 ver'd to her, lamenting, ' That such reason-
 ' able Conditions as she had several times pro-
 ' posed to the Queen should still be rejected,
 ' even

even then when she promised to deliver
 her Son and the Duke of *Guise's* Son for
 Hostages, that the Queen and the Kingdom
 of *England* might receive no Detriment by
 her Enlargement; by which she saw herself
 then quite out of any hopes of obtaining her
 Liberty: But now she was most unworthily
 used, whilst her Honour and Reputation
 was call'd in Question before Common Law-
 yers, who by wrested Conclusions drew
 every Circumstance into a Consequence;
 whereas Princes, that have been Anointed
 and Consecrated are not subject to the same
 Laws as private Men are. Moreover, where-
 as the Commissioners were impowered to
 Examine *matters concerning injuring the Queen's*
Person, things were now so manag'd, and
 Letters so wrested, that the Religion she
 profess'd, the Immunity and Majesty of
 Foreign Princes, and the private Intercourse
 and Correspondence between Princes were
 called in Question, and she herself made to
 descend beneath her Royal Dignity, and
 to appear as a Criminal before a Court of
 Justice; and all this to no other Purpose,
 but that she might be quite put out of the
 Queen's Favour, and excluded from her
 Right to the Succession of the Crown:
 Whereas she only voluntarily made her Ap-
 pearance to clear herself of the things ob-
 jected against her, least she might seem to
 neglect the vindicating of her own Ho-
 nour and Innocence. She also reminded
 them how *Queen Elizabeth* herself was for-
 merly called in Question about *Wiat's* Re-
 bellion, of which nevertheless she was en-
 tirely

tirely Innocent: *Religiously affirming*, That
 ' tho' she wish'd with all her Heart, that the
 ' safety of the Catholicks might be provided
 ' for, yet she did not desire it should be ac-
 ' complish'd by the Death and Blood, tho' but
 ' of one Man. As for herself, she had rather
 ' act the part of *Hester* than of *Judith*, make
 ' Intercession to God for the People, rather
 ' than deprive the meanest of his Life. She
 ' expostulated, that her Enemies had spread
 ' Reports that she had no Religion: There
 ' was a time, *said she*, when I was willing and
 ' desirous to be instructed in the Protestant
 ' Religion; but some there were who would
 ' not allow it to be so, as if they did not care
 ' what became of my Soul.

She concluded thus: ' When you have
 ' done all you can against me, and have ex-
 ' cluded me from my Right, you may per-
 ' haps come short of your Hopes and Ex-
 ' pectations. Then making her Appeal to
 ' God, and to the Princes who were her Kinf-
 ' men, and then renewing her Protestations,
 ' she pray'd there might be another Assembly
 ' held about that Affair, and that an Advo-
 ' cate might be allow'd her to plead her
 ' Cause, and that seeing she was a Princess,
 ' Credit might be given her upon the Word
 ' of a Princess. For it were extream Folly,
 ' *said she*, to stand to their Judgment, when
 ' she saw so evidently and notoriously, that
 ' they were arm'd with Prejudice against her.

To this the Lord Treasurer answer'd, *Where-*
as I am a Person in a double Capacity, first as a
Commissioner, and then as a Counsellor, hear me
first a few Words, as I am a Commissioner; your
Protestation

Protestation is recorded and you shall have a Copy of it. Our Authority is granted to us under the Queen's own Hand and the Great Seal of England, from which there lies no Appeal, neither do we come with Prejudice, but to Judge according to the exact Rules of Justice; the Queen's learned Council can do nothing else but that Truth may come to light, and that it may be seen how far you have offended against the Queen's Person, and the things relating to it, which are so interwoven with other things that they cannot be separated from them; the whole and entire Letters, and not Scraps pick'd out here and there, have therefore been openly read, because the Circumstances make out what it was you corresponded with Babington for.

Here the Queen interrupting the Treasurer said, 'Circumstances might be prov'd, but the
' Fact never. That her Integrity depended
' not upon the Integrity and Memories of
' her Secretaries, tho' she knew them to be
' honest Men; yet if they had confess'd any
' thing for fear of being tortur'd, or out of
' hopes of Reward and Impunity, it was not
' to be allow'd of, and that for very good
' Reason, which she should shew elsewhere.
' Men's Minds, *said she*, are variously mov'd,
' and led away with Affections; and those
' Men would never have confess'd such things
' against her, but for their own hopes and ad-
' vantages: Letters might be directed to
' others than those to whom they were writ,
' and many things had been often inserted
' which she had never directed. If her Pa-
' pers had not been taken away, and she had
' had her Secretary with her, she could the
' more

‘ more easily have been able to refute the things which were laid to her Charge.’

