

hear that poor Gentleman being related to this unfortunate noble Lord, was at the first time very much under Surprize, (being in such great Affliction as one Brother must needs be for another, Nature obliges People to a great Concern for such Accidents) and he says, he is not able to give an account what he said or did at that time, or what *Braddon* did particularly say to him. But when he came the second time to him, he was a little more sedate and calm, and then (he does remember) he told him, if you have any thing of this nature to say, go to a *Secretary of State*, it is his Business to inquire into this Affair, and 'tis not the Business of every particular private Man, because these are Matters that concern the Government. But *Braddon* pretended (forsooth) it was his Zeal and his great Conscience that made him to be thus transported, and to be so eager for carrying on this Prosecution.

The next Witness, Gentlemen, that you hear of, is the Gentleman that seized upon Mr. *Braddon* in the Country; and that is Mr. *Beech*, who brought him before a Justice of Peace (one *Aires* that it seems is since dead,) and in his Pocket he found a Letter from the other Defendant *Speke*, which is the only thing indeed in the Evidence that does affect that Gentleman; and what that Letter is, you have heard it read, and for your better Satisfaction, because the Language of the Letter is pretty extraordinary, if you have a mind to have it to peruse while you are here in Court, you may have it with you. I suppose you remember the Substance of it, commending the great Integrity, Courage, and Magnanimity of this Gentleman Mr. *Braddon*, thanking the Person to whom it was writ, for his great Kindness to him and his Friends, how they did hope to be able to get the Murder of my Lord of *Essex* tried before any in the *Tower* could come to their Trial; That the Tide ran strong against them: And, pray, you must take notice, I have given him a hint he must go by another Name, by the Name of *Johnson*, and not by the Name of *Braddon*? for a lack-a-day he would be flabbed in these dangerous Times, or knocked on the Head, if he be known by his own Name. Mr. *Braddon* would be thought a Man so considerable in the World for his Zeal for Truth, and the *Protestant* Religion, that there was very great Hazard of his being murdered, we live in such perilous Times.

Gentlemen, This is to amuse and affright People, and to put odd Thoughts and Jealousies and Fears into the Minds of the King's Subjects, which was the Beginning and Rise of the late Rebellion, which we have all reason to remember with Horror; that Rebellion that in the Illue of it brought the late King of Blessed Memory to the Scaffold: And therefore we must have a great care of such things growing upon us now.

And pray, Gentlemen, mind the Style of the Letter: *We* have many Thanks to give you, for your Care of *Us*, and Countenance you have given to *Us*, and *We* don't doubt *We* shall be able to carry on the Business of the Earl of *Essex*, notwithstanding that the Tide runs strong against *Us*; *We* hope this, and *We* hope that, and 't'other, and so makes himself a Party. And he recommends him in particular to Sir *Robert Atkins*, to whom the Letter was writ-

ten, to advise him in the matter he went about (which by the way, you see, was to pick up false Evidence) to carry on this wicked Design. And I must tell you, Gentlemen, if Mr. *Speke* was given to believe a Lye, and did write that Letter, with a Design to have that Lye spread abroad, he makes himself a Party, and he is as guilty in every Circumstance as the other, as to the Design in general laid in the Information, tho' not equally guilty about the Management of the Witnesses: And it is the Letter only that particularly affects him. But I tell you, If in case you think he was surprized in the thing, or did it ignorantly or innocently, without any Concern, (though he seems to have a wonderful Concern in his Letter, and very zealous he seems to be in the Prosecution of this Business) you are to acquit him. But, if he did contribute to the Design of spreading this false Report, he is as guilty of that Part as Mr. *Braddon*, tho' he be not guilty of Suborning the Witnesses. But the Evidence against *Braddon* goes farther; There is not only the Evidence of this Letter, which speaks plain enough as to this Design, but you find also about him all the Informations that have been read. The Information of this Boy of 13 Years of Age; the Information of the Girl of 13 Years of Age: There was also taken in his Pocket a Letter from one *Burgis* a famous Pin-maker of *Marlborough*, written to one *Cumpen* a Postmaster at *Frome*, in this manner: "Pray call to mind such a Business of hearing such a Report of my Lord of *Essex's* cutting his Throat upon *Friday* the 13th of *July* last. Pray recollect such a thing, and impart it to this Gentleman the Bearer". This likewise was intrusted with Mr. *Braddon*: But it seems the Man had gone and writ this Letter, and had put in the 6th Day, which happened to be a Week too soon, and this must be rectified by Mr. *Braddon* himself, he being a great Companion of Mr. *Braddon's*; for it seems he had such a Confidence in him, that upon his Report, he came down from *London* to *Marlborough*, tho' now indeed they pretend they never knew one another before: But it is proved he confessed he had such a Regard to his Report, that that brought him down from *London*. He had (as I was saying) put it down the 6th at his first writing; and I believe as to the thing it self, it was as true the 6th as any other time, and the 16th and the 26th is all one to such People. And this Letter, he tells you himself, was written six Weeks after, but Mr. *Braddon* must correct it: No, says he, you mistake, it must be the 13th, it must not be the 6th; the 6th would not do the Business, for the 13th was the Day that he was murder'd, and so he was forced to interline it, the 13th, to make it to humour the Story; for the Lye would not pass so well if it had been put upon a Day so long before; but to make the Lye a correct Lye, and to humour the rest of the Evidence, Mr. *Braddon* comes and informs him, it must be the 13th.

That was the next piece of Evidence that was given, and I think the Substance of the Evidence of the whole Matter given against the Defendants for the King, except it be some Remarks out of the Evidence that has been given on the other side, which it will be material for you to take notice of.

Now

Now, Gentlemen, for the Defendants they bring this Evidence: First, They bring a Man, I think his Name was *Lewes*, to whom they gave the Money before he would give his Evidence. And he says, one Day he was going up a Hill near *Andover*, and going up the Hill, he heard the News of my Lord of *Essex's* cutting his Throat; but what Day, Week or Month it was he cannot tell, that he heard this. And, Gentlemen, Let me tell you, 'tis as bad as the Case it self, and worse if possible, the endeavouring to pick up Witnesses to put a Colour and Countenance upon so black a Villany as this is. Then the next Evidence is *Felder*, and he tells you, That at their Town of *Andover* the *Wednesday* before my Lord murder'd himself, it was all the Talk about the Town, that he had cut his Throat; it was in every body's Mouth, the Market-People, Men, Women and Children, all over the Town had it, when the Earl of *Essex* did it not till the *Friday* following. We asked him to name any one; no truly he could not, the Town was so full of People, and yet he cannot remember one, whence he had it: But, Gentlemen, here is the malicious Design of the Matter. 'Tis to make it believed it was a designed Business to murder my Lord, and cast it upon himself, and they knew of the Design at *Andover*, two Days before the Fact was done: As though the Persons that designed to murder him, would go to make it publick, as such a Report was likely to do. But the Design of this, besides the Falshood and Baseness of the thing it self, does speak Malice and Sedition, and all the Distempers of a disloyal Man's Heart, and to go about to get Witnesses to support the Credibility of a thing that is notoriously false, is ten times worse than the spreading of such a Report it self.

Then comes Mrs. *Edwards* the Mother, she is the next Witness, and she tells you at first, the Boy did tell this strange Story, but afterwards denied it, but she likewise tells you, how Mr. *Braddon* came, and how he dealt with the Boy. He is a busy Man, you see, a great Reformer that does mightily concern himself in the Reformation of the Government. I never knew that Mr. *Braddon* had any great share in it: He has not such a prodigious Estate I suppose, that for fear of losing his great Estate he should be so wondrous busy and active in reforming the Government; but I have always observed it for a Rule, that your beggarly inconsiderable Fellows are the warmest People in the Business of Reformation, and for defending Liberty and Property as they call it; and then they put it under the Disguise of Religion, when, alas, those that have no Religion are generally the greatest Pretenders of taking care of it; and those that have no Estates nor Properties, are usually the fullest of Noise about Liberty and Property. But the meaning of it is plain, if they can but exasperate the People into a Rebellion, that is the way to get a Property: And if they can but have Liberty to do what they please, that is all the Liberty they contend for. They are such mean inconsiderable Fellows only that make all this ado among us: For no Persons of any Interest or Quality will offer to engage in any such thing. But I hope the Snare is seen, and we shall avoid it; for God be thanked we live under a regular Government,

where the Laws are duly executed; we need not be afraid of wrong from the Government. The Courts of Justice are open where they may have Security; and the best Security to good Subjects, is that which the Law gives them.

Mrs. *Edwards*, she tells you, When *Braddon* came to enquire about it, it made them all a little concerned; and the Daughter was affrighted, and she comes to the Boy, and says, *Billy, Billy*, here has been a Man about such a thing, pray speak the Truth: Why, says he, will any harm come of it? Says she, I can't tell, but tell you the Truth. And then when the Boy comes to tell Truth, he then says, all the Story was false. Besides this, says she, We told Mr. *Braddon*, before the Boy signed it, That he had said it was false; and he was told it again before the King and Council, that it was false. But nothing would serve him but he must have a Horse and a Man, and he must go his Circuit to pick up ridiculous Stories. Letters must be contrived from one to another to give a Colour to the Matter, and all this to spread about his malicious Reports and false News.

And by this means, Gentlemen, I must tell you, The Matter is fixed as to the second part of the Information, which is the corrupting of Witnesses; for tho' he did not get any Witnesses sworn, and so 'tis no Subornation of Perjury, strictly, yet however 'tis a Misdemeanour to labour any one, much more such a Child, into a Falshood, as apparently he did; for as the Boy swears now, He never did make mention of going to my Lord *Gerard's* Lodgings.

The next Evidence is young Mrs. *Edwards*, *Sarah* the Daughter, and she comes and gives an account of the same. That the Boy did tell such a Story at first, but, says she, I knew him to be such a lying Boy, and I had so often found him in Lies, that I did not mind what he said. And he used to tell Lies when he had been playing Truant. Then comes Mr. *Braddon* to enquire about the Business, and when he began to prosecute it, the Girl began to be affrighted, and she calls the Boy to her, and engaged him to tell her the Truth, and then immediately upon that, he did say it was all a Story, and Invention of his own.

And then 'tis very material to observe, That the Boy in that Paper of Information (which is all of Mr. *Braddon's* Hand-writing) makes the Circumstance of the Razor's falling down, to be cast of the inside of the Pales, and the Girl says, it was of the outside, and there was a Coach, and abundance of People by, and a great many fine Circumstances, and not one of them true.

The next piece of Evidence is, she does say, That after he told her it was false, she gave notice to *Braddon*, and being asked, Whether she did not frighten him by threatening his Father would be turned out of his Place? She swears, No. But all those kind of Questions were by a Side-Wind, to make Reflections upon the Government; as tho' the King would turn Men out, because they would not swear what was false. It carries, I tell you, a Sting towards the Government still, and shews the Malice of the Design. But, Gentlemen, you hear what is said about that, there was no such thing said; They did apprehend some Fear, but from whom their Fear came, that they can't tell. But she

positively

positively swears, when the Boy had denied it, he had Notice of it; and when he refused to sign it, yet he pressed him, by telling him, there was no Harm in it like to come, but only to *Mr. Braddon* himself, and so he was persuaded to sign it.

The next Witness is *Mrs. Barton*; She comes and tells you, that she was at *Mr. Edwards's* House, and what she tells you of her own Knowledge, you are to take for Evidence, and nothing more. She says, *Braddon* did engage the Boy to tell Truth, and put him in mind of that Chapter in the *Acts*, of the great Displeasure of God against the two Witnesses that forswore themselves, and bid him speak nothing but the Truth. And after he had talk'd thus awhile, she observed he was going to take Pen, Ink, and Paper, and she was afraid she might be drawn in for a Witness, and so she went out of the Room. But before that time, *Mr. Braddon* did go to see the Window, and the Place where the Boy said the Razor was thrown out.

Then there is the Evidence of the little Girl, who is the next Witness, *Jane Lodeman*, I think her Name was, and that is likewise written by *Mr. Braddon*. Now you hear what that young Wench says. She comes and would give some sort of Countenance to the thing, How she was looking up at the Window of my Lord of *Effex's* Lodgings, and that there was a bloody Razor thrown by a Hand out of the Window, but whether it was half bloody, or all over bloody, she can't tell, but bloody it was; and it was, as she says, thrown on the outside, though the Boy said, it was thrown of the inside. But the Wench being asked, Whether she knew that was my Lord of *Effex's* Lodging? She answered, No, she did not, when they come and make her swear in her Information, that she saw the Razor thrown out of my Lord of *Effex's* Lodgings: And then she says, she heard no Soldier speak a Word at all; but in the Information, it is set down, that the Soldier cried out to the People of the House, Go fetch up the Razor. And this was all done in the open Day, and there were abundance of People, but she could not tell any particular body. So that of one hundred People, which, if she say true, were there, *Mr. Braddon* could not satisfy himself to enquire after some of them, but only he must pick up a Child of 13 Years of Age to practise upon in this villainous manner. And it carries the greater Venom, and Malice, and Virulency, and Baseness, to endeavour to corrupt young People to that height, as to come and say, and swear those things in the Face of a Court, that are impossible to be true. It is impossible to be true, that she saw a Coach in the Yard; for you hear what Account Captain *Hawley* gives of his House. It is impossible to be true, that there should be a Crowd of People, because that there was a Sentinel at the Door, who must see all that go out, and that come in; and there is no way to go into the Yard, but through the Back-door, and the Pales are so high, that nothing can be flung over, that could be easily discerned. So that the very Thoughts of such a thing as this, are ridiculous in themselves, and not only the Falsity of the Story is apparent, but there is also apparent a great Villany, in endeavouring to get Witnesses to prove that Falsity. For you see who *Mr. Braddon* employs; he gets a Barber to go along

with him on purpose to testify what idle Reports he could pick up. But this Barber, and the other Witnesses, when they come here, can't tell any thing. For the Barber, he says, she said, *There lay a Razor*; but the Information says, (to which he is a Witness) that the Soldier cried, *Take up the Razor*; and she now upon her Oath denies any thing of that.

The next Evidence is the Aunt, and she tells you, she does not remember such and such Particulars, but somewhat to that purpose she does; but whether she named my Lord of *Effex*, or no, in particular, as to his Lodging, she cannot give an account.

Then you have *Glasbrooke*, that comes to give an account concerning this Girl's Story, and he plainly is quite different from what the others had testified before; for his Evidence is, That the Girl had said my Lord of *Effex* cut his own Throat, and afterwards flung the Razor out of a Window: After he had committed this horrid Murder upon himself, he got to life again, and threw away the Instrument he did it with; that is plainly his Testimony, that this Child should say so. So that, as in the Case of *Suffanna*, which I heard cited here upon another occasion, the wicked Elders were discovered by the different Circumstances of Time and Place; so here you have Circumstances of Time and Place, and of all things in the World that can contribute to prove the Falsity of this Report, and to prove the malicious Design of these People that were engaged in this Business.

The next Witness is one *Smith*, and he speaks much to the self-same purpose. He was the Barber that went with *Braddon* to examine this Girl.

Now, Gentlemen, you are to consider of these Contrivances of *Braddon*, in busying himself to sollicite these Children to testify these Stories, after a Denial by the Boy to sign the Paper, To tell him there was no Harm could come to him, to dictate what he should say, and put Words into his Mouth, about going to see my Lord *Gerard's* Lodgings, which he never spake of; for him to dictate to the other Witness the Pinmaker of *Marlborough*, what the right Day should be, to set up such a senseless Story that he heard such a thing at the Post-house, but he cannot tell from whom, or name any one that heard it or spake it besides himself: It is strange how he should meet with this Man, for even the Man himself tells you, he knows not who he had discoursed of it to; and never saw *Braddon* till that time he writ the Letter. But you may observe, that to be sure the Report might be spread, it was so contrived that the Scene should be laid in the Post-house, and then it was like to run abroad quickly; for alas it was not their Business to make Truth of it, but to make the discontented Rabble believe it to be a Truth. And so they began to consult with themselves where it was best to lodge it, and upon Deliberation the Place must humour the Design as well as the Time, and that must be at the Post-master's House, in order to disperse the Noise of it; and then *Mr. Braddon* takes his Circuit to *Salisbury* unto *Sir Robert Atkyns* at *Stow* in the *Hold*, and to other People, filling the Country with his braded Ware; and 'tis time to look after such Pedlars, for they vent the worst of Ware.