But nothing, said the Lord Treasurer, shall be objected but since the 19th Day of June, neither would your Papers do you any good, since your Secretaries and Babington himself, without being put upon the Rack, have affirm'd, that you sent those Letters to Babington, which tho' you do deny, yet let the Commissioners judge, whether more Credit is not to be given to an Affirmative than a Negative. But to return to the matter, that which follows I am to speak to you as a Counsellor, many things you have propos'd from time to time concerning your Liberty: That they have fail'd of success is along with yourself or the Scots, and not of the Queen; for the Lords of Scotland positively refus'd to deliver the King for an Hostage, and when the last Treaty was on Foot concerning your Liberty, Parry was sent privately by Morgan, a Dependant of yours, to Murder the Queen.

‘ Ah, said she, You are my Adversary!’ Yes, said the Treasurer, I am an Adversary to all Queen Elizabeth's Enemies; but enough of these Things; let us now proceed to Proofs. Which she refus'd to hear. Yet we, said he, will hear them. ‘ And I also, said the Queen, will hear them in another Place and Vindicate my self.’

Now her Letters to Charles Paget were order'd to be read again, wherein she shew'd there was no other way for the Spaniards to reduce the Netherlands under their Obedience, but by setting up such a Prince upon the Throne of England as might be useful and serviceable to them; as also her Letters to the Lord Paget to hasten his Auxilliary Troops for the invading of England, and Cardinal

Allen's Letter, wherein he called her *His most dear Sovereign Lady*, and told her that the Business was recommended to the Prince of *Parma's* Care.

While they were reading these Letters, the Queen interposed the following Expressions;
 ' That *Babington* and her Secretaries had accused her to excuse themselves; that she had never heard of the Six Murderers, and that all the rest was nothing at all to the Purpose: That as for *Allen*, she esteem'd him as a Reverend Prelate, and acknowledged no other Head of the Church but the Bishop of *Rome*: She well knew in what Rank and Quality she was had and reputed by him and other Foreign Princes: Neither could she hinder it, if they should in their Letters Style her Queen of *England*. As for her Secretaries, seeing they had acted contrary to their Duty and Allegiance to her, they deserved no Credit: They who had once forsworn themselves, tho' they swore the next time never so seriously and solemnly, were not to be believed; neither did these Men think themselves bound by any Oath whatsoever in *Foro Conscientia*, for as much as they had sworn Fidelity and Secresy to her before, and were no Subjects of *England*. That *Name* had many times writ otherwise than she had dictated to him, and that *Curle* wrote whatever *Name* bad him: But for her part, she was willing to bear the Blame of their Misconduct in all things, but what might lay a Blot or Ignominy upon her Honour. And perhaps they also confess'd those things to save themselves,

‘ themselves, upon a Supposition they could
 ‘ do her no Injury by confessing, and that she
 ‘ as being a Queen would meet with more Fa-
 ‘ vour. As for *Ballard*, she never heard of
 ‘ any such Man, but of one *Hallard* who
 ‘ had offer’d her his Service, which never-
 ‘ theless she refused, because she was also
 ‘ inform’d, that he had engaged himself in
 ‘ the Service of *Walsingham*.’

The next Thing produced was some short Passages out of her Letters to *Mendoza*, which *Curle* had confess’d himself to have writ in Cyphers, out of which she was charg’d with a Design of transferring her Right in the Kingdom to the King of *Spain*; and that *Allen* and *Parsons* were then at *Rome* for that purpose. The Queen still Complaining that her Secretaries had violated their Allegiance, to which they were bound by Oath, she reply’d thus:
 ‘ I being a close Prisoner, oppress’d and
 ‘ languishing with Cares and melancholly
 ‘ Thoughts, and without any hopes of Li-
 ‘ berty, and no probability appearing of ef-
 ‘ fecting those things which many People ex-
 ‘ pected by my means, who declined daily
 ‘ thro’ Age and Indisposition of Body, some
 ‘ there were who thought it most advisable,
 ‘ that the Succession of the Crown of *Eng-
 ‘ land* should be settled on the King of *Spain*,
 ‘ or some *English* Catholick: And there was
 ‘ a Book sent me to justify the *Spaniard*’s Title,
 ‘ which being disapprov’d by me, I incurred
 ‘ the displeasure of some People about it;
 ‘ but now all my hopes in *England* being in
 ‘ vain, I am fully resolv’d not to reject For-
 ‘ reign Assistance.’