Then,

Then, Gentlemen, you may observe this Fellow is easily persuaded to swear any thing, for he gives no manner of account how he came to hear what he speaks of, or from whom, or how Mr. *Braddon* came to him: He had never seen him before that time, he says; (tho' Mr. *Braddon* had such a value for this worshipful Pinmaker, whom he never saw, that he came from *London* upon the least intimation of this Man, so zealous he was for the carrying on this weighty Affair, which I may call this impudent and intolerable Lye).

Gentlemen, I must tell you, if any Proof in the World be sufficient to prove Malice, you have sufficient Proof of it before you now. If it had been a thing of Indiscretion only without Malice, if there had been nothing of Caution given to him about it as a thing that concerned not him, there might have been something said to alleviate it; but for him to come as if he had Authority from the Countess of *Essex*, and Sir *Henry Capell*, who denies it, shews the Malice of his Design.

Gentlemen, 'Tis a Concern of an High Nature, and if you do believe these Persons that are Defendants, or either of them to be guilty; such as you believe to be guilty, you must find guilty, and of so much as you believe them guilty. And if in case they shall by you be found guilty, the Court is to take care to inflict a Punishment, if it be possible, suitable to their Offence.

Then the Court arose, and the Jury afterwards gave in a private Verdict, which the next Morning was repeated in Court and recorded. And by that Verdict they found the Defendant Laurence Braddon guilty of the whole Matter charged upon him in the Information, and the Defendant Hugh Speke guilty of all but the Conspiring to procure false Witnesses, and of that they found him Not Guilty.

Lunæ 21 Aprilis.

Mr. Att. Gen. MY Lord, Here are two Persons to receive your Judgment.

L. C. J. Who are they?

Mr. Att. Gen. *Braddon* and *Speke*. But it being late, I know not whether you will give it now, or appoint some other time.

L. C. J. No, no, let them come in, They will say we are afraid of giving Judgment else.

Then Mr. Braddon and Mr. Speke came into Court.

Mr. Att. Gen. My Lord, We pray your Judgment for the King, that you will set a good Fine.

Mr. Williams. We are retained to move in Arrest of Judgment.

Mr. Att. Gen. Judgment is enter'd already, and there is nothing but a Fine in the Case.

Mr. Williams. My Lord, If it be enter'd, it is enter'd but this Term, and 'tis in the Breast of the Court, if they please, to admit us to speak in Arrest of Judgment.

L. C. J. When were the Rules out?

Mr. Williams. My Lord, It was put off by Consent to this Day.

L. C. J. But when were the Rules out, I ask?

Cl. of Cr. The Rules were out the last Day of the last Term, and then Judgment was entered.

L. C. J. Well then, Judgment is entered, what say you against a Fine?

Mr. Williams. We were retained to move in Arrest of Judgment, I am sure I was, and instructed to that purpose.

L. C. J. I cannot tell what you were retained to do, but now Judgment is entered, what say you as to the Fine?

Mr. Williams. We cannot say any thing as to that, we are not instructed; I am sure I am not.

Mr. Wallop. My Lord, We took it, and I was told so, That it was put off by Consent to this Day.

L. C. J. I know nothing of your Consent, nor what you consented to. If you consent among your selves at the Bar, that is nothing to the Court. Here we find Judgment entered, and we must proceed upon what is before us.

Mr. Wallop. Your Lordship will please to remember, what the Evidence was.

L. C. J. I do remember it very particularly.

Counsel. My Lord, Mr. *Speke* is found Guilty of nothing but writing that Letter.

Mr. Att. Gen. He is found Guilty of all but the Suborning.

L. C. J. We do very well know there is a difference between them.

Then the last Rule was read.

L. C. J. Well; Judgment is regularly entered, What say you to it for the Defendants?

Mr. Wallop. My Lord, we conceive we have very good Matter upon the Verdict, to move in Arrest of Judgment.

L. C. J. Yes, no doubt what you have to say is extraordinary material, but you come too late, we cannot hear you. Sir *Samuel Astrey*, is Judgment entered according to the Course of the Court?

Cl. of Cr. Yes.

L. C. J. Then we must proceed to fine them.

Mr. Braddon. Pray, my Lord, Let Mr. *Ward* be asked, whether they did not agree we should move to Day?

Mr. Ward. That was only an Agreement on *Saturday*, that they might appear to Day, and I would not take them in Execution.

Mr. Braddon. This was the Day I was to move in, my Lord; Mr. *Burton* knows very well, he agreed to it.

Mr. Burton. I know nothing more of it, my Lord, but that indeed I did consent on *Saturday*, that whatsoever they could move then, they should move on *Monday*.

Mr. Ward. That was only that they should appear to Day, instead of *Braddon's* being taken up by a *Capias pro Fine*.

L. C. J. Well, well; I know nothing of your Agreements, here is Judgment entered regularly, as we find it, you had best bring your Action against Mr. *Burton*, if he have done you any wrong, but I did not know that Mr. *Burton* was the King's Attorney. But I find here is Judgment against you, and 'tis for a very foul Offence, as notorious an Offence as any Person, under that which is Capital, could be guilty of; base Aspersions of the Government, in order

der to promote Sedition, and Faction, and for that End, made use of all villainous Means to corrupt Infants, and then justify that Villany with a brazen Face, to that degree of Impudence, as I never before saw, That all the Justice of the Nation must be affronted by such audacious Fellows, for it seems his Confidence has not left him, but here he smiles, and seems as if he had done no Harm.

Mr. Braddon. My Lord, I know my own Innocency, and therefore have no reason to be troubled.

L. C. J. Your Innocence! Your Impudence, you mean. I tell you, had you been in any other Country, but this, the Innocence you brag of, would have sent you to the Gallies.

Mr. Just. Withins. Then you think, *Mr. Braddon*, you have done very well in what you have done?

L. C. J. Ay, I assure you, does he. And the Zeal of his Party has gone so far, that at *Winchester*, when I was there in the Circuit, I was told that his Doctrine had obtained so much in that Country, especially about that Place, whence some of his Witnesses came, I mean, *Andover*, that there was a Woman that was here the other Day, *Mrs. Drake*, being at Conventicle, held forth, That my Lord of *Essex* was murdered while the King was in the *Tower*, and that God was the Avenger of Murder, and had found out a proper Person for the Prosecution of it, that was *Mr. Braddon*; and this swivelling Cant prevailed at the Conventicle. It is no such smirking Matter as you make it, *Mr. Braddon*, I assure you.

Mr. Braddon. My Lord, if I did know my self to be under any Guilt, I would very readily and humbly acknowledge it.

L. C. J. Well, I see a great many of the Party about you, I can spy them out, though they think they are not seen; but they shall know we will not suffer such Monsters as these to go without due Punishment.

Mr. Just. Withins. He stands upon it, he is innocent still, notwithstanding all that was proved, and the Juries Verdict.

L. C. J. Yes, alack-a-day, he wipes his Mouth, and has not so much as eaten, I'll warrant you.

Mr. Just. Withins. I expected you would have been sorry, *Mr. Braddon*, for what you had done, and expressed some Penitence, but, it seems, you are very innocent.

Mr. Braddon. I did not directly, nor indirectly, offer any thing to induce the Children to give their Testimony, nor was any such thing proved: I know my own Innocency.

Mr. Att. Gen. The Jury have found it otherwise.

L. C. J. And that upon a fair, a full, and a convincing Evidence, and no Man in the World can make any doubt of the Truth of that Verdict; but he that had a share in your Guilt, or in that it had a tendency towards, I mean that horrid Conspiracy. And I assure you, *Mr. Braddon*, you tread upon the very Heels of it; smirk at it, and be as merry about it as you will.

Mr. Braddon. If I did not know my own Innocency, then I had reason to be troubled.

L. C. J. Your own Innocency! If you did not know your own Impudence, you mean; 'tis

that only that makes you smirk and smile at such Things as these.

Mr. Just. Withins. *Mr. Braddon*, when you were advised by *Sir Henry Capell* to take a prudent and a good Course, to go and leave it with a Secretary of State, you would not take that Advice, but you would go your own way, and you would turn Examiner, and Prosecutor your self; when he that was the Earl's Brother, and was sure more concerned than you, thought it fitter to go that way.

L. C. J. We remember what *Sir Samuel Barnardiston*, in his Letter, speaks of this Matter, *Mr. Braddon*, he was got off; why, they dare not meddle with *Mr. Braddon*, he is such a dreadful Man, and his Party are so considerable, that we dare not meddle with them; and the *TORIES* are all cast down; alack-a-day! because these Fellows can't cast down the Government, therefore all honest Men must be cast down, and not dare to meddle with them; but they shall see we are not so much cast down, but we are able to reach the highest of them. What Condition is this Man in? I speak in Point of Estate, for his other Conditions, we know what they are, his Trial will satisfy any Man of that.

Mr. Att. Gen. He is the eldest Son of a Father that has a good Estate.

Mr. Williams. He is then but Heir Apparent.

Mr. Braddon. No, I am a younger Brother.

Mr. Williams. It seems he is but the Second Son, and a young Gentleman.

Mr. Braddon. My Father has an elder Son alive.

L. C. J. I remember particularly 'tis said in one of the Letters, That he was a Man of 7 or 800*l.* a Year.

Cl. of Cr. That was in *Mr. Speke's* Letter. He says his Father had so much.

Mr. Braddon. That is in *Mr. Speke's* Letter; but that is not true.

L. C. J. I don't know truly, that may be as false as any thing else you went about to have these Children Swear; but I'll undertake it, if thou hadst told the little Girl that he had 800*l.* a Year, she would have been as ready to have Sworn it as the other.

Mr. Just. Withins. 'Tis a wonderful Thing, *Mr. Braddon*, you could bring no body to come and testify these Things, but those two little Children.

L. C. J. But oh! What a Happiness it was for this Sort of People, that they had got *Mr. Braddon*, an honest Man, and a Man of Courage, says *Mr. Speke*, a Man *à propos*; and pray, says he to his Friend, give him the best Advice you can, for he is a Man very fit for the Purpose, and pray secure him under a sham Name, for I'll undertake there are such Designs upon pious *Mr. Braddon*, such Contrivances to do him a Mischief, that if he had not had his Protestant Flail about him, somebody or other would have knocked him on the Head, and he is such a wonderful Man, that all the King's Courts of Justice must needs conspire to do *Mr. Braddon* a Mischief; a pretty sort of a Man, upon my Word, and he must be used accordingly; Men that arrogate and assume to themselves a Liberty to do such kind of Things, must expect to fare accordingly.

Mr. Just. Withins. Mr. Speke is not found Guilty of the Subornation.

Mr. Att. Gen. He is found Guilty of all but the Subornation, he is found Guilty of Conspiring to spread the Report. The Subornation will require another Sort of Punishment.

L. C. J. Ay, but there is a Difference between them. The Crime was very great in Mr. Speke, though not so great as in Mr. Braddon, and I am sorry that Mr. Speke should be concerned in it, and should take such care about such a Business, with all that Piety and Zeal for Religion he expresses in his Letter to Sir Robert Atkyns (Mr. Justice Atkyns that was,) that he should recommend him to have a wonderful Care of him, and then thank him for his Kindness shewed to *Our Party*: So he makes himself to be of the Party, and makes this the Business of the Party, and so makes himself to be a Sharer in the Business; for 'tis *We thank you for your Kindness to Us, and the Tide is strong against Us; and We hope we shall be able to bring the Business of my Lord of Essex upon the Stage, before they do any of those in the Tower.* So Mr. Speke makes himself a Party in the Business. And I am mighty sorry that when he comes to be asked the Question, How he came to write this Letter, he should tell us, He had been at the Tavern, and did not know what he writ, but does not say, he recollected afterwards. It seems he used to be often at the Tavern, and had been there when he writ this pious Letter, and so his Saintship broke out in a Fit of Drunkeness, for most of our Reformers of Religion now-a-days want common Morality. And yet they are wonderfully Zealous for Reformation and Religion. All the Villany that has been thought of, nay more than ever could enter before into the Imagination of Mankind, has been wrought by these Men, that pretend to be Reformers of Religion, and amongst the rest Mr. Braddon; and indeed I look upon Braddon to be the Daringest Fellow of the Party, he and his Brother Smith. If there were any Reluctancy, or any Sense of any Guilt they had contracted, and would shew it by acknowledging their being surprized into it, and testified Repentance by a submissive and dutiful Behaviour, that were something to incline the Court to Commiseration; but when we see, instead of that, they are more obdurate and steeled in their Opposition to the Government, they must be reclaimed by Correction, and kept within due Bounds by condign Punishment, otherwise it will be thought by the ignorant Sort of People, that all Courts of Justice are afraid of them.

Mr. Just. Withins. Nay, Mr. Braddon's Zeal was very extraordinary in the Case, going on in this Business, not only without, but contrary to the Advice of Sir Henry Capell, who surely was most concerned about the Death of his Brother.

Then the Judges between themselves consulted about the Sentence, which Mr. Justice Withins pronounced thus.

Mr. Just. Withins. Mr. Braddon, You see what it is you are convicted of, It was for as foul an Offence, as any can be imagined, that is not

Capital, wherein the King is very much concerned, for the Insinuations were such, as that the King was mightily concerned, for in as much as you say the Earl of Essex should be murdered at that time the King was in the Tower, it was an implied Accusation of the King, and an Insinuation that the King should design to take away an innocent Man's Blood, and so downright be guilty of murdering an innocent Person, which how great an Offence that is, let any Man that has any Loyalty, or Reverence for the King in him consider, and you cannot say you are innocent, Mr. Braddon. Your Prosecution was most pertinacious, and you would proceed after the Boy had denied it, and proceed in such a manner, when Sir Henry Capell had told you what you should do; and what did you go upon? You had got a little Girl, a Child of 11 or 12 Years old, to tell a Story of I know not what, and no body else knew any thing of it, and this must be a ground sufficient for you to go up and down, and spread such a Report, when Sir Henry Capell gave you Advice to go to a Secretary of State, and let him examine it; indeed you did go to him, but would not rest satisfied with what the King and Council did; no, Mr. Braddon, you thought that would not gratify your own Passion, and Malice, against the King and the Government, but you must take Ways of your own. This is to scandalize the whole Justice of the Nation, and not only make the King a Murderer, but you would have all the Plot, hereby quite lose its Credit; and you would make it, as Sir Samuel Barnardiston would insinuate, a Sham Plot, to take away innocent Protestants Lives. But as to the Plot there has been fresh Proof of it beyond all Contradiction this Day, a Man here in the Face of the whole Court has owned the whole Thing, he would not take the Liberty of defending himself, that was offered him, if he would try it, but confessed that Conspiracy, which you had a great mind to be an Instrument of making the World to believe, was nothing but a Sham. I shall not make any long Speech to you, The COURT, for this Offence,

Sets upon you, Mr. Braddon, the Fine of 2000 l. and order that you find Sureties for your good Behaviour during your Life, and that you be Committed till this be Performed. And for you Mr. Speke (we have considered that you are not so highly Guilty as Mr. Braddon, you are Guilty of a great Offence, but not so Guilty as he, and therefore) we think fit to set upon you the Fine of 1000 l. and that you find Sureties for your good Behaviour during your Life, and be Committed till you perform it.