Here the Solicitor-General put the Commissioners in mind, What would become of their Honours, Estates and Posterities, if the Kingdom should be transferr'd to a Foreigner as above-mentioned? But the Wise Treasurer made it appear, that the Kingdom of *England* could not be transferr'd at all; but was to descend by Right of Succession according to the Laws, and ask'd the Queen if she had any more to say? She requir'd to be heard in a full Parliament, or that she might in Person speak to the Queen, who, she hop'd, would have respect for a Queen, and to her Privy Council. Then getting up from her Chair with great Presence and a Majestick Mien, she had some Conference apart with the Lord Treasurer, *Sir Christopher Hatton*, Secretary *Walsingham*, and the Earl of *Warwick*.

These Things being over, the Court adjourn'd to the 25th of *October* to the Star-Chamber at *Westminster*, where all the Commissioners met, except the Earls of *Shrewsbury* and *Warwick*, who were both of them Sick at that time. And after *Nave* and *Curle* had, upon Oath and *Viva voce*, voluntarily without Hope or Reward, avow'd, affirm'd and justify'd all and every the Letters and Copies of Letters before produced, to be true and real, Sentence was pronounced against *Mary*, Queen of *Scots*, and confirm'd by the Hands and Seals of the Commissioners, and recorded in these Words: *By their unanimous Assents and Consents, they do pronounce and deliver this their Sentence and Judgment, at the Day and Place last above recited, and say, that since the conclusion of the aforesaid Session of Parliaments*

liament, in the Commission aforesaid specify'd, namely, since the aforesaid First Day of June in the 27th Year aforesaid, and before the Date of the said Commissions, divers matters have been compassed and imagined within this Realm of England by Anthony Babington and others, with the Privity of the said Mary, pretending a Title to the Crown of this Realm of England, tending to the Hurt, Death and Destruction of the Royal Person of our said Lady the Queen. And also that since the aforesaid First Day of June, in the 27th Year aforesaid, and before the Date of the Commission aforesaid; the aforesaid Mary pretending a Title to the Crown of this Realm, has compassed and imagined within this Realm of England, divers matters tending to the Hurt, Death and Destruction of the Royal Person of our Sovereign Lady the Queen, contrary to the Form of the Statute in the Commission aforesaid specify'd.

The same Day a Declaration was published by the Commissioners and Judges of the Land, That the said Sentence did not at all derogate from the Title and Honour of James, King of Scots, but that he was in the same Place, Degree and Right, as if the said Sentence had never been pronounc'd.

Its foreign to my design to enter upon the Reasons given by Parliament to Queen Elizabeth for the Promulgation of the Sentence against her, with the Queen's Answers, and the Intercession made for her by Foreign Princes; but I am next to take Notice, that after the Prorogation of the Parliament, the Lord Buckhurst and other Persons were sent to the Queen of Scots, to let her know that Sentence had been pronounced against her, and

that the same was approv'd and confirm'd by the Authority of Parliament as just and lawful, and the Execution thereof instantly desired by the Parliament, out of a due Regard to Justice, Security and Necessity; and therefore to perswade her to acknowledge her Offences against God and the Queen, and by Repentance to expiate them before her Death; giving her at the same time to understand, That as long as she liv'd, the Religion establish'd in *England* could not be safe. Here she seem'd to triumph with an uncommon Alacrity, giving God Thanks, and rejoicing in her Heart, that she was esteem'd an Instrument for restoring of Religion in this Island; and she earnestly intreated that she might have a Catholick Priest allow'd her to direct her Conscience, and administer the Sacraments to her. She utterly rejected the admitting of a Bishop and a Dean, whom they recommended to her for this purpose, and inveigh'd sharply against the *English* Nation, saying, *That the English had many times put their own Kings to Death, no wonder then if they shew'd their Cruelty to me, who am descended from the Blood of their Kings.*

The Publication of the Sentence was stopt for some time by the Intercession of the *French* Ambassador, but at last the earnest Instances of some Courtiers prevailing, it was publicly proclaimed in *December* all over *London*; the Lord Mayor, Aldermen and Principal Officers and Citizens being present, and afterwards throughout the whole Kingdom. The Queen in this Proclamation seriously protested, That this Publication was exorted
from

from her, to the great Grief of her Mind, by a kind of Necessity, and at the earnest Desires and Intreates of both Houses of Parliament; tho' there was some who thought this proceeded from Female Cunning and Artifice.

The Publication of this Sentence being communicated to the Queen of Scots, she was so far from being daunted with it, that with a grave and unalterable Countenance, she lifted up her Hands and Eyes towards Heaven, and gave God Thanks for it: And tho, *Pawlet*, in whose Custody she was, divested her of all Ensigns of Dignity and Royalty, and made no more Account of her, than of a Woman of the meanest Condition, yet she bore it with great Magnanimity.

I shall not launch out into the various Opinions and Sentiments of Men concerning her, People generally reason'd as they were of this or that Party; the Courtiers were continually pressing the Queen to order her Execution, to which she shew'd great Averseness for a long time, and even grew Pensive and Melancholly upon it, frequently sighing and muttering to herself, *Aut fer, aut feri. Either bear with her, or smite her.* And again, *Ne feriare, feri*; that is, *Strike least thou be stricken.* At last she delivered a Writting to *Davison*, one of her Secretaries, signed with her own Hand, requiring a Warant to pass under the Great-Seal for her Execution, which should be ready, in case any Danger happened, and commanded him to acquaint no Body with it: But next Day her Mind changed, and she sent her Commands by *Kil-*

ligrew to Secretary *Davison*, that the Warrant should not be drawn. *Davison* went presently to wait upon the Queen, and told her it was drawn and under the Great Seal already.

The Queen hereupon express'd some Displeasure, blaming the Secretary that he had made so much haste. Nevertheless he inform'd the Council of the Warrant and the whole Proceeding, and easily perswaded them, who were ready to believe what they desired, that the Queen had commanded it should be executed. *Beal* thereupon without any more delay, was sent down with one or two Executioners, and a Warrant by virtue of which

The Earl of <i>Shrewsbury</i> .		The Earl of <i>Derby</i> .
The Earl of <i>Kent</i> .		The Earl of <i>Cumberland</i> .

and some others of less Quality, were authorized to see her Executed according to Law; and tho' the Queen at that very time told *Davison*, that she would take another Course with the Queen of *Scots*, yet he had not recall'd *Beal*.

As soon as the Earls above-nam'd arrived at *Fotheringhay*, they went together with Sir *Amias Pawlet* and Sir *Drue Drury*, to whose Custody she was committed, to attend her and told her the Occasion of their coming. They read the Warrant to her, and in a few Words advised her to prepare herself for Death; which she was to undergo the very next Day. The unhappy Queen undauntedly and with a composed

posed Mind made this Answer, ' I did not
' think my Sister would have consented
' to my Death, who am not subject to your
' Law and Jurisdiction ; but seeing her Plea-
' sure is so, Death shall be to me most wel-
' come ; neither is that Soul worthy of the
' high and everlasting Joys above, whose Body
' cannot endure one stroke of the Execu-
' tioner.

She then requested the Lords, that she might be allow'd to confer with her Almoner, Confessor and *Melvil*, the Master of her Household. It was a cruel thing, tho' her Religion was erroneous, to deny her the liberty of having her Confessor come to her ; but the Lords would by no means agree to it, and recommended the Bishop or Dean of *Peterborough* to administer Spiritual Advice and Comfort to her. This the Queen refusing, the Earl of *Kent* in the Heat of his Zeal for the Reform'd Religion, turning towards her, broke out among others into these warm Expressions, *Your Life will be the Death of our Religion, and on the contrary, your Death will be the Life of it.*

Mention being made of *Babington* to her, she confidently deny'd any manner of Knowlegde she had of his Conspiracy, and she left it to God to revenge her Cause : Then inquiring what was become of *Nave* and *Curle*, she ask'd if it was ever heard of before, that Servants were suborn'd and admitted to be Witnesses against their Master's Life ? When the Lords had left her, she commanded Supper to be hastned, that she might the better dispose of her Affairs ; she supp'd temperately and sparingly

ringly as her Custom was; and observing while she was at Supper, that her Servants both Men Women, wept and lamented her, she comforted them with much Courage and Magnanimity, and bad them leave off mourning but rather rejoyce, that she was now to depart out of this miserable World. She turn'd to *Burgoin* her Phyfician, and ask'd him, 'If he did not now find the force of Truth powerful; they say, *continued she*, That I must dye because I have conspir'd against the Queen's Life; and yet the Earl of *Kent* tells me, That there is no other Cause of my Death, but that they are afraid their Religion is in danger upon my Account; neither has any Offence against the Queen, but the fears they have of me drawn this End upon me, while some under the Colour of Religion and the Publick Good, aim at their own private Conveniences and Advantages.