L. C. J. Marshal, take them in Custody, and use them as they ought to be used.

Counsel. My Lord, Mr. Speke's Bail is discharged, I suppose?

L. C. J. Ay, they must be, as to this Matter, but nothing else but this.

Then they were carried away to the King's-Bench-Prison.



The Earl of ESSEX's Innocency and Honour vindicated; in a Letter to a Friend: By Laurence Braddon.

S I R,

YOURS of the 10th Instant came the last Night to my Hands; and I give you many Thanks for your kindness therein expressed; and more particularly, that you have so often endeavoured to rescue me from the Slanders of such, as without either knowing my Person or Offence, have given me those uncharitable and unjust Terms, worse than which, the greatest Offenders can hardly deserve. Sir, Your Country is not the only Place where I have been so traduced: But my Misfortunes having made my Name known where in person I have never been, and my Adversaries being as malicious as numerous, I have heard from other hands, That I have elsewhere met with the like treatment. But to do my self that Justice which I think is incumbent on me, in order to the clearing my self from those undeserved Calumnies with which I have been, and am daily slandered, I have herein sent you a particular Account of *what*, and *how*, and *for what* I did so unjustly suffer under our late Mal-administration. And seeing the Honourable late Committee of Lords (appointed to examine into the Death of the Right Honourable Arthur (late) Earl of Essex) is dissolved, by the last Dissolution of Parliament, and most of the Depositions and Examinations taken before this Honourable Committee have been read before the Honourable House of Lords, (and so no longer to be thought Secret,) I do humbly conceive it's neither an Offence, or divulging a Secret, to publish what (since this happy Revolution) hath been proved for the clearing of *That Truth which* (when I first engaged) *to assert, was the highest Offence.*

By the Proceedings before this Honourable Committee, you will in some measure perceive what great pains those Honourable Persons have been at, in the many Committees which have herein sat, and the many Examinations taken before their Lordships: All which had long since been published to the World, had it not been for the Prorogations and Dissolution which have happened, depending this Prosecution. But when the Honourable House of Lords shall think fit to revive this Committee, and order this Report to be made, I hope I shall have an opportunity to vindicate my self in some other way than at present is proper.

Sir, Tho' this Letter may at first sight seem much longer than you think the Subject-matter required; yet when you shall have read the whole, and observed the numerous Examinations and Depositions which herein have been made, what industrious and villainous Oppositions it hath met with, not only in false Reports and sly Insinuations, but the many false Oaths which have been procured, to destroy the belief of this barbarous Murder; you will (I hope)

not find this Discourse so tedious in its perusal, as at the first glance you may fear it will prove.

Sir, With the leave of a late Author upon this Subject, I have freely borrow'd of that Discourse: Yet in all parts not observed his Method; but according to your Command, shall begin with the Reasons that moved me to this Prosecution: In order to which, I shall in the first Place give you a short Relation of my Lord's Commitment to the *Tower*, with the Depositions taken before the Coroner upon my Lord's Body; for the reading those Depositions proved the occasion of my first engaging herein.

The Right Honourable *Arthur* (late) Earl of *Essex* was committed to the *Tower* the 10th of *July* 1683, by virtue of a Warrant from Secretary *Jenkins*; which Warrant ran as followeth:

Sir *Leoline Jenkins*, Knight, of His Majesty's Most Honourable Privy-Council, and Principal Secretary of State.

THES E are in His Majesty's Name to Will and Require you to receive into your Custody the Person of Arthur Earl of Essex, herewith sent you, being committed for High-Treason, in compassing the Death of the King, (whom God preserve,) and conspiring to levy War against His Majesty: And him the said Earl of Essex to keep in safe Custody, until he shall be delivered by due Course of Law. And for so doing this shall be your Warrant. Given under my Hand and Seal at Whitehall, the 10th Day of July, 1683.

To Thomas Cheek, Esq;
Lieutenant of His
Majesty's Tower of
London.

L. Jenkins.

The first Night his Lordship lay at Captain *Cheek's*, the then Lieutenant of the *Tower*; but the next Day was removed to Major *Hawley's* (then Gentleman-Porter of the *Tower*;) and the two Warders placed upon his Lordship, were *Nathanael Monday* and *Thomas Russel*; one to stand at my Lord's Chamber-door, or in his Chamber; and the other at the Stairs-foot; and thus by turns. *Paul Bomenej*, my Lord's Servant, was permitted to be with his Lordship. At Major *Hawley's* my Lord lay *Wednesday* Night and *Thursday* Night; but *Friday* Morning about nine of the Clock, his Lordship was found with his Throat cut through both Jugulars and Arteries, even to the Neck-bone, on both Sides the Neck. The next Day, being *Saturday*, the Jury sat; and before them were sworn the aforesaid *Paul Bomenej*, *Thomas Russel*, and two Chirurgeons; whose Informations are as followeth, according to the Print; but that (as I shall observe in its own proper place) varies in the Original from *Bomenej's* Information.

The

The Information of *Paul Bomeney*, Servant to the late Earl of *Essex* for about three or four Years now last past, taken upon Oath the 14th day of *July* 1683, *Anno Regni Caroli secundi, Dei Gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defensor, &c. Tricesimo quinto, Annoque Domini, 1683.*

SAITH, That when my Lord came to Captain *Hawley's*, which was the 11th Instant, my Lord of *Essex* asked him for a Penknife to pare his Nails, as he was wont to do; which this Informant answered, Being come in haste, he had not brought it; but he would send for one; and accordingly sent the Footman with a Note for several things for my Lord, amongst which the Penknife was inserted; and the Footman went, and gave the Bill to my Lord's Steward, who sent the Provisions, but not the Penknife; and he told the Footman he would get one next Day. When the Footman was come, my Lord asked if the Penknife were come? This Informant answered, No; but he should have it the next Day: And accordingly on the 12th Instant in the Morning, before my Lord of *Essex* was up, this Informant sent the Footman home with a Note to the Steward, in which, amongst other things, he asked for a Penknife for my Lord. When the Footman was gone, about, or a little after eight of the Clock, my Lord sent one *Mr. Ruffel*, his Warder, to this Informant; who came, and then he asked him if the Penknife was come? This Informant said, No, my Lord; but I shall have it by and by. To which my Lord said, That he should bring him one of his Razors, it would do as well. And then this Informant went and fetched one, and gave it my Lord, who then went to pare his Nails, and then the Informant went out of the Room into the

This was not in the Original, but added by Authority.

This interlined in the Coroner's hand.

Note, This is in the Original, but left out in the Print.

Passage by the Door, [On Friday the 13th Instant], and began to talk with the Warder; and a little while after he went down Stairs; and soon after came the Footman with the Provisions; and brought also a Penknife, which this Informant put upon his Bed, and thought my Lord had no more need of it, because he thought he had pared his Nails; and then this Informant came up to my Lord's Chamber about eight or Nine in the Forenoon, [on Friday the 13th Instant] with a little Note from the Steward, [where there were three Lines writ;] But not finding his Lord in the Chamber, went to the Close-stool-Closet-door, and found it shut; and thinking his Lord was busy there, went down, and staid a little; and came up again, thinking his Lord had been come out of the Closet; and finding him not in the Chamber, he knocked at the Door with his Finger thrice, and said, My Lord: But no-body answering, he took up the Hangings, and looking through the Chink, he saw Blood, and part of the Razor; whereupon he called the Warder, *Ruffel*, and went down to call for help; and the said *Ruffel* pushed the Door open, and there they saw my Lord of *Essex* all along the Floor, without a Periwig, and all full of Blood, and the Razor by him. And this Deponent further deposeth, That the Razor now shewed to him at the time of his Examination, is the same Razor which he did bring to my Lord, and which did lie on the Ground in the Closet by my Lord.

The Information of *Thomas Ruffel*, one of the Warders of the Tower, who had the Custody of the Earl of *Essex*, taken the 14th day of *July*, *Anno Regni Caroli secundi, Dei Gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defensoris, &c. Tricesimo quinto, Annoque Domini, 1683.*

SAITH, That on Friday the 13th Instant, about eight or nine of the Clock in the Forenoon, he was present, when he did hear the Lord of *Essex* call to his Man, *Mr. Bomeney*, for a Penknife to pare his Nails; and then for a Razor, which *Mr. Bomeney* brought him; and then my Lord walked up and down the Room, scraping his Nails with a Razor, and shut the outward Door. *Mr. Bomeney*, half a quarter of an Hour afterwards, not finding my Lord in his Bed-Chamber, went down Stairs again, believing that my Lord was private in his Closet. *Bomeney* came up about a quarter of an Hour afterwards, and knocked at the Door; then called, My Lord, my Lord: But he not answering, peeped through a Chink of the Door, and did see the Earl of *Essex* lying on the Ground in the Closet; whereupon he cried out, That my Lord was fallen down sick; and then the Informant went to the Closet-door, and opened it, the Key being on the out-side, and then did see my Lord lie on the Ground in his Blood, and his Throat cut.

Note.

The Information of *Robert Sherwood* in *Fanchurch-street*, Chirurgeon, taken the 14th day of *July*, *Anno Regni Caroli secundi, Dei Gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defensoris, &c. Tricesimo quinto, Annoque Domini, 1683.*

SAITH, That he hath viewed the Throat of the Earl of *Essex*; and doth find, That there is a large Wound; and that the *Aspera Arteria*, or *Windpipe*, and the *Gullet*, with the *Jugular Arteries*, are all divided; of which Wound he certainly died.

The Information of *Robert Andrews* of *Crouched-Friers*, Chirurgeon, taken upon Oath the 14th day of *July*, *Anno Regni Caroli secundi, nunc Regis Angliæ, &c. Tricesimo quinto, Annoque Domini, 1683.*

SAITH, That he hath viewed the Throat of the Lord of *Essex*; and doth find, That it was cut from the one *Jugular* to the other, and through the *Windpipe* and *Gullet*, into the *Vertebres* of the Neck, both *Jugular Veins* being also quite divided.

Upon these Informations, the Coroner's Jury found my Lord *Felo de se*.

The Substance of these Informations in short is this, viz.

That my Lord of *Essex* called for a Penknife to pare his Nails; but the Penknife not being ready, his Lordship required a Razor, which was delivered him; with which Razor his Lordship retired to his Closet, and locked himself in: But soon after, the Closet-door being opened, my Lord was found with his Throat cut through both *Jugular* and *Arteries*, to the Neck-bone, and the Razor (as before delivered) lying by him.

These Informations taken by the Coroner were published the next *Monday* after my Lord's Death; and I the 16th of *July* buying one of these, that very Morning (with one Mr. *William Hatfel*) went to *Wanstead*, to the House of one Mr. *John Evans*, (then an Officer of the Custom-House.) Upon reading the last part of *Bomeney's* Information, which deposed, *That when they opened my Lord's Closet-door, they found his Lordship on the Ground, with his Throat cut, AND THE RAZOR BY HIM*; Mr. *Evans* declared, That could not be true; for *Friday* Morning about Ten of the Clock, being upon the Custom-house-Key with one Mr. *Edwards*, the said Mr. *Edwards* told him (with several others,) "That his Son being in the *Tower* that Morning, "just before the Death of the Earl of *Essex* was "known, he was standing just over-against the "Earl's Chamber-Window, and saw a bloody "Razor thrown out of that Window; which "he went to take up; but a Maid came out of "Captain *Hawley's* House, and took it, and "forthwith ran with it into my Lord's Lodgings, "and up Stairs immediately, several times crying our *Murder!* and then coming down, pretended the Earl of *Essex* had cut his Throat."

Upon hearing Mr. *Evans* give this Relation, I declared, If this was true, what was sworn before the Coroner must be false; and I did not believe they had sworn false for nothing; but must conclude my Lord was murdered. Hereupon I did desire the said Mr. *Evans* to inform me where this Mr. *Edwards* lived; for I protested, I would inquire into the Matter. Mr. *Evans* then told me, Mr. *Edwards* lived in *Mark-Lane*, by the *Tower*.

When I came to Town that Afternoon, about Six of the Clock, I did forthwith acquaint several of my Friends with my Design of making immediate inquiry into the Truth of this Story; which if I found Reason to believe, I thought it was proper to be taken upon Oath before some Justice of Peace, in order to a further inquiry. By most of my Acquaintance I was dissuaded from it; they telling me, That if my Lord was indeed murdered, the Persons and Interest concerned in the Murder were too Powerful for me to engage; and therefore I must expect nothing but Ruin by meddling in the Matter. To all which Dissuasions, I generally gave this Answer: That I would do nothing herein, but what I could justify to God and a good Conscience: And the threatned Ruin I did not fear, or would thereby be deterred; for if my Lord was indeed barbarously murdered, the same Principles and Practices that murdered him, might take off many of those Honourable Persons they then had, or should take into Custody, and pretend, as they did in this Case, That this was done by the Prisoners themselves, to avoid an infamous Execution: So that God only knew in how many Mens Destruction such treacherous Practices might determine. But if those bloody Men once found, that such their Design was suspected, and like to be detected, in all probability, they would desist from the like villainous Practices; and seeing this would be more for the Interest of the Publick, than I could possibly be either in my Liberty, or otherwise, I was resolved to Sacrifice that, and whatsoever else I had, to the Service of my Country.

My Friends finding me thus resolved to engage, they advised me at first to inform my Lord's Honourable Family herewith, and to observe such Directions as from them I should receive; wherefore that very *Monday* Evening, I went to *St. James's-Square* to my Lord's House, where I found Sir *Henry Capell* under great Disorder, by Reason of that deplorable Accident. I did inform Sir *Henry* of what I had heard, but told him, That I had not then spoken either with the Boy, or his Father, who (as I was informed) lived in *Mark-Lane* by the *Tower*; and if Sir *Henry* thought fit, I would the next Morning go with any whom he should appoint, to Discourse the Father and Him: Sir *Henry* thanked me for my Information, but said he was then under such a Concern for so great a Misfortune, as had herein befallen his Family, that he hardly knew what he did or said, &c. The next Morning I went to Mr. *Edwards*, to whom, as soon as I had told the Cause of my coming, the old Man seemed much surprized and concerned, and in Tears told me he was Ruined; to which I answered, That I did suppose he was not ignorant what great Things the Father of this Unfortunate Lord had done, and suffered for His Majesty's Interest, and how this very Lord himself had been highly in His Majesty's Favour, having been employed in Places of the greatest Honour and Trust; and therefore, if his Lordship fell by treacherous Hands, none (in Reason) could be supposed so zealous for a Discovery, as His Majesty would, who could protect him from whatsoever Danger might seem to threaten him; besides, if there were any Danger, I stood principally subject to it; but the Danger I did not fear, considering of what Consequence this might prove, by being inquired into: At length Mr. *Edwards* gave me the same Information (in Substance) I had the Day before received from Mr. *Evans*. I then desired to see his Son, who being then at School, I could not speak with him; but that Afternoon about Two of the Clock I went again, and was then told, That the Boy had denied all, which denial was occasioned by his Sister's telling him, *He should be Hang'd for what he had herein declared*; this the Sister could not deny; but as soon as the Boy was called into the Parlour, where I with several others were, before I questioned him about it, I discoursed him concerning the Danger of a Lye; and after I had solemnly enjoined him to tell me the very Truth: The Boy then declared to me, as he did at first to his Father and Sisters, and told me, *That his Sister's Threats had frightened him into a Denial*. Upon this, I took in Writing the Substance of what the Boy declared, and the next Day drew it into a formal Information, which followeth:

The Information of *William Edwards*, Second Son to *Thomas Edwards*, of the Parish of *Albhallows Barking, London*, taken the 18th Day of *July*, in the Thirty Fifth Year of the Reign of our Sovereign Lord King *Charles* the Second, *Anno* 1683.

Says, That this Informant on *Friday* the 13th of this Instant *July*, as he was going to School, with his Brother *Edward*, he heard that His Majesty, and His Royal Highness the Duke of *York*, were

were going to the Tower; whereupon this Informant left his Brother, and went to the Tower to see His Majesty, and His Royal Highness; and when this Informant had seen His Majesty, and His Royal Highness, this Informant about Nine of the Clock in the Morning of the same Day, went to see my Lord Brandon Gerard's Lodgings; and as this Informant was standing almost over-against my Lord Brandon Gerard's Lodgings, between the Lord Gerrard's and the late Lord of Essex's Lodgings, this Informant saw a Hand cast out a bloody Razor out of the said Earl of Essex's Lodgings; And this Informant was going to take up the said Razor, which he saw on the Ground to be bloody; but before this Informant came to the Razor, there came a Maid running out of Captain Hawley's House, where the said Lord of Essex lodged, and took up the said Razor, which she carried into the said Captain Hawley's House: And this Informant believes, that it was the said Maid, whom he first heard cry out Murder: And this Informant further saith, That he heard the said Maid say to some which were about the Door, after the Murder was cry'd, That she did hear the said Lord of Essex to groan three times that Morning.

The Information of Mrs. Edwards, Wife to Thomas Edwards.

Saith, That about Ten of the Clock in the Morning, on Friday the 13th of this Instant July, This Informant's youngest Son William Edwards, aged about Thirteen Years, came trembling to this Informant, and in great Amazement and Horror, told this Informant, That the Lord of Essex had Cut his Throat in the Tower; and further said, That he the said William Edwards in the Morning about Nine of the Clock, did see a Hand cast out a Razor out of the said Lord of Essex's Lodging Window, which Razor he saw on the Ground to be Bloody, and the said William Edwards was going to take up the said Razor, but before he came to it, there came a Maid running out of Captain Hawley's House, where the said Earl of Essex lodged, and took up the Razor, which she the said Maid forthwith carried into the said Captain Hawley's House; and soon after he the said William Edwards heard her, as he the said William Edwards did believe, cry out Murder. And this Informant further saith, That the Substance of what the said William Edwards hath sworn in his Information, he the said William Edwards on Friday last did declare to this Informant, and her whole Family, several times, attesting it to be true, and several times since.

This the Boy declared he was ready to attest; but finding several Justices of the Peace very shy, I thought it proper to carry these Informations to the Secretary of State, and know his Pleasure therein; accordingly, Thursday the 18th of July, about Four of the Clock, I delivered these Informations of the Boy and his Mother, to whom the Boy had discover'd it, as soon as he came from the Tower. My Lord Sunderland seemed much surprized, and after some Pause, told me, That I should bring the Persons (who were not then with me) the next Morning, and if it were proper, he would take their Depositions.— The next Morning about Nine or Ten of the Clock, I went with the Boy and his Sister, (the Mother not being well) to whom the Boy had likewise, as soon as he came from the Tower,

revealed what he had as before seen. As soon as I came to the Secretary's Office, I sent his Lordship word, that according to his Lordship's Order, I did attend. Immediately upon which (before my self, or either of the Informants were examined) Mr. Atterbury the Messenger came to the Office, and took me into Custody; (the only Instance where such as came to give Information on the Behalf of the King, *Note.* were so treated before any Accusation against them,) and some short time after, thus in Custody, I was called in before the then King and Council.

The first Question (to my Remembrance) asked, was, What made me engage in that Matter? To which I answered, That I was altogether unrelated to, and unacquainted with that Honourable Family; so that there lay no more personal Obligation upon me first to move, than upon any Man whatever, who might have met with the like Information; but it was my love to Truth and Justice first engaged me in it; and through the Grace of God, my Duty therein I would do, though Death stared me in the Face every Step I made. I can't but here observe the Carriage of the then Duke of York, who with a concerned Countenance, leaning his Elbow upon the Board, covered his Face with his Hand, upon which I did immediately imagine, that somewhat within did more trouble him, than all the trouble from without did me; for though I stood as the supposed Criminal, I had reason to guess—*somebody else* was the real one. I did then observe to His Majesty the Incoherence and Contradictions sworn before the Coroner by *Bomeney* and *Russel*, who were the Persons that pretended to prove the Self-Murder before the Coroner; upon which his Highness called for those Informations, but said nothing in Answer; His Majesty then took them, and said as little; but the then Lord Keeper *North* having read them, went about to reconcile those Incoherences and Contradictions; upon which I did object against what his Lordship said, as insufficient; and further urged the Objections I had before made. His Lordship seemed very angry that I made those Reflections; but, with Submission, I think, by printing the Coroner's Depositions, every Man was in some sort appealed to, whether what was so sworn, and printed, was not sufficient to induce every impartial Person (for such the Coroner and Jury ought to have been) that the Earl of *Essex* did indeed cut his own Throat; and the printing those great Incoherences, and contradictory Depositions, argued as great Impolicy in the Authority that published them, as the deposing them did Villany in the Informants, or the believing them want of Understanding (not to say Honesty, Integrity and Impartiality) in the Coroner, and most of the Jury. After some time spent in the Examination, I was ordered to withdraw into the Secretary's Office, and repeated Orders given by the then King; that I should be kept close (perhaps that I might not hear the Boy, or his Sister examined;) the Boy was then called in, and at first (as I was afterwards informed) did not deny the Truth of his Information; but being not then past Thirteen, and frightened by being before so great Authority, he wept; upon which his then Majesty stroked him upon the Head, and said, *did you*

you not invent this to excuse your truanting? To which the Boy trembling, answered, *yes*; (this the Boy declared at Home after his Examination.) Then the Sister was called, who declared how the Boy, upon his first coming from the *Tower*, had informed her as before set forth; and tho' after threatened to be whipt, never retracted till the *Tuesday*, when I having been there, his Sister had frightened him into a denial, which as soon as I came the second time, he retracted, and stood to his first Information, saying, his Sister had frightened him, and told him he should be hanged, and his Father would be undone; the Fear of which made him deny it: She further declared, that she did verily believe they never knew or heard of me till the *Tuesday* after my Lord's Death, and that I never did give, or offer her Brother one Farthing, but still enjoined him to speak nothing but the Truth, (this the Sister did after declare was the Substance of her Examination.) After the Sister's Examination was over, I was the second Time called for, and told by my Lord-Keeper, that I would have suborned the Boy; to which I answered, that I was well satisfied of my Innocency in, and Abhorrence of all such Practices, which in this Case appeared impossible, seeing the Relation of the Boy was several Days before I ever saw or heard of the Boy; nevertheless I was ready to give what Bail his Lordship should be pleas'd to command; upon which I was ordered to give Bonds with Two Securities in Two Thousand Pound apiece; this I did that very Afternoon; but the Omission of the Under-Secretary, in the Form of these Bonds, was very Advantageous to me, and my Security; for whereas the Condition of all Council-Bonds were to conclude, *and in the mean time to be of the good Behaviour*; this Clause in mine was left out, by which my Friends were saved from that, which otherwise would (as you will afterwards find) have ruined them. Standing thus under Two Thousand Pound to answer to an Information of Subornation, I thought I was in Self-Justice bound to make what further Inquiry I could, to strengthen the Boy's Evidence. To which my Lord-Keeper (without the least Colour) suggested, I did endeavour to suborn the Boy to swear. In this Inquiry I was daily hurried up and down, and found most People afraid to discover what they herein knew; and which was more, few of my Acquaintance could I prevail with to go with me upon these Inquiries; for my Misfortunes, with the Danger that from the Corruption of the then Times naturally threatned Men, deterred all from engaging any way herein.

Mr. Cragg. But at length I met with a Gentleman, who readily went with me upon all Occasions. In a constant search after many Particulars (which would be too tedious here to repeat) I was likewise informed of a Girl that had also seen the bloody Razor, as before, thrown out of my Lord's Chamber-Window; upon which I went to *St. Catharine's*, where the Girl lived, and several Persons being present, I took in Writing what she could say herein, and what her Aunt and *Mr. Glasbrooke*, to whom she related it as she came from the *Tower*, could testify; which Relation was as followeth.

August the 8th, 1683. The Information of *Jane Lodeman*, aged about 13 Years, who

did in the Presence of these whose Names are here under-written, declare as followeth.

That the said *Jane Lodeman* was in the *Tower* on Friday Morning, the 13th of July last, and standing almost over-against the late Earl of *Essex's* Lodging Window, she saw a Hand cast out a Razor out of my Lord's Window, and immediately upon that she heard Shrieks; and that there was a Soldier by my Lord's Door, which cried out to those within the House, that some body should come and take up a Razor, which was thrown out of the Window; whereupon there came a Maid with a White Hood out of the House, but who took up the Razor, she cannot tell.

John Broom, and
William Smith.

August the 8th, 1683, *Mr. William Glasbrooke* doth declare.

That one *Jane Lodeman*, Aged about 13 Years, inhabiting in the same House where he the said *William Glasbrooke* lodged, did on Friday the 13th of July last past, between the Hours of Ten and Eleven in the Morning, in the presence and hearing of him the said *William Glasbrooke*, declare to her Aunt, That the Earl of *Essex* had cut his Throat; upon which her Aunt was very angry with her; whereupon she the said Girl did declare, that she was sure of it. For she saw him throw the Razor out of the Window, and that the Razor was bloody, and that she heard two Groans, or Shrieks (which of the two Words she used, he the said *William Glasbrooke* is not certain.) Of this he the said *Glasbrooke* is ready to make Oath.

William Glasbrooke.
Lodeman's Aunt, *Margaret* Smith.

About this time I was informed, That the Report of the Earl of *Essex's* Death was at *Tunbridge* about Nine of the Clock that very Morning he died, whenas my Lord's Death was not known in the *Tower* till about Nine; whereupon I rid to *Tunbridge*, but I found the Person very shy, and unwilling to appear in the Matter. I had no sooner returned to *London*, but I was told, the same Report was at *Marlborough* in *Wiltshire*, (about 70 Miles from *London*) the very Morning of the Earl's Death; whereupon I rid to *Marlborough*, resolving to trace the Report as near as I could to the Author. When I came to *Marlborough*, I met with one *Jeremiah Burgis*, whom before this I never to my remembrance saw or heard of; who declared, That the very Morning my Lord died, he was at *Frome* in *Somersetshire* (about 30 Miles distant from *Marlborough*, and an hundred Miles from *London*), and being there at the *Dolphin*, he was informed that the Earl of *Essex* had cut his Throat in the *Tower*. I did desire *Burgis* to write me a Letter to the Master of the House at *Frome*, to inform me (if he could remember) who it was that reported this at his House. I did at *Marlborough* likewise speak with one *Lewis*, who did also inform me, "That about "Two of the Clock the Day the Earl died, as "he was riding up *Husbands-Hill*, (not far from "Andover) he overtook a Gentleman, riding "a very easy Traveller's pace; and as they "were discoursing of the News in the Country,

"the

“ the Gentleman said, He had heard a Report
 “ of the Earl of *Essex*, that he cut his Throat
 “ in the *Tower*: But the Gentleman was alto-
 “ gether a Stranger to him, and therefore he
 “ could not inform me *how* or *where* to find him.”
 With *Burgis* his Letter I was riding to *Frome*:
 but when I came within about six Miles of the
 Place, at a Town called *Bradford*, I stopt at an
 Inn-Door to drink a Glass of Cider; upon
 which, one *Beech* an Attorney, (notorious in his
 Country and Generation) informed a Justice of
 Peace then there, That I looked like a disaffected
 Person, by wearing Band and Cuffs, and there-
 fore in that dangerous Time I ought to be exa-
 mined; upon which, the Justice came out to exa-
 mine me, and there came with him one who
 knew me, so that the Justice seemed well satis-
 fied: But *Beech* taking the Justice aside, tells
 him, That he ought to be more strict, and search
 me; for by my wearing Band and Cuffs, it was plain
 I was disaffected to the Government, (of this I
 have been often told by some then there;) upon
 which the Justice told me, He must search me.
 When I perceived this, I thought it proper to
 give the Justice a particular Account of the Oc-
 casion of my being in the Country; as also,
 what Papers I had about me; which Papers be-
 ing read, after some Debate, and advising with
Beech, he made a Warrant for my Commitment,
 the Form whereof, in the Conclusion, was the
 most illegal I ever saw.

The Warrant ran in these Words, *viz.*

Wilts. **T**O the Keeper of His Majesty's Goal
 of Fitherton-Anger, in this County,
 or his sufficient Deputy, These. I send you here-
 withal the Body of Laurence Braddon, apprehended
 in the Town of Bradford, in the County aforesaid,
 this present Two and twentieth Day of August,
 taken upon Suspicion of being a dangerous and ill-
 affected Person to the Government, and for refusing
 to give an account of his Business in these Parts,
 and for having Letters of dangerous Consequence
 about him. These are therefore in the King's Majesty's
 Name to Will and Require you, That upon sight
 hereof, You receive him the said Laurence Braddon
 into your Goal, and him there safely keep, (not per-
 mitting him to have Pen, Ink, or Paper, or Person
 to converse or speak with him) until you shall receive
 further Orders from His Majesty and Privy-Council.
 Hereof you are not to fail at your Peril. Given
 under my Hand and Seal at Bradford, this 22d Day
 of August aforesaid, Anno Regni Caroli Secundi,
 Angl. &c. 35 Anno Dom. 1683.

It was long before I could prevail with the
 Justice to let me hear my Warrant
 31 Car. 2. read; but when I told him by the Sta-
 tute I would have a Copy of it within
 six Hours after I was brought to Goal, he read
 it to me; finding the Conclusion to be so Arbi-
 trary, I told him he could not justify his War-
 rant; which should the Jailor obey, I might
 be kept a close Prisoner during Life. For I was
 not to be admitted to Pen, Ink or Paper, or con-
 verse, till the Jailor heard from the King and
 Council, without which I must perish in Prison
 without Conviction or Trial: I told him, That
 all such Warrants of Commitment ought to con-
 clude, *till he be discharged by due Course of Law*;
 but the Justice told me he would maintain the