When her Supper was near ended, she drank to all her Servants, who all of them pledged her in order upon their Knees, mingling Tears with their Wine, and begging Pardon for any Neglect of Duty they had been guilty of, as she also in like manner did of them. She perused her Will after Supper, read over the Inventory of her Goods and Jewels, and wrote down the Names of those to whom she bequeath'd every Particular; to some she distributed some Money with her own Hands. She wrote a Letter to her Confessor, that he should make Intercession to God for her in his Prayers. She also wrote Letters of Recommendation in behalf

half of her Servants to the *French King* and the Duke of *Guise*; she went to Bed at her usual Hour, slept some Hours, and then awaking, spent the rest of the Night in Prayers and acts of Devotion.

The fatal Day, which was the 9th of *February*, 1587. being come, she dress'd herself as pompously, as she was wont to do on Festival Days, and calling her Servants together, commanded her Will to be read, praying them to take their Legacies in good Part, since she was not in a Condition to bequeath much unto them; then fixing her Mind wholly upon God, in her Oratory or usual Place of Prayer, she begged for the Divine Grace and Favour with Sighs, Groans and Prayers, till such time as Mr. *Thomas Andrews*, Sheriff of the County, came to acquaint her, that she must go along him; she went along with a State, Countenance and Presence that was Majestical, with chearful Looks, and a Matron like, and modest Habit; her Head she cover'd with a Linnen Veil, which hung down to the Ground; her Beads hung at her Girdle, and she carry'd a Crucifix in her Hands. She was receiv'd at the Porch by the Earls above nam'd, and other Persons of Distinction, where *Melvin*, her Servant, falling upon his Knees, and bursting into Tears, bewailed his Misfortune, that he should be the Person, who was to carry into *Scotland* the sorrowful News of the unhappy State of his Lady and Mistress; but the Queen comforted him, saying, 'Lament not but rather rejoyce, thou shall by and by see *Mary Stewart* free from
' all

‘ all her Care: Tell them that I dye constant
 ‘ in my Religion, and firm in my Fidelity
 ‘ and Affection to *Scotland* and *France*; God
 ‘ forgive them, who have thirsted after my
 ‘ Blood, as Harts do after the Water Brooks.
 ‘ Thou, O God, who art Truth it self, and
 ‘ truly and perfectly knowest the inward
 ‘ Thoughts of my Heart, knowest how much
 ‘ I have desired the Kingdoms of *England*
 ‘ and *Scotland* might be united into one.
 ‘ Commend me to my Son, and assure him
 ‘ that I have done nothing which may be
 ‘ prejudicial to the Kingdom of *Scotland*;
 ‘ admonish him to carry it fair and friend-
 ‘ ly towards the Queen of *England*, and see
 ‘ that thou do him faithful Service.

The Tears now trickled down her Face,
 and she several times bid *Melvin* farewell,
 who wept as fast as the Queen: Then turn-
 ing her self to the Noblemen, she desired
 that her Servants might be kindly us'd; that
 they might enjoy the Legacies she had be-
 queath'd them by her last Will and Testa-
 ment; that they might stand by her at her
 Death; and that they might have Passes to
 go into their own Country. The former Re-
 quests they easily granted, but that they
 should stand by her at her Death, was what
 the Earl of *Kent* boggled at, for fear of some
 Superstition acted by them. ‘ Fear not, said
 ‘ the Queen, these harmless Souls desire to
 ‘ take their last Leave of me; I know my
 ‘ Sister *Elizabeth* would not have deny'd me
 ‘ so small a Favour, that my Women should
 ‘ be nigh my Person, were there no other
 ‘ Reason for it, but the Honour and Decen-
 ‘ cy

cy of the Female Sex: I am her near Kins-
woman, descended from *Henry VII. Queen*
Dowager of *France*, and now Queen of *Scot-*
land.

Having said thus much and turned a little aside, it was agreed at last, that such of her Servants as she should name, should be allowed to be by her; she nominated *Melvin, Burgoin* her Phyfician, her Apothecary, Surgeon, two Waiting Women and some others, of whom *Melvin* held up her Train.

Now the Gentlemen, two Earls and Sheriff of the County going before her, she came to the Scaffold, which was built at the upper end of the Hall, upon which they had a Chair, a Cushion and a Block, all cover'd with Black Cloth: As soon as she sat down and that Silence was commanded, *Beal* read the Warrant for her Execution; she hearkn'd very attentively to it, yet so as if her Thoughts were taken up about somewhat else: Then *Dr. Fletcher*, Dean of *Peterborough*, spoke to her a great while, about the condition of her past, present and future Life; but she interrupted him once or twice, and pray'd him not to give himself any Trouble, protesting that she was firmly fix'd and resolv'd to continue in the ancient Roman Catholick Religion, and for it was ready to shed the last drop of her Blood. When the Dean press'd her to true Repentance, and to put her whole Trust in Christ and an assured Faith; she answer'd, That she was born, bred and now ready to dye in that Religion. The Earls said, They would Pray with her; to whom she said, That she would give them hearty thanks if they would Pray for her; but to joyn, said she,

in Prayer with you, who are of another Profession, would be to me a heinous Sin. Then they appointed the Dean to Pray, with whom while the Spectators that stood round about were Praying, she fell down upon her Knees, and holding the Crucifix before her in her Hands, she pray'd in *Latin* with her Servants out of the Office of the Virgin *Mary*.

When the Dean had ended his Prayer, the Queen in the *English* Tongue, recommended the Church, her Son and Queen *Elizabeth* to God, beseeching him to turn away his Wrath from this Island, and professing that she reposed her hopes of Salvation in the Blood of Christ, lifting up the Crucifix, she called upon the Cælestial Quire of Saints, to make Intercession to him for her: She forgave all her Enemies, and kissing the Crucifix, and signing her self with the Cross, she said, *As thy Arms, Oh Christ, were spread upon the Cross, so receive me with the stretcht out Arms of thy Mercy, and forgive my Sins.* Then the Executioners ask'd her Forgiveness, which she granted them: And when her Women had taken off her upper Garments (which she was eager and hasty to have done) wailing and lamenting all the while, she kissed them, and signing them with the Cross, she bad them, with a chearful Countenance *Forbear their Womanish Lamentations, for now she should rest from all her Sorrows.*

In like manner turning to her Men Servants, who were also in Tears, she signed them with the Cross, and smiling, bid them Farewel. And now having cover'd her Face with a Linnen Handkerchief, and laying her
self

self down to the Block, she recited that Psalm *In thee, O Lord, do I trust, let me never be confounded*; then stretching forth her Body, and repeating many times these Words, *Into thy Hands, O Lord, I commend my Spirit*; her Head was taken off at two Stroaks, the Dean crying out, *So let Queen Elizabeth's Enemies Perish*; the Earl of *Kent* answer'd, *Amen*, and the People were sighing and sorrowing all the while. Her Body was Embalm'd, and afterwards Interr'd with a Royal Funeral Pomp in the Cathedral Church of *Peterborough*.

She dy'd in the Six and Thirtieth Year of her Age, and the Hair of her Head was observed to be very Grey, after she had been a Prisoner in *England* about Eighteen Years.

All the Princes of *Europe* shew'd a Concern for her Death, and especially the ignominious manner of it, wherein the Dignity of all Crown'd Heads was concern'd and struck at; only that Crafty Pope *Sextus Quintus*, when he received the News, rejoyced, saying, *Oh happy Queen! who durst venture upon so bold and daring an Action, as to cut off a Crown'd Head*.

Queen *Elizabeth* her self, was so far from glorying in or justifying the Fact, that she made Apologies for it to the King of *Scots* and other Potentates, and endeavour'd to throw all the Odium of it upon poor Secretary *Davison*, who suffer'd a long Imprisonment, and underwent other Hardships upon that Account.

Near her Tomb this Epitaph was set up, but soon after taken away, without doubt by Order from above.

AN EPI T A P H.