Legality of his Warrant. By Virtue of this
 Warrant I was carried to *Wiltshire* Goal (about
 30 Miles distant from *Bradford*;) where I found
 the Keeper of more Sense or Honesty than
 either his Worship, or his Cabal; for there were
 several Attorneys in the Inn when I was exa-
 mined; (with whom Mr. Justice advised) for
 the Goaler told me, that notwithstanding the
 strictness of my Commitment, I should dis-
 course with whom I would, himself being by;
 and write to whom I would whilst he was pre-
 sent and saw it. Thanking my Keeper for this
 Civility, I did immediately demand a Copy of
 my Commitment, and writ to *London* for my *Ha-
 beas Corpus* thereupon, which within some short
 time I received, and was brought to *London* to be
 bailed; but all the Judges being out of Town,
 I was, according as the Statute herein directs,
 to be carried before my Lord-Keeper (*North*);
 but his Lordship ordered the Goaler to bring
 me before him at the Council that Afternoon;
 as soon as I appeared before his Lordship, my
 Lord seemed well pleased at a supposed, but
 mistaken Advantage he thought to have had
 against my Bail; for his Lordship smiling, told
 me, notwithstanding he did not expect that I
 should have had much regard to my self, yet he
 did believe I would have had that just respect to
 my Bail, as not to ruin them by those new Mat-
 ters then to be laid to my Charge. To which
 I answered, I knew not wherein I had preju-
 diced my Bail, of whom the only thing required
 was my Appearance the then next Term, which
 (if God permit) I would do, and thereby indem-
 nify them: No, replied his Lordship (smiling)
 the good Behaviour was likewise required; a
 notorious Breach whereof appears in these Mat-
 ters you stand afresh charged with. I did hum-
 bly appeal to the Bonds themselves, and in the
 Condition there appeared the Omission before
 observed. For which his Lordship was very
 angry with Secretary *Jenkins*, who immedi-
 ately transferred the Blame thereof to his Under-
 Secretary. When his Lordship found, that by
 this neglect my Bail was slipt from his Hands,
 his Lordship was resolved to hold me fast
 enough; and therefore demanded Bonds with
 Sureties in Twelve Thousand Pounds, for my
 Appearance, and as much more Security for the
 good Behaviour. I did hereupon desire his
 Lordship, That he would consider the Statute
 upon which I then came to be Bailed; and, as
 that Statute required, his Lordship would con-
 sider my Quality, and the nature of my Offence:
 As for the first, I was a younger Brother, and
 my Father living; and as to the second, the
 pretended Crime, it was of the very same na-
 ture with that under which I stood bound with
 Sureties in Two Thousand Pound for my Ap-
 pearance. My Lord Keeper replied, That ac-
 cording to the Statute, he did consider both my
Condition and the *Offence*, and regulated his De-
 mands accordingly; for had I been an Alder-
 man of *London*, my Quality answerable to the
 Crime, for every Six Thousand Pound his Lord-
 ship would have demanded Twenty; so that
 then I must have given Eighty Thousand Pound
 Bonds in Bail and Suretiship; which (to the
 best of my remembrance) is twice as much as
 I ever yet heard demanded of any Nobleman in
England, though under a Commitment of High-
 Treason. Whilst I was before the Council, I
 desired

desired his Lordship, that some of those Witnesses might be sent for out of the Country where the Report was of the Earl's having cut his own Throat in the *Tower*, before his Lordship was dead. Upon which, one of the Lords of the Council (to the best of my remembrance, the now Marquis of *Hallifax*) said, *This is just as it was in the Case of Sir Edmundbury Godfrey*. But the Lord-Keeper, I found, would not send for Witnesses to *prove* what his Business was industriously and oppressively to *stifle*. Not being able to comply with these hard Terms, I was remanded to *Wiltshire-Goal*: But that Night lying in Town, I read the Statute, and advised with some of my Friends, who found that the Good Behaviour could not be demanded, but that Bail to answer the Cause of Commitment, was all the Statute did require. I did therefore the next Morning desire my Keeper to carry me to his Lordship's House in *Great-Queen-Street*; and for the Reasons before observed, I did hope his Lordship would not insist either upon the Good Behaviour, or yet upon so great Bail. My Keeper accordingly carried me: But before his Lordship that time saw me, my Keeper did acquaint his Lordship with the Occasion of his bringing me once more before his Lordship. Upon which, the Lord-Keeper sent for me, and told me, That the Good Behaviour he neither did or could require; and if I would give Bail to answer my Commitment, I might have my Liberty. To which I replied, That in so large a Sum as was demanded, I could not; but in all would give Ten Thousand Pound Bail, which I hoped his Lordship would judge sufficient. His Lordship said, What was agreed upon at the Council, he could not there change: but my Keeper should bring me down that Afternoon to the Council; and if there it could be complied with, I should be bailed. That Afternoon I did accordingly attend the Council, where I found his Lordship's Mind changed, and returned to his first Demand, Twelve Thousand Pound for my Appearance, and Twelve Thousand Pound more for my Good Behaviour; notwithstanding that very Morning he had (as before) declared he could not by Law require it.

His Lordship did represent my Offence such as deserved the greatest Punishment, and told me, Such Practices might shorten my Days, (or Words to that effect.) I replied, That I was not conscious of my having done any thing which deserved a *Prison*, much less *Death*; but the manner of Death I did not fear; and if in the way of my Duty I met it, I could as cheerfully die at *Tyburn* in a *Halter*, as in my *Bed* of a *Fever*.

Having thus suffered in the defect of this Act, I cannot but here take notice of one great Omission in this Statute. This Act inflicts a Penalty of One Hundred Pound upon the Goaler that denies the Prisoner, or any on his behalf, a Copy of his Warrant; and Five Hundred Pound Penalty on every Judge that refuses to grant an *Habeas Corpus* upon the Statute, for the removal of such Prisoners; but inflicts no certain Penalty upon the refusal to bail the Prisoner that shall upon this Act be brought before them; so that if the Judge either demand Ten times more than the Quality of the Prisoner, or the Nature of the Offence requires, or refuseth to take any

Bail whatsoever, there can no Action of Five Hundred Pound for this refusal be brought, for no Penalty in this Case is enacted. It's very strange, that the Statute should lay so great Penalties upon the denial of the means of Bail, (*viz.*) the Copy of the Warrant, and *Habeas Corpus*; and yet not enact an express Penalty for refusal of the end, (*viz.*) Bailing the Prisoner; for what signifies either a Copy of the Commitment, or an *Habeas Corpus* thereupon, if Bail be not procured? This is the putting the Prisoner to a very fruitless Expence.

I must confess, seeing the Statute requires the Judge shall Bail the Prisoner, taking Recognizance with one or more Sureties, according to the Quality of the Person, and Nature of the Offence, a Special Action of the Case lies against such Judge upon his refusal: But if there be little Damages sustained, as it may happen; for though one Judge refuse, another may grant the Prisoner his Liberty upon Bail, and consequently so proved, the Jury being sworn to go according to Evidence, as well in the Damages, as in the Matter directly in Issue, must go according to Proof; unless they think the extravagant Verdicts of late Times, (which found One Hundred Thousand Pounds, where not one Farthing was proved,) will excuse them, in giving Fifty times more than was sworn to be sustained. Few Words more in the Statute would, I humbly conceive, have sufficiently provided in this Case; for in the Statute, wherein it is said, *That if the Judges shall deny any Writ of Habeas Corpus, by this Act required to be granted, being moved for as aforesaid, (it had been added, or shall refuse such Bail as the Quality of the Prisoner and Nature of the Offence requires,) they shall severally forfeit to the Prisoner or Party grieved the Sum of Five Hundred Pound, to be recovered in manner aforesaid*: These few Words would have given the Five Hundred Pound for refusal of Bail, as well as denying the *Habeas Corpus*; whereas without the like Clause, the Statute may (in effect) be daily evaded.—To return.

But now, instead of being sent back to *Wiltshire*, I was turned over to *Mr. Atterbury* the Messenger, where upwards of Five Weeks, I lay at no less Charge than 4*l.* and odd Money *per Week* directly, besides other Collateral Expences; this being too great for my Fortune to comply with, I was advised to remove my self to the *King's-Bench*; but before-hand, to agree with the Marshal upon Security, to have the Liberty of the Rules; this I did by a Friend, who told me, That upon giving the Marshal 2000*l.* Security for my faithful Imprisonment, and 5*s.* 3*d.* *per Week* Chamber-Rent, he had promised to allow me the Liberty of the Rules. Whereupon (after some Opposition) I removed my self; but the Marshal I found false to his Promise, for he having got me into his Custody, demanded Two Men for my Security in 10000*l.* a-piece, and 10*s.* 3*d.* *per Week*, Chamber-Rent, and then assured me, I should have the Liberty of the Rules. To these Terms (so much above our first Agreement) I submitted. But the Marshal the second time unjustly disappointed me; for under this Security and Chamber-Rent, I was ordered to be kept close Prisoner at no less Charge, than 2*l.* 5*s.* 3*d.* *per Week*; and under this strict Confinement, the Marshal refused

refused to give me back my Security-Bonds, which at last I was forced with Guineas to redeem. For this severe and unjust Usage, the Marshal pretended the special Order of the then Lord Chief Justice *Jeffreys*, before whom at the *Kings-Bench-Bar*, I was the then next Term bailed; after which, with all possible Industry and Diligence, I renewed my former Inquiries. But about the 12th of that *November*, I was taken up by the City-Marshal, by Virtue of a Warrant of the Lord-Mayor, or Court of Aldermen, as illegal in the Cause, as the other was in the Conclusion of the Commitment: for the only Cause (if it can properly be so called) in the Warrant, was, *My being suspected to be Disaffected to the Government*; finding the Words so general, and not one particular Instance to justify that Suspicion of Disaffection, I could at first give no probable guess at the Information. By the City-Marshal I was carried before Sir *James Edwards*, and after that, the then Lord-Mayor, before whom I refused to answer such general Questions as were asked, without seeing my Accuser, and hearing my Accusation; but I soon found what was the Pretence of my Commitment, which I had grounds to suspect, was designed to be stretched to the highest Offence, nothing less than Treason; for I was charged with bespeaking several Hundreds of the *Protestant-Flails*, with a Design therewith to Massacre the King's (then called) Loyal Subjects. Refusing to answer the Lord-Mayor's Questions, I was committed to Captain *Richardson*, who was ordered forthwith to carry me before the King and Counsel; as soon as I came there, my old Friend, the Lord-Keeper *North*, began to interrogate me in several Particulars; but I refused to answer any, till I saw my Accuser, and heard my Accusation; his Lordship told me, my not answering that Honourable Board, was a Contempt, for which I might be prosecuted. To which I replied with Submission, 'I did not understand I was obliged in strictness of Law, to answer to any Accusation, till I came judicially to be tried, where I should both see the Accuser, and hear my Accusation.' At length the King ordered my Accuser to be called in, whose Charge (in Substance) was this, (*viz.*) *That such a time, about four Years and a half before, I came to his Shop, and bespoke a Pocket-Flail; which by Description, I did order him to make; the next Day after I bespoke three more, which I was to fetch the third Day. And did likewise declare, He should make me several Hundreds, but I came not according to my Promise for either of the three, or did he make any of that Number I pretended to bespeak. That I did bespeak one, and the next Day three, I did confess to be true, and likewise fetched one of the three the third Day; but these not being made according to Direction, I would not have the other two. As for the Five Hundred, or any such Number I should bespeak, I did declare, (as the Truth was) that Part of the Charge was very Malicious and False.* Major *Richardson* being then there, as foolishly as maliciously, endeavoured to frustrate my Defence; for he told His Majesty, the true Cause I came not according to my Promise for any of that great Number I had bespoke, he would give His Majesty. For Captain *Richardson* declared, 'That almost three Years before, he

' had been in that *Turner's Shop*, where seeing ' one of those Instruments (it being the first that ' he ever saw) he demanded of the *Turner* what ' he called them; who answered, *A Pocket-Flail*;' And then further told him, ' That the ' Gentleman for whom he made the first above ' a Year before, pretended he would then have ' several Hundreds made, and bespoke three ' Flails after the first, but came not for either ' of the three, or any of that Number which he ' pretended he did want.' Captain *Richardson* declared upon this, ' He did believe there was ' a general Design against the Government, and ' therefore he did Charge the *Turner*, That if ' the Gentleman came according to his Promise, ' he should endeavour to secure him; which ' Caution he did suppose I had heard of, and ' therefore came not according to my Promise.' Of this most ridiculous Suggestion, I took immediate Advantage, and told His Majesty what the Captain alledged, could not possibly be true, even by his own Suggestion. For he confessed, That the *Turner* told him when he first saw the Flail, that I had bespoke a great Number above a Year before, and was forthwith to have fetched one of them, but came not according to my Appointment; and yet the Captain alleges, That his Caution so long after given, did influence my not coming a Year and a half before. Immediately upon this, the King saw this Charge mixt with such Folly and Falshood, that His Majesty thought fit to order my immediate Discharge. As soon as I came into the Room next the Council, Captain *Richardson* took me by the Hand, and protested he was extremely glad I was discharged; but considering his good Service, in just before endeavouring to prevent it, I gave little Credit to this Assurance. Being once more at Liberty, I continued, as before, my Enquiries, in which I was daily hurried up and down; for having made it my Business to get the Names of most of the Soldiers upon Duty that Day my Lord was murdered, I was in a constant Enquiry after some of them; for I had Reason by some Information I had received, to believe that not a few could speak not only to the throwing out of the Bloody Razor, but to that which was more material, the sending in the *Ruffians* to my Lord, and from whom those Villains went commissioned. But as I spoke with any of those Soldiers, I perceived them very shy, and denied to me, what they had before freely confessed to their intimate Acquaintance; and afterwards told their Friends, they would not be brought into Trouble, by testifying their Knowledge therein, which they knew would most certainly prove their Ruin.

Whilst I was Prisoner in the *King's Bench*, I (with the rest of the King's Prisoners) was several times search'd; but having still notice some short time before such Search, I conveyed away such Papers, as being seized, might have tended to my Prejudice. But in such hurries, I lost a List of such Names that could have declared that which was not a little material to this Discovery.

In *Hillary Term* 83, *Mr. Speke* and my self were tried upon an Information; the Substance whereof was, 'That whereas *Arthur* late Earl

of Essex, the 13th of July, (being Prisoner in the Tower for High-Treason) himself feloniously, and as a Felon of himself, did Kill and Murder, and the Day after, was by the Coroner's Inquest so found; The said Lawrence Braddon and Hugh Speke, well knowing hereof, but contriving, and maliciously, the Government of our said Lord the King, of this Kingdom of England, into hatred, disgrace and contempt, to bring, &c. did falsly, unlawfully, maliciously, and seditiously Conspire, and endeavour to make the King's Subjects believe, that the said Coroner's Inquisition was unduly taken, and that the said Arthur Earl of Essex, by certain Persons unknown, *IN WHOSE CUSTODY HE WAS*, was killed and murdered, in order to which they the said Lawrence Braddon and Hugh Speke, did falsly, unlawfully, unjustly, maliciously, and seditiously Conspire to procure certain false Witnesses to prove, that the said Arthur Earl of Essex, by the said Persons unknown, was killed and murdered.

Observe, The Information doth not Charge us, or either of us, with conspiring, or endeavouring to Suborn false Witnesses; because to prove that, some Money, or other Consideration must have been prov'd offered, or promised; which they being not able to prove, the Information saith we did Conspire to procure false Witnesses. And yet, because Subornation would represent the Matter most odious, in the Title Page of the Trial, it was expressed, *Upon an Information of High Misdemeanour, Subornation, and spreading false News.*

This Information charges Mr. Speke and myself with falsly, unlawfully, maliciously and seditiously endeavouring to procure false Witnesses to prove, That (the Right Honourable) Arthur, late Earl of Essex, was killed and murdered by Persons unknown, *in whose Custody he was*; but to destroy this conspired Charge of Mr. Speke, and myself, against those *in whose Custody my Lord was (at the time of his Death)* the then Attorney-General tells the Court, That they would give an Account of the Earl's Death, *how he murdered himself, and for that they had a CLOUD OF WITNESSES.* But when this Cloud appear'd, it consisted in Major Hawley (at whose House my Lord was murdered,) Russel the Warder (who then kept the Chamber-door,) Bomeney my Lord's Servant, (then attending on his Lordship,) and Lloyd the Sentinel (who kept the outward-door whilst my Lord was murdered.) Here are Three (Monday being the 4th) of the Men *in whose Custody my Lord was*, and consequently (according to the Information) the very Men, Mr. Speke, and myself, had conspired to charge with my Lord's Murder; and these very Men, *in whose Custody my Lord was*, were like a Cloud of Witnesses brought to prove, that those Men, *in whose Custody my Lord was*, did not murder his Lordship, but that the Earl himself, feloniously, and as a Felon of himself, did kill and murder.

How very ridiculous would it have looked, should the then Court, or King's Counsel, have thus spoke to those Three Witnesses, (*viz.*) Gentlemen, YOU (being three of the Men *in whose Custody my Lord was at the time of his Death*) are designed to be charged by the Defendants Speke

and Braddon, with the Murder of my Lord; but WE have thought it convenient and JUST by YOU to prove, that YOUR SELVES did not murder this unfortunate Lord, but that this Lord himself feloniously, and as a Felon of himself, did kill and murder, as UPON ONLY SOME OF * YOUR DEPOSITIONS be bath been already found by the Coroner's Inquisition. Do YOU therefore upon Oath but purge YOUR SELVES, and lay this Murder to my Lord's own Door, and WE will inflict exemplary Punishment upon these Defendants, whose Conspiracy tended to the charging YOU as Actors in it, or Privy thereunto.

* Bomeney's and Russel's Information before the Coroner, which are at large herein before printed.

I do humbly conceive, That all this was virtually included in the Examination of those Witnesses, whose Oaths were not only admitted to purge themselves, but to render such as Criminals as should endeavour to charge them. Should the like be practised in protection of all accused (I am well satisfied) no Man will turn Accuser.

If any shall say, THESE (being the Men attending on my Lord at the time of his Death, and his Lordship then a close Prisoner) are the Persons to be presumed privy to what was done BY his Lordship just before his Death, and therefore the Parties which as to that could be sworn.

I answer, As they were THE MEN which were to be presumed privy to what was done BY his Lordship just before his Death, because they were the Persons whose Stations were so near his Lordship, for this very Reason they were THE PARTIES which were likewise to be supposed privy to what was done TO HIS LORDSHIP just before his Death; and therefore admitting that his Lordship fell by Treachery and Violence, these were THE MEN must be presumed constant thereof. Wherefore these Men's Testimony being in effect a Self-discharge, ought not here to have been admitted.

With all Submission to that great Justice, Judgment and Policy, which drew and managed this Information against Mr. Speke, and myself, I think herein the Managers of this Prosecution extremely failed in their Proof; for Mr. Speke, and myself, being accused with falsly, &c. conspiring to charge those *in whose Custody my Lord was*, with murdering my Lord; The Duty incumbent on the then King's (or rather DUKE's) Counsel was to prove, That we, or one of us, did use indirect Means, by Bribes, Threats, or the like, to procure those False Witnesses; and this (or whatever else was brought to prove this Information) ought to have been deposed not by such as appeared in Court (in effect) with Halters about their Necks to swear for their OWN Lives; being virtually told, This do, and you shall live; but in the Day ye fail thereof, ye shall surely die: But this Information ought to have been testified by Men who stood *recti in Curia*, which were neither themselves to be hanged for murdering my Lord, provided they would not (by consequence) prove he did murder himself; or to be not only saved, but well rewarded in case they did (though contradictorily) confirm the same.

As for all those Witnesses which were produced against us, to prove any Bribes, or the like, I do suppose Prejudice it self will not pretend

pretend to say, That by the Trial (which none can believe Sir *George Jefferies* would order partially, in our favour, to be printed) the least colour of Proof is given by any.

That Nation is happy whose Government answers the true end of Governors, (viz.) *To be Terrors to Evil-doers, and a Praise to those that do well*; but when once this end is inverted, and Justice (or rather that which a Corrupt Court falsely calls so) becomes a *SCREEN* to Malefactors, and Punishment inflicted on those who would punish them, then is that Kingdom in a much worse Condition than it could be by the state of Nature. For Justice thus corrupted, would prove as fatal to the Body Politick, as the poisoning all Drugs, Simples, &c. would to the Body Natural.

This by the perversion of all Law and Justice would probably have proved our general Fate, had not God (in Mercy) by our present Sovereign, removed the Source hereof.——But to return.

Upon my Trial, I did expect all that the most inveterate and malicious Rage could utter, and therefore was not surprized with all that Fury and unjust Inveteracy, that appeared in the Court; especially the *MOUTH* thereof; for in the midst of his Rage, when I was falsely represented under the most odious Character, worse than a Common Robber, or Burglar, (for these Mens Crimes tended only to a private Mischief, but mine to a general Confusion;) I could not forbear smiling upon the then remembrance of this Story. A Neighbour of mine, whom long since I knew in the Country, an illiterate plain Country Farmer, who had a Wife of as violent Spirit as liv'd; and one Day she came into the Room where her Husband was (with several Neighbours;) as soon as she came, tho' there was not, or it seems had been, the least colour for a Provocation, for he still carried himself well towards her, she flies into the greatest Rage imaginable, calling him all the Names that Malice could invent, or Rage could utter; and had she not been prevailed upon, might have done him some Mischief. The Husband in the midst of this great Storm, well knowing all to be false with which the Fury of his Wife had charg'd him, stood as a Man altogether unconcern'd, and appear'd rather pleasant than displeas'd. One of his Neighbours then ask'd him, How it was possible for him, so to receive the scurrilous and bitter Railing of that furious Woman? To which the Husband smiling, calmly replied, That his Wife talked of a Man he did not know; and therefore, what reason had he to be concern'd, when he was not the Person she spoke of, &c? I did ask my Conscience, an Infallible Evidence, according to the Truth, to condemn or acquit, whether I was this profligate Villain his Lordship did so infamously Characterize; and I found that impartial Judge (by whose Sentence at the last Day I shall stand or fall) did acquit me from that Crime, which his Lordship's Corruption against his Belief unjustly charged me with; and therefore I thought I might well say to my self, as that honest Country-Fellow did to his Neighbours, *I am not the Man thus railed at*; but his Lordship reviled a Man I was not acquainted with, or knew, and therefore stood very much unconcerned at whatsoever his Lordship's cor-

rupt virulence falsely and maliciously (in subterfuge to that bloody Design that committed the Murder) without the least colour of Crime applied to me, who was as innocent of the Offence, as of the far-fetched strained and groundless Aggravations. Let any impartial Man read the Trial, and well observe what is sworn, if in the Evidence he find the least appearance of an Offence, I dare suffer what I have already undergone; but if Men will take the malicious and groundless Insinuations of a Time-serving, Mercenary Counsel, &c. or the corrupt Charge of as corrupt a Judge for Evidence, they will find me painted in the worst of Colours. I did not expect that my Innocence would prove my Protection against these unjust and violent Proceedings, and therefore I might have saved my self, and Friends, the trouble of a Defence; and with that *Welchman*, who sleeping at the Bar, whilst the Evidence in a Capital Crime was swearing against him; and being awaked by his Friends, and advised to prepare for his Defence, starts up, and rubs his Eyes, saying, *If they have a mind to hang her, they will hang her whether she make her defence or no.*——But desiring in some measure to satisfy the World that there were strong Grounds to believe this unfortunate Lord was treacherously butchered, I thought it proper to produce some Witnesses in order thereunto; but when I found that some of these so produced, were so brow-beaten by the King's Counsel, and saw that they were afraid to testify the Truth, and upon Oath denied what I knew to be true, I thought it convenient not to produce many of these whom I had subpoena'd, because they should not be baffled, and spoiled by the Court; for should any of these Witnesses upon Oath (through fear) have denied what they knew to be true, and afterwards (when Truth in this Case became not Criminal, which I did still believe I should live to see) testify the very Truth, their former Denial would be produced to invalidate their after Testimony, and so their Credit be destroyed.

As soon as the great Counsel against me came into Court that Morning I was tried, before ever the Information was read, he told me *he would do my Business*; upon which I desired he would have the Patience to tarry till the Jury had done it to his Hands; to which he replied, *he did not doubt them*; and I found by woful experience he had no reason; for the Jury, without the least Proof, found me guilty of the whole Matter charged upon me in the Information, and the Defendant *Hugh Speke*, guilty of all but the conspiring to procure False Witnesses, and of that they found him Not guilty.

In this Verdict I stand only guilty (could such a thing be possible) of a *Conspiracy* to procure False Witnesses. It was never before known that *one only* could commit a *Conspiracy*. For the Notion of a *Conspiracy* I take to be the combining together of two or more to do that which is ill. But when Falshoods are to pass for Truths, Contradictions must be admitted for Sense; *Et quod fieri non debet factum valet.* Upon this Verdict Mr. *Speke* was fined 1000 *l.* and because (the Court said) I was the greatest Criminal, my Fine was 2000 *l.* and both ordered to give Security during Life.

But Mr. Attorney-General at the Trial was pleased otherwise to express it; for Sir *Robert Sawyer*

Sawyer tells the Court, They need but read Mr. *Speke's* Letter, and they would find it ten times worse than what Mr. *Braddon* had done. For which his Lordship seemed very angry with the Attorney-General, and told him, None should appear so great an Actor in the Business as my self.

His Lordship's Behaviour at this Trial was so very remarkable, that (as I have been informed by several) he was scarce ever seen more passionately to express himself. And though my Trial shews great Bitterness of Expression, yet it is not printed in all its Parts as it was spoke, but some of the *Billinggate-Railing* left out; yet such as it is, by his Lordship's Authority published (I do humbly conceive) there have few, if any, Trials been stuff'd with such foul-mouth'd Invectives. But his Lordship in this was to act *counter* to his Title; for though the Duty of his Place required his greatest Encouragement to the Detection of Blood, and the Punishment of such vile Offenders, at this Trial *his Business* was quite different: For (as I have been long since informed) one Day, not long after my Trial, his Lordship having drank very freely, upon some Discourse with relation to the Earl's Death, a Gentleman took then an Occasion to tell his Lordship, That my Trial was excellently well managed by his Lordship and the whole Court. To which his Lordship made answer to this effect, (*viz.*) *That though he was well satisfied the Earl of Effex was murdered, his Business was to stifle it.* This Gentleman is altogether averse from betraying the common Rules of Conversation, by appearing as an Informer or Evidence in judicially exposing what passed over a Glass of Wine; Whether the effects of Wine in this verified the Proverb (*In vino veritas,*) I know not: But it appeared notorious to Persons unprejudiced, that there was just ground to believe his Lordship's Corruption did herein endeavour to stifle what his Love (had he any) to Justice in the Duty of his Place, should have zealously strove to detect.

Under this Fine I lay Prisoner for about five Years: But about *August* 1687, *Graham* and *Burton* came over to the *King's-Bench* to treat with several of the King's Prisoners, in order to their Discharge; and they brought with them a List of such Prisoners; in which List perceiving my Name the ONLY Name crossed, I did inquire how my Name became so marked; To which I was answered, That as soon as His (then) Majesty had seen my Name, he called for a Pen and Ink, and with his own Hand crossed it; by which I perceived I was designed for *Judgment*, not *Mercy*; and upon Application was so told, for I was informed, that no Man was more obnoxious to His Majesty than my self, who was the only Person that ever cast Blood in his Face: But if his own Conscience by a just Application threw it there, I could not help that; I am sure they that said it, talked without Book; for nothing at my Trial, or at any time after, proved against me, made any such thing appear. I must confess, several Witnesses at my Trial *subpœna'd*, could have mentioned somewhat with Relation to his (then) Highness's Guilt in this Matter; but I found it was a Truth too hot, which that Court would not hear, and therefore thought it not proper

to call them, but left them till such a Season, wherein *Truth* in this Matter should not be prosecuted as the highest *Offence*.

And this brings me to the Proofs that have in this Case been taken before the late Right Honourable Committee of Lords. But before I do begin with the Evidence, it may not be amiss to give some short Account how this Case came before that Right Honourable House, where it was occasionally brought, upon the Motion of the Right Honourable the Lord *Lucas*, then Governour of the *Tower*.

For the Day before the Convention sat, (*viz.*) the 21st of *February* 1688, having a Warrant against several as suspected privy to, or concerned in the Murder of this Honourable Patriot; and amongst the rest, against Major *Hawley*, at whose House my Lord was murdered, and *Ruffel* the Warder before-mentioned; both which belonged to the *Tower*: I desired a Friend of mine to acquaint the Honourable Governour therewith, so that these Persons might be secured. As soon as the Lord *Lucas* saw the Warrant against these two, he did order them both to be secured; and the next Day there were several Depositions, with relation to my Lord's Murder, taken before Justice *Robins*, who that very Day carried Copies of them to my Lord *Lucas*; upon which his Lordship the very next Day moved the House of Lords for their Lordships Directions as to the disposal of *Hawley* and *Ruffel*, and thereupon produced these Informations Mr. *Robins* had before brought him. Upon reading of these, the House entred into a Debate of the Matter, and then called me before their Lordships, before whom I gave a short Account of what is as before most materially mentioned. After which, their Lordships constituted a more general Committee.

This Committee having several times met, there was a close Committee appointed; the Order for which followeth:

The Order for the Close Committee.

Die Martis, 5 Februarii 1688.

Lords Committees appointed by the House to be a Close Committee to examine and take Informations concerning the Death of the late Earl of Effex, and have Power to send for and examine what Persons they please, and such Affidavits, as have been already made in this Business; as also for what other they please, in order to give their Lordships further Light therein, whose Lordships are to make a Report thereof to the House.

E. Bedford.
E. Devonshire.
L. Visc. Mordant.
L. Delamere.

Whose Lordships are to meet when, and where, and as often as they please.

Before this Right Honourable Committee, there have been above 60 Persons examined, of which most were examined upon Oath, and many of these several times before this Committee, which in all have sat above 30 times, and several times adjourn'd when other extraordinary Occasions hinder'd their Lordships from taking the Depositions of such as then attended to be examined.

mined. In *May* last, three of the four Lords of this Committee, (*viz.*) the Earl of *Devon*, the Earl of *Monmouth*, and the Lord *Delamere*, being commanded by His Majesty into the Country, the Earl of *Devon* (being Chairman of this Honourable Committee) the 22d of *May* brought such Depositions and Examinations as in this Case had been taken, into the House: But the House not having time that Day to read them, it was deferred till the then next Day. Upon the reading of them (it appearing, that the Earl of *Devon*, the Earl of *Monmouth*, and the Lord *Delamere* were absent in His Majesty's Service, for the Earl of *Devon* that very Morning went into the Country,) their Lordships thought fit to suspend the full Examination of the Matter, till these three Lords returned. This appears by the Order following.

Die Jovis, 23 Maii 1689.

After reading several Papers and Depositions relating to the Death of the late Earl of *Essex*, it is ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Considerations of this Business shall be suspended, until the return of the Lord Steward, the Earl of *Monmouth*, and the Lord *Delamere*, who were of the Committee before whom they were made, and who are now in the Country in His Majesty's Service. And it is further Ordered, That the said Depositions and Papers shall be sealed up, and kept by the Clerk of the Parliament in the mean time.

John Browne,
Cleric' Parliamentor'.

These Depositions lay sealed up with the Clerk of the Parliament till the 26th Day of *October*, when their Lordships of the first Committee moved for reviving the Committee; which the House revived by this Order.

Die Sabbati, 26 Octobris 1689.

Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the Committee appointed on the 5th Day of *February*, to take Informations concerning the Death of the late Earl of *Essex*, be, and is hereby revived, to continue and sit as before.

John Browne,
Cleric' Parliamentor'.

Several other Persons were now examined before their Lordships, who having finished their Examinations, they began to reduce those Depositions and Examinations into such order, as to their Lordships should seem most meet, but this was hardly finished before the 27th Day of *January*, when the last Parliament was prorogued, and the 6th of *February* dissolved, and consequently all Proceedings hereupon stopt till their Lordships shall think fit to revive the Committee in order to bring in their Report.

The Substance of what hath been deposed before the Honourable Lords of the late Committee, and some Justices of the Peace, I shall, in as short an Abstract as I can well reduce it, here give you; in which I shall observe, for the most part, as it falls in order of time; and *first*, what passed before my Lord's Murder; *secondly*, the Day of his Death; *thirdly*, after the Day of his Death.

As to the *first*, before my Lord's Murder; it is deposed by *Dorothy Smith* to this effect: "That

" about nine Days before my Lord's Death, being
" ing Servant with one *Holmes* in *Baldwins-Gar-*
" *dens*, and standing upon the Kirchen-Stairs, she
" heard several Papists discoursing (in the Par-
" lour of the said Mr. *Holmes's* House) concerning
" the taking off the Earl of *Essex*; and it was
" then and there declared, That they had been
" with his Highness, and His Highness was first for
" poisoning the said Earl; but that manner of Death
" being objected against, it was proposed to His High-
" ness, That the Earl should be stabbed; but this man-
" ner likewise not being thought proper, His High-
" ness had concluded and ordered his Throat to be
" cut; and His Highness had promised to be there
" when it was done. About three Days after this,
" (*viz.*) about six Days before the Earl's Death,
" some of the aforesaid Persons met again at her
" said Master's House, where she heard them
" declare to this effect, That they had resolved
" the Earl's Throat should be cut; but they would
" give it out, That he had done it himself; and if
" any should deny it, they would take them up, and
" punish them for it. This Informant being here-
" upon much troubled in her Mind, and wil-
" ling to prevent (if possible) this intended Mis-
" chief, did hereupon advise with one Mr. *Bil-*
" *linger*, who before that time had been her
" Master; but the said Mr. *Billinger* told her to
" this effect: That if she valued her Life, she
" should not discover it to any; for the Papists
" then carrying all before them, she was ruined
" if she did. Wherefore she did not before my
" Lord's Death (to her Remembrance) discover
" it to any other, unless she might to Mrs. *Bil-*
" *linger*, in which she can't be positive: But the
" Day of my Lord's Death, about Two or
" Three of the Clock the same Day, some of
" the aforesaid Consult coming to her said Ma-
" ster *Holmes's* House, one leap'd about the
" Room as extremely over-joy'd, and striketh the
" said Mr. *Holmes* on the Back, and cried, The
" Feat was done, or we have done the Feat; And
" further said, He could not but laugh to think
" how like a Fool the Earl of *Essex* look'd when
" they came to cut his Throat. She further saith,
" That about five Years since, living with Mr.
" *Rowden* of the Old-Exchange, she was willing
" to discover what she had as before heard; to
" her said Master and Mistress, and Daughter;
" but her said Master *Rowden* was not free to
" hear all she could say with relation hereunto,
" but advised her to hold her Peace; for by
" such her Discourse she might ruin Him and all
" his Family." This is further confirmed by
" the Oath of Mr. *Rowden*, Mrs. *Rowden*, and Mrs.
" *Mary Rowden*: And Mrs. *Rowden* doth further
" depose to this effect; (*viz.*) " That the said
" *Dorothy Smith* hath some Years since with
" great Concern declared, that she did hope
" to live to see the Day wherein she might fully
" testify her Knowledge herein; and this she
" would do, when she might without Danger.
" Mr. *Adams* and his Wife have deposed to
" this effect: " That *November* last was two
" Years, this *Dorothy* lived with them as their
" Servant; and in Tears hath often declared
" her over-hearing the Papists consult of my
" Lord of *Essex's* Murder several Days before
" his Death, and by whose Order the Earl was
" to be murdered: But these Informants know-
" ing the Danger of such Discourse (the late
" King *James* being then in so great Power)
" did

“ did advise her, for her own Safety, and the
 “ Safety of those she lived with, not thus to
 “ discourse: But the said *Dorothy* in Tears did
 “ usually answer, That it lay upon her Mind
 “ Night and Day; and she could not be quiet
 “ in her Thoughts, that the Earl of *Essex* should
 “ be falsely charged with cutting his own
 “ Throat, when she had heard the Papists Re-
 “ solution to cut it themselves, and after own
 “ they had done it. And if ever she might with
 “ Safety testify the Truth herein, she would;
 “ and did hope those Men that did it, might
 “ suffer for it.

Richard May deposeth to this Effect: “ That
 “ (to the best of this Informant's Remembrance)
 “ before the Death of King *Charles* the Second,
 “ observing *Dorothy Smith* to be very melanco-
 “ ly, he desired to know the Cause; upon which
 “ she said, *That somewhat which she knew with*
 “ *Relation to the Death of the late Earl of Essex,*
 “ *was the Cause of her Trouble; and it was not*
 “ *safe for her to reveal it to any.* Upon which,
 “ this Informant advised her then to be silent in
 “ the Matter. But about the Beginning of *Fe-*
 “ *bruary*, after our now King's coming, finding
 “ it safe for the said *Dorothy Smith* herein to
 “ declare her Knowledge, this Informant went
 “ to the said *Dorothy Smith*, and told her, She
 “ might now safely speak what she knew as to
 “ my Lord's Death; upon which, the said *Do-*
 “ *rothy Smith* told this Informant, How she had
 “ heard the Papists several Days before my Lord's
 “ Death, declare How the Earl's Throat was to
 “ be cut, and by Whom ordered, (with several
 “ Particulars in relation thereunto;) upon which,
 “ this Informant discovered this to Mr. *William*
 “ *Tournay*, who thereupon told this Informant he
 “ would reveal this to Mr. *Braddon*, then upon
 “ the Prosecution of my Lord's Murder; and
 “ some short time after, Mr. *Tournay* told this
 “ Informant, That he had therewith acquainted
 “ Mr. *Braddon*, and desired this Informant, with
 “ the said *Dorothy Smith*, to meet the said Mr.
 “ *Braddon*, and the said Mr. *Tournay*, such a time,
 “ at the *Cross-Keys* in *Watling-street*, where they
 “ met accordingly: But when Mr. *Braddon* had
 “ been particularly informed herein by the said
 “ *Dorothy Smith*, the said Mr. *Braddon* declared,
 “ That unless the said *Dorothy* could make it ap-
 “ pear, That she had long since revealed this,
 “ he would esteem it as a new-made Story and
 “ a Lye. Upon which, the said *Dorothy* menti-
 “ oned the Names of several to whom she de-
 “ clared she had long since revealed it; but by
 “ all was enjoined to Secrecy.

Mr. *William Tournay* hath likewise deposeth
 what herein relates to him. And I am ready to
 depose, That I never heard of this *Dorothy Smith*,
 till Mr. *Tournay* about *February* last was Twelve
 Month, informed me of her; and I never, to my
 Remembrance, saw the said *Dorothy Smith*, till
 the said Mr. *May* had, as before, brought her
 to the *Cross-Keys* in *Watling-street*, where I first dis-
 coursed her in the Presence of Mr. *May*, Mr.
Tournay, and another. Here are five or six Wit-
 nesses prove the very Substance of this Evidence,
 revealed some Years since, when it was little
 less than Death to discourse it, which clearly
 proves it is not a new-made Story, and strongly
 argues the Truth of the Relation; for it can
 hardly be supposed, that this Woman should
 often, under the greatest Concern and Danger

imaginable, declare any thing of this Nature,
 unless the Relation was really true; Because
 she could (rationally) then propose no Advan-
 tage by this Invention; but was still told, and
 convinced of the Danger. Wherefore it is rati-
 onal to suppose, that only the Power of Truth
 moved her to declare what she so often in Tears
 related. But as a further Argument of the
 Truth of this Deposition, I shall briefly relate
 what Informations have been taken in Contra-
 diction to this Relation, and how these Infor-
 mations have been detected as false in every Par-
 ticular, which corroborates the Truth of the
 Accusation: *For as a true Defence detects and frus-*
trates a false Charge; so a false Defence (being dis-
covered to be such) as strongly strengthens a true one.
 The Depositions in opposition to *Smith's* Evidence,
 were,

Dorothy Hewit's, a most violent Papist, who the
 9th of *April* 1689, before Mr. Justice *Dolben*, de-
 posed, “ That in *April* before my Lord of *Essex's*
 “ Death, the said *Dorothy Smith* was turned
 “ away from Mr. *Holmes's* upon Suspicion of hav-
 “ ing stolen a Silver Spoon; and that from
 “ *April* 1683, to nine Months next after, one
 “ *Elizabeth Christopher*, then *Elizabeth Cadman*,
 “ was Servant to the said Mr. *Holmes*, and no
 “ other Maid-Servant in all that mean time.

Elizabeth Christopher (of a very loose Cha-
 racter) who in this particular upon Oath, the
 9th Day of *April* 1689, before Mr. Justice *Dol-*
ben, confirms *Hewit's* Testimony; but that these
 two are Forsworn, appears by many Depositions.
 For,

It's proved by *Robert Bond*, that *Dorothy Smith*
 did not go to Mr. *Holmes's* Service, till the be-
 ginning of *June* 1683, and that Green-Beans
 were fit to be eat, before she left that Service in
 which she lived, just before she went to *Holmes's*
 House.

It's further proved by five Wit- *Elizabeth Morris,*
 nesses, that *Dorothy Smith* was *Anne Dupine, Ca-*
 Servant at this *Holmes's*, when *tharine Coldham,*
Sarah Douthwait,
 Green-Pease were very plenty and *and Robert Bond.*
 cheap, (which is naturally evi-
 dent it must be the latter end of *June*, or some-
 time in *July*, which is about two Months after
Hewit swore *Dorothy Smith* was turned away;) and
 it's positively sworn by one, that *Dorothy Smith*
 was Servant in *Holmes's* House in *July* 1683, af-
 ter the Death of the late Earl of *Essex*; and this
 Informant remembers the time, by a very remark-
 able particular. So that here are five or six
 Depositions in Contradiction to *Hewit's* and
Christopher's Evidence, which was designed to
 destroy the Credit of *Dorothy Smith's* Testimony;
 but this Opposition thus detected, adds Strength
 to what it was designed to prejudice. But it was
 further sworn by *Hewit*, that the 6th of *July*
 1683. (which was the *Friday* in the Week be-
 fore my Lord's Death) she went with the said
 Mr. *Holmes* into the Country, and the first Night
 lay at *Wickham* in *Buckinghamshire*, the next
 Night at *Oxford*, and continued there till the 9th;
 and the 9th, this Informant went with the said
 Mr. *Holmes* to *Alderminster* in the County of *Wor-*
cester, to the House of one Mr. *Nathanael Swan*,
 Minister of the said Town, and continued there
 till the 23d of the said Month of *July*, and then
 returned, &c.

Nathanael Swan, Clerk, deposeth before Mr.
 Justice *Dolben* the 9th of *April* 1689, “ That
 “ about

“ about the 9th of July 1683, Hewit and Holmes came to his House in Alderminster, and continued there till about the 23d.

This last Information is of little force (tho’ the Parson designed well) for it swears, about such a time Holmes came to his House, and about such a time went away; but about makes the time very uncertain.

This was designed to destroy that part of Dorothy Smith’s Testimony, which declares Holmes in Town the Day my Lord was murdered.

When I found Mr. Holmes endeavoured to prove (as before sworn by Hewit) himself out of Town, from the 6th of July 1683, to the 26th or 27th of the same Month; I did endeavour to inquire out all such, as either Mr. Holmes, or Mrs. Hewit were well known to, or traded with; and therefore I made inquiry after those, with whom (in that Month and Year) they Bought of, or Sold to, all Shopkeepers, Tailors, Butchers, Fishmongers, Shoemakers, Hatters, &c. and such as upon inquiry, I received such Characters of, as I might expect fair Satisfaction from, I did desire to see their Books in that Month of July, to see whether any Goods were bought in Town by the said Mr. Holmes, or Mrs. Hewit, (for proving Hewit in Town, proves Holmes likewise in Town, because it’s sworn, and can be proved, they both went out of Town together) or any Money paid between the 6th and 26th of July, by either of these. After a very long and tedious Inquiry (all those Tradesmen being altogether strangers to me) I providentially met with one Mr. Welstead, who very readily shewed his Book, wherein is entred according to his Information, which followeth:

John Welstead of St. Dunstan’s in the West, London, declareth, and is ready to depose, “ That in July 1683, he lived in Poppins-Alley, nigh Fleet-street, very near Mrs. Dorothy Hewit, and often wrought for the said Mrs. Hewit; and between Monday the 9th of July 1683, and Monday the 16th Day of the same Month and Year, this Informant made, or caused to be made a Dust-Gown for the said Mrs. Hewit, as appears by this Informant’s Book, ready to be produced; and the very same Week, (viz.) between Monday the 9th of July 1683, and Monday the 16th of the same Month and Year (but in the very Day this Informant is not certain,) this Informant carried the said Gown to the said Mrs. Hewit, who did then pretend she was about going into the Country; but how long after the Dust-Gown so delivered, the said Mrs. Hewit did go into the Country, this Informant knoweth not.

This Book hath not been of any use to Mr. Welstead for almost five Years, and it was a very great Providence this had not been torn out, seeing the Book for some Years had been used as waste Paper, and the very next Leaf to this torn out, and lost. As soon as Mrs. Hewit understood such a Taylor’s Entry was against her Oath, she, with Mr. Holmes’s Wife, went to this Taylor, and desired to see his Book; which being shewed, Hewit first pretended that this Entry was forged, and new; but Mr. Welstead declared he could safely, and would depose, That the Entry was real; it was then pretended, that the Gown was sent into the Country after Mrs. Hewit; but when, in answer to that, Mr. Welstead declared he could depose, That Mrs. Hewit was in Town

when that Dust-Gown was made and delivered, and that she then pretended she was about going into the Country, (but how many Days after she did go, he could not tell) Mrs. Hewit told him, if he did swear that, he would take off her Brother’s Life, and Holmes’s Blood would be upon his Head.

Some time after my Lord’s Murder, this Holmes abusing his Wife, she told him, He was a murderous Rogue, and he well knew she could hang him when she pleased. To which Holmes answered, That he little thought she would have spoken of it, who of all the World had the least Reason: For said this scurrilous Fellow, You Bitch, you Whore, Don’t you remember I bought you a good Sattin Gown and Petticoat, and therefore you above all the World ought not to prate. But she replied, He was a murderous Rogue for all that.

I have been the more large and particular in this Evidence, as well because it hath met with such villainous Opposition by false Oaths, as for that it alone proves by what Party, and by whose Order this Unfortunate Lord was treacherously murdered.

The next thing previous to my Lord’s Murder, are the several Reports in many Places in England (before my Lord’s Death, or before it could be known) that the Earl of Essex had cut his Throat in the Tower. This is proved by Eight Witnesses. It is as to this sworn, “ That at Frome (which is about 100 Miles from London) “ it was reported the very next Morning after my Lord’s Commitment to the Tower (viz.)

Mr. Hubland, Merch.
Mrs. Hubland.
Mrs. Meux.
Treherne.
Jeremiah Burgis.
Thomas Feilder.
—— Savage.
Mr. Butler.

“ the 11th of July 1683, that the Earl of Essex had cut his Throat in the Tower:” And this Informant, the Week after my Lord’s Death, meeting the Gentleman which had before given him this Information, and desiring to know how before my Lord’s Death he could declare it; the other replied, That all Men concluded my Lord would either cut his Throat or turn Evidence against his Friend my Lord Ruffel; but it was generally believed that my Lord would rather destroy himself, than be made a Witness.

This Report so far off the very next Morning after my Lord’s Commitment, proves the Tower to be the Place (before my Lord’s Commitment) pitched upon as the most proper for this perfidious Tragedy.

But the very next Day (viz.) the Wednesday after my Lord’s Commitment, was it reported about 60 Miles off, that the Earl of Essex had cut his Throat in the Tower for this Reason, (viz.) The King and Duke coming into the Tower to view the Tower, the Earl of Essex was afraid the King would have come up into his Chamber, and seen him; but his Guilt and Shame was such, that he could not bear the Thoughts of it, and therefore cut his Throat to avoid it.

Observe in this previous Report sixty Miles from London, the next Day after my Lord’s Commitment, the very pretended Reason for the Self-murder is given; which Reason carries in it an Accident that could never be before reported, or indeed expected, but by those which were the most secret in this Treacherous Cruelty; for herein is it said, the Wednesday before the King and Duke went to the Tower, that the King and

Duke were in the *Tower* when the Earl cut his Throat, &c. It is notorious that the King and Duke did not go till *Friday* Morning, and their then going was a Surprize to their very Guards, for it seems they had not been there together above once since the *Restauration*. In short, The several Reports proved by Eight Witnesses, all agree in the manner how, and place where; and one more particularly sets forth the pretended Reason wherefore. I do therefore humbly submit to every impartial Reader, whether these very Reports do not strongly prove, That the manner, place, and pretended reason, were all agreed upon before this barbarous complicated Tragedy was acted. For otherwise, how could it possibly be so particularly related so far off, and so long before it was done?

I shall in the 2d Place observe what passed in the Day of my Lord's Murder, which proves his Death to be such.

Bomeney and *Ruffel* before-mention'd, did before the Coroner's Jury upon Oath deny that any Men were let into my Lord that Morning my Lord died. The like did *John Lloyd*, the Soldier that kept the outward Door, depose at my Trial.

Nathanael Monday, who was my Lord's other Warder, and likewise *Ruffel*, before the Lords have denied that any Men were that Morning let into my Lord. But that there were some *Ruffians* a little before my Lord's Death let in to Murder him, plainly appears by the Proofs following.

Mr. Samuel Story, deposeth to the effect following, (*viz.*) "The 21st of *January* 1683, "being the Day before the Convention sat, *John Lloyd* (Sentinel upon the late Earl of *Essex* at the time of his Death) was taken up as suspected privy to the said Earl's Murder; and "being therefore in Custody, the said *Lloyd*, with "Tears in his Eyes, wrung this Informant by the Hand, and declared, That by special Order of *Major Hawley*, or one of my Lord's Warders, he did let in two or three Men into the Earl's Lodgings just before his Death, and he was very sure, and could safely swear that *Major Webster*, (then there in Custody, suspected as one of the *Ruffians* that murdered my Lord) was one; and that as soon as he so let them in, he heard a Noise in my Lord's Chamber, and somewhat thrown down like the Fall of a Man; soon after which it was said, The Earl of *Essex* had cut his Throat.

This *Lloyd* the same Day before the Justice did confess the letting in some Men a little before the Earl's Death, as appears by his Examination following.

The Examination of *John Lloyd* of *Goodman's-Yard* in *Aldgate* Parish without, in *London*, Clothworker, taken before *John Robins*, Esq; one of the Justices of the Peace for the County of *Middlesex*, the 22d Day of *January* 1689.

THIS Examinant saith, on the Day whereon the Right Honourable the late Earl of *Essex* was found dead, upon the suspicion of having been murdered in his Lodgings in the *Tower* of *London*; he then being a Soldier, was standing Sentinel at the Door of the said Earl's Lodgings, and had order to let no body up Stairs to the said Lodgings without leave from *Major Hawley*, or the Warder then in waiting on the said Earl; and that about

half an Hour after Eight of the Clock in the Morning of the said Day, two Men (to this Examinant unknown) knocked at the Hatch-Door belonging to the said Lodgings, and by Permission of the said Warder, entered the said Lodgings; but when they came out, he can give no account; and that about Nine o' clock he heard a struggling on the said Morning, and a little time after heard a Crying, My Lord is dead.

After *Lloyd* had lain some time close Prisoner in *Newgate*, he did desire to see one *Mr. Tempest*, a Neighbour of his, who having permission of the Secret Committee to discourse *Lloyd*, thereupon went to *Newgate*, where he found the said *Lloyd* very melancholy; when *Mr. Tempest* first came, *Lloyd* told him, that he did hope, as he was his Neighbour, he would be his Friend, and true to him; to which the other answered, that he would, if the said *Lloyd* was ingenuous in his Discovery; whereupon the said *Lloyd* (after often pressing the said *Mr. Tempest* to be true to him) told him, that when he was first seized, he did confess to a Gentleman, who was altogether a Stranger to him, the letting in some Men into my Lord of *Essex* just before his Death; and this Confession did lie upon his Conscience, and troubled him Night and Day; upon which the said *Mr. Tempest* replied, That the like he had confessed to several the same Day he was taken; and he declared the same before a Justice of Peace; but if it was false, he ought to retract it, and be sorry for having said it; whereupon the said *Lloyd* renewing his Request, that the said *Mr. Tempest* would be true to him, said, it was indeed very true, but it was what he should not have confessed.

Lloyd did then farther declare, "That upon "the letting in those Men, there was so great a "Bustle in my Lord's Chamber, that the said "Lloyd would have forced in after them, but the "Warder had made fast the outward Door, so "that he could not; and that upon the Bustle "he did hear somewhat thrown down like the "Fall of a Man, which he did suppose was my "Lord's Body; and soon after, it was cry'd out "that my Lord of *Essex* had cut his Throat. This is the Substance of what *Mr. Tempest* hath depose before the Lords.

By this it appears more than probable, not only that my Lord was murdered, but that there was some villainous Oath of Secrecy entered into by those concern'd therein, not to discover what they knew with relation thereunto; for what other as likely reason can be assigned for *Lloyd's* being troubled in Conscience (as he pretended) for having confessed what at the same time under repeated Injunctions of Secrecy he confirmed to be true, though he said he should not have confessed it?

But to put this Matter beyond all doubt, that some Men were bustling with his Lordship just before his pretended Self-murder discovered, evidently appears by this Information following.

Martha Bascomb declareth, and before the Lords in substance hath depos'd, "That a little "before the Death of the late Earl of *Essex* "was discovered, this Informant was walking "up before the Earl's Chamber-Window, and "hearing a very great Trampling and Bustle in "my Lord's Chamber, this Informant stood still, "and

“ and looking to the Window of the said Cham-
 “ ber, saw three or four Heads move close toge-
 “ ther, and heard one in the Chamber (which
 “ seemed to be one in this Bustle) cry out very
 “ loud, and very dolefully, *Murder, murder,*
 “ *murder*; this Informant not then knowing it
 “ to be my Lord’s Lodging, nor thinking any
 “ other of this Cry, than what might be occa-
 “ sioned by some accidental Quarrel, walked up
 “ towards the Chapel, but not out of Sight
 “ of the Lodgings, and about a quarter of an
 “ Hour after (or less) it was first cried out in
 “ the House, that the Earl of *Effex* had cut his
 “ Throat; upon which this Informant went
 “ down to the House, and being shewed the
 “ Chamber where the Earl lay, she found that
 “ was the Chamber where she saw the Men, and
 “ heard the Bustle, and Murder cried out, as
 “ before related.” This Informant further saith,
 “ That some few Days after this, telling Mr.
 “ *Perkins* and his Wife (whom she then kept
 “ in her Lying-in) of what she had seen and
 “ heard, as before declared; the said Mr. *Per-*
 “ *kins* advised her not to speak of it, for her di-
 “ vulging it, in all probability, would prove her
 “ Ruin.”

Mr. *Perkins* hath upon Oath confirmed the lat-
 ter part of *Martha Bascomb*’s Information, which
 clearly proves this not a newly-invented Story.

I think this Proof is little less than ocular Evi-
 dence of the Murder; for my Lord was a close
 Prisoner, to whom (as was pretended, and sworn
 by such as kept the Chamber-Door) none was ad-
 mitted that Morning, but his Lordship cut his
 Throat in all silence; whereas it is here deposed,
 that several were bustling together in my Lord’s
 Chamber before his Death, (and this part agrees
 with the Confession of the Sentinel who let in the
 Ruffians) and one in this Bustle (which can be
 presumed to be no other than my Lord) cried out
 several times very loud, and very dolefully, *Mur-*
der, Murder, Murder.

And as a farther Confirmation of these Men
 being (and by whom) sent to murder my Lord,
Elizabeth Gladwin and *Sarah Hughes* declare, (and
 before the Lords in substance have deposed)
 “ That the Day of the Death of the late Earl of
 “ *Effex*, (*viz.*) the 13th of *July* 1683, about
 “ Eleven of the Clock the same Day, one *Rud-*
 “ *dle*, in the Hearing of these Informants, did
 “ declare, That he was in the *Tower* that Morn-
 “ ing, where it was reported that the Earl of
 “ *Effex* had cut his Throat, but he was sure he
 “ was murdered, and that by the Order of his
 “ ROYAL HIGHNESS; for the said *Rud-*
 “ *dle* then declared, That he did observe His
 “ Majesty and Royal Highness part a little from
 “ those that attended them, and discoursed (to
 “ the best of these Informants remembrance)
 “ The said *Ruddle* declared it was in *French*,
 “ concerning the Prisoners then in the *Tower*;
 “ and his HIGHNESS declared, That of all
 “ the Prisoners then there, the Earl of *Effex*
 “ ought to be taken off; but His Majesty said
 “ he was resolved to spare him for what his Fa-
 “ ther had suffered; upon which his HIGH-
 “ NESS seemed very dissatisfied; and a little
 “ before the Death of the said Earl, his HIGH-
 “ NESS parted a little way from his Majesty,
 “ and then two Men were sent into the Earl’s
 “ Lodgings to murder him.” — So far before
 their Lordships.

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The said *Ruddle* declared this with great Ear-
 nestness and Passion, and protested he thought no
 Man safe who was against the Popish Interest, if
 once they began thus barefaced to cut Throats.
 And he protested his Blood did so boil against
 his Royal Highness, that if he could have got a
 Party that would have stood by him, he would
 have shot his Highness dead upon the spot, for so
 barefaced a Murder had before scarce ever been
 committed under a Civil Government.

John Bampton and his Wife both declare, and
 in substance before the Lords have deposed,
 “ That about One of the Clock, the very Day
 “ the late Earl of *Effex* died in the *Tower*, one
 “ *Robert Meake* that Morning, (a Soldier in the
 “ *Tower*) came to these Informants House, and
 “ these Informants desired the said *Meake* to give
 “ them the best Account he could how the Earl
 “ of *Effex* cut his own Throat; to which the said
 “ *Meake* (with some earnestness and passion) an-
 “ swered, That the said Earl did not cut his own
 “ Throat, but was barbarously murdered by two
 “ Men sent for that purpose by his ROYAL
 “ HIGHNESS to the Earl’s Lodgings just be-
 “ fore his Death.”

What *Robert Meake* did further declare, and
 what was since his Fate, you will hear in its proper
 order.

I do expect it will be objected, That these four
 are but Hear-say Evidence. To which I shall
 answer almost in the very Words of a late Dis-
 course on this Subject, *viz.* *Seeing there is Reason*
to believe that the stifling the first Murder occasioned
the Addition of these two Soldiers Blood (as you will
hereafter have some Grounds to suppose) I think such
Informations ought not to be slighted; for after that
rate ’tis but taking off such as knew any thing with
relation to a Murder, and you are very secure from
any Discovery, though never so many upon Oath
give an Account of what those Men (whose Mouths
have been by Murder stopt from giving their own
Relation) have declared in the Matter. These two
 Soldiers related the same as to the sending the
 Men into my Lord’s Lodgings in two Houses as
 far distant as *Duke’s-Place* and *Baldwin’s-Gardens*;
 and I am verily persuaded that neither *Hughes* nor
Gladwin ever spoke to *Bampton* and his Wife in
 their Lives, for neither two remember to have
 seen or heard of the other Informants. And who
 could imagine that two Soldiers should declare
 with such concern and earnestness that which was
 so very dangerous to be spoken, if their Loveto
 Truth, and Hatred of such a treacherous and
 bloody Murder had not even forced it from them,
 to the hazard of almost their Lives by such their
 Relation?

’Tis true, no Man ought to suffer barely upon
 Hear-say Evidence, but such Testimony hath
 been used to corroborate what else may be
 sworn, and of it self may (in some cases) be
 enough to give Satisfaction in the general, of the
 Truth of a Matter, and no farther is it here
 used: And I would have all Men consider the
 many such Testimonies heretofore produced,
 amongst which I shall only mention one which
 had an immediate relation to my self. Mr. *Blath-*
waite (Clerk of the Council in 1683, and as I
 think still in that Post) being sworn on the behalf
 of the King, against Mr. *Speke* and my self, in
 his Relation of what the Young *Edwards*’s Sister
 should declare to the Council-Board, *viz.* *That*
Braddon compelled the Boy to sign it, (the Paper

the young *Edwards* signed.) This you find to be *Hear-say-Evidence*, and the *Author* (the Sister) then in Court, but testified no such thing; therefore this *Hear-say-Evidence* ought (if any ought) to have been rejected: And yet this *Hear-say-Evidence* (though not confirmed by the *Author* then upon Oath) was not only admitted, but ordered to be printed in the Trial in large Capital Letters. How much sooner ought the Evidence of *Bampton* and his Wife (as to what *Meake* declared) and of *Hughes* and *Gladwin*, as to *Ruddle's* Account, be particularly remarked, seeing *Meake* and *Ruddle* we cannot now produce in Court, (as that *Author* was) they (especially the first) being supposed to be murdered by way of Prevention, by that bloody Party that murdered my Lord.

But the next Account of these two Men being sent, as before, by his Highness, shall be from the first Hand. Mr. *Peter Effington* declareth, (and before the Lords in substance hath deposed) ' That he this Informant was in the Tower that ' Morning the late Earl of *Essex* died; and about ' a quarter of an Hour before the said Earl's Death ' was discovered, this Informant observed His ' Highness to part a little way from his Majesty, ' and then beck'ned to two Gentlemen to come ' to him, who came accordingly; and this In- ' formant did observe his Highness to send them ' towards the Earl's Lodgings; and less than a ' Quarter of an Hour after, this Informant did ' observe these very two Men to return to His ' Highness, and as they came they smiled, and ' (to the best of this Informant's Hearing and ' Remembrance) said, *The Business is done*; ' upon which, His Highness seemed very well ' pleased, and immediately thereupon His ' Highness went to His Majesty; soon after ' which, News was brought to the King, *That ' the Earl of Essex had cut his Throat.*"

I do expect that will be objected to this, which heretofore hath been, (*viz.*) That it cannot be thought the late Duke of *York* (admit he was so bad as to give Order for such a Fact) would be so impolitick as to send the *Ruffians*, so that any People might see their Mission, and their Return. But I desire such would consider this Murder in all its Circumstances, and then tell me, Whether those bloody Varlets had not all the Reason in the World to have all the Security could be expected or desired? You well know, that my Lord of *Essex* was deservedly very popular; and therefore a Parliament that should have had the least Information of this treacherous and bloody Murder, would have prosecuted the Matter with all the Diligence and Vigour such a Piece of Barbarity deserved. Now, should they, in such their Inquisitions, have detected those treacherous Villains, these bloody Men without a full Discovery must have expected no Mercy; and should the Duke have employed them in his Closet only, and they could not by any Circumstance have given Satisfaction that they were his hired Journeymen in this piece of great Service, their Evidence against him had not been the tenth part so credible as it would have been, could they have proved that they were sent by His Highness towards the Earl's Lodgings just before His Death, and soon after returned to His Highness, before others knew that this cruel Tragedy was finished. This Circumstance, I say, would have so corro-

borated their Evidence against their Master, that none could in the least have doubted of the Truth of their being so employed, that were once satisfied they were, as before, sent by, and returned to His Highness. This then obliged His Highness, under no less Obligation than Self-Preservation, to skreen those his faithful and ready Servants from any Prosecution, well knowing that his own Interest (and indeed Life) was wrapt up in theirs.

Wherefore I think this Matter was very cunningly managed (as to the Security of these Cutthroats from the Hands of Justice, either in their Punishments or Prosecution.) And it could not possibly have been done with greater Safety to the Persons of those that did it.

The Sentinel *Lloyd* declared, He could not be positive whether Major *Hawley* or the Warder let the Men into the outward Door: But Major *Hawley* pretends, He could not; for he (as he saith) went out of his House at Five o'Clock in the Morning, and did not go nigh his own House till News of my Lord's Death was brought him by *Monday* the Warder; and therefore he could not open the Door to any that went in just before my Lord's Death. This Reason of Major *Hawley* is equally true with what else he saith in his Defence, as appears by this Information.

Richard Nicholson, in the Ward of Queenhithe, Corn-Factor, Deposeth, That the Day of the Earl of *Essex* his Death, this Deponent was a Warder in the Tower, and stood Warder at the Inner-Tower