MA R Y, *Queen of Scots, a King's Daughter; the King of France's Widow; the Queen of England's Kinswoman and next Heir; a Princess accomplish'd with Royal Vertues and a Royal Soul, having many times, (but in vain) demanded the Priviledges belonging to a Crown'd Head, is by Barbarous and Tyrannical Cruelty Ex-tinct; who was the Ornament of our Age, and a Light truly Royal; and by one and the same wicked Sentence, is both Mary Queen of Scots doom'd to a Natural Death, and all surviving Kings, being as Common People, are subjected to a Civil Death; a new and unexampled kind of Tomb is here ex-tant, wherein the Living are inclos'd with the Dead: For know, that with the Sacred Ashes of St. Mary here lies violate and prostrate the Majesty of all Kings and Princes: And because (Reader that Travellest this way) the inclos'd Remains of Royalty must sufficiently admonish Kings of their Duty: I say no more.*

My design was to close both the Volume and this Tryal with the Epitaph; but having since met with a Transcript of an Original Letter of Queen *Elizabeth* to Sir *Amias Pawlet*, communicated to me by a Friend of mine, which gives some farther light into this dark and knotty Affair, I have thought it proper to add it here, and the rather because neither the Celebrated *Cambden*, nor any other of our Historians, that I have seen, take any notice of it.

The

The Title of the Letter runs thus :

A Copy of a Letter written by the Queen's Majesty to Sir Amias Pawlet, Kt. And the Letter it self is as follows :

Amias, my most Faithful and Careful Servant,

GOD reward thee trebblefold in the Double, for the most troublesome Charge so well discharged. If you knew, my Amias, how kindly, beside most dutifully, my grateful Heart accepts and praiseth your Spotless Endeavours and Faithful Actions, your wise Orders and safe Regard performed in so dangerous and crasty a Charge, it would ease your Travail, and rejoyce your Heart ; in which I charge you carry this most instant Thought, that I cannot ballance in any Weight of my Judgement, the Value that I prize you at, and suppose no Treasure can countervail such a Faith, and shall condemn me in that fault, that yet I never committed, if I reward not such Desert ; yea, let me lack when I most need it, if I acknowledge not such a Merit, Non omnibus datum. Let your wicked Murdres know, how with hearty sorrow her vile Desert compels these Orders, and bid her from me ask God forgiveness, for her treacherous Dealing towards the Saver of her Life, many a Year to the intollerable Peril of her own : And yet not content with so many Forgivenesses, must fall again to so horrible surpassing a Woman's Thoughts, much less a Princess, instead of ex-

G g cusing

cusing whereof, not yet being so plainly confess'd by the Author of my guiltless Death: Let Repentance take Place and let not the Fiend possess her so as better Part be lost; for which I pray with Hands lifted up to him that may both save and spill; with my loving Aduē and Prayers for thy long Life.

Your most assured and loving Sovereign, as thereto by good Desert induced,

E. Regina.

To my Loving Amias.

There were Orders sent with this Letter about the Execution of the Queen of Scots, but the same being not extant, we cannot determine what they were. Its beyond all Dispute that the Queen was very desirous to have her put to Death, but used all the Womanish Artifices she could to throw the Odium of it upon others. She did not care who it fell upon, provided she got clear of it; first she try'd Sir *Amias Pawlet* and Sir *Drew Drury*, who had the Queen of Scots in their Custody; for thus *Davison* writes in his Apologetical Discourse to *Walsingham*.

She

‘ She ask’d me whether I had received
 ‘ any Letter from *Pawlet*, whose Letter
 ‘ when I shew’d her, wherein he flatly re-
 ‘ fused to undertake that which stood not
 ‘ with his Honour and Justice; she grow-
 ‘ ing angry, accused him and others (who
 ‘ had bound themselves by the *Association*)
 ‘ of Perjury and Breach of their Vow, as
 ‘ those that had promised great Matters
 ‘ for their Prince’s Safety, but would per-
 ‘ form Nothing; yet there are, said she,
 ‘ who will do it for my Sake. But I
 ‘ shewed her how dishonourable and un-
 ‘ just a thing that would be, and withal,
 ‘ into how many Dangers she would bring
 ‘ *Pawlet* and *Drury* by it.

‘ For if she approv’d of the Fact, she
 ‘ would draw upon herself both Danger
 ‘ and Dishonour, not without Censure of In-
 ‘ justice, and if she disallow’d it, she would
 ‘ utterly undo Men of great Desert, and
 ‘ their whole Posterity.

Its very plain, that the Orders to *Paw-*
let and *Drury* for the Execution, were not
 sufficient to justify them, if the Queen had
 a mind to throw the Matter off from her-
 self; and that she would have done so, is
 more than probable by her subsequent Con-
 duct towards *Davison*, who had her positive
 Orders to draw the Warrant, yet for ex-
 pediting it to pass the Great Seal and
 shewing it to some of the Council, was dis-

graced, fined and imprisoned, and by favouring others, as indeed he ought to have done, from Ruin, unhappily, tho' undeservedly, fell into the Snare himself.

F I N I S.



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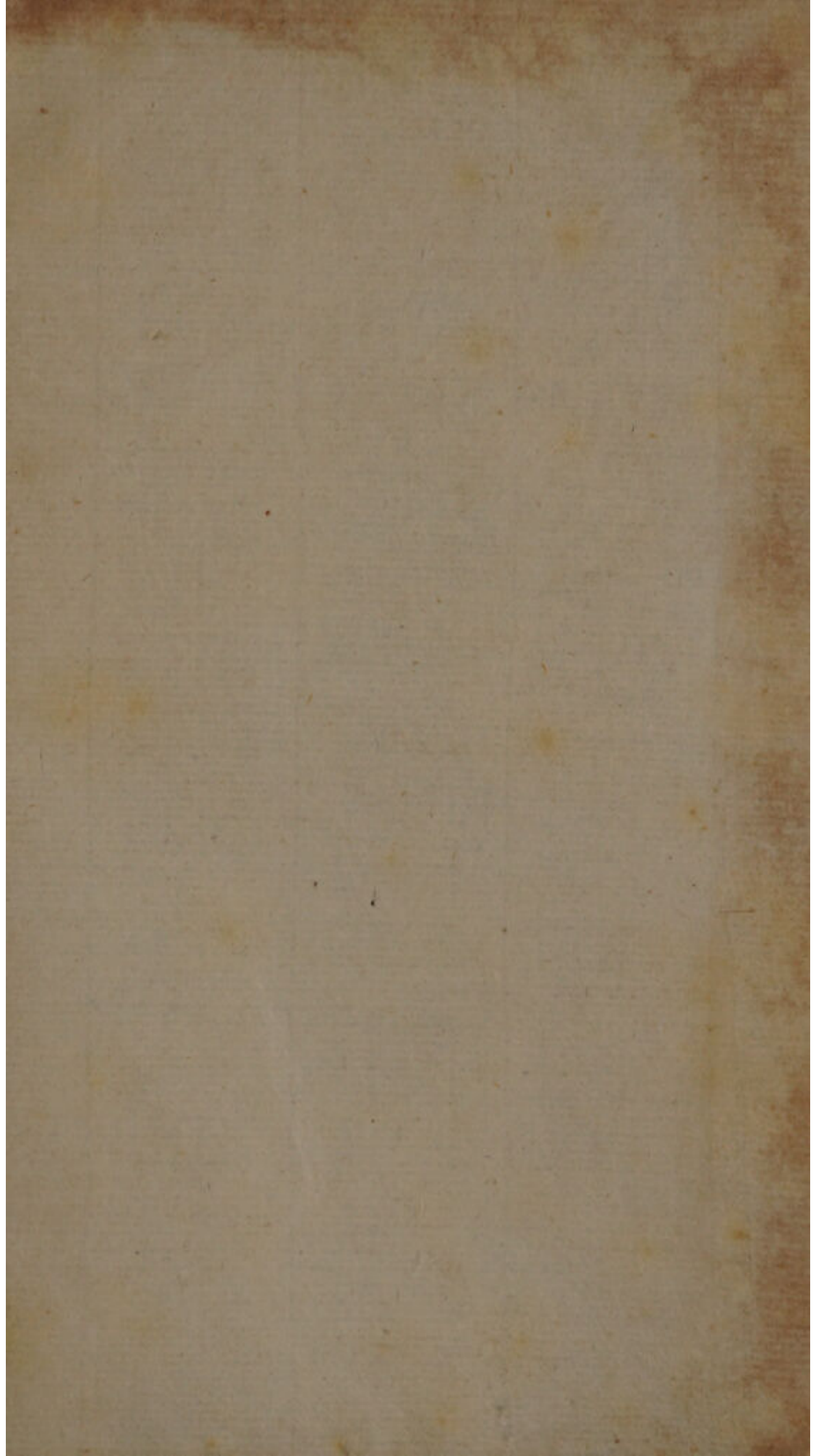
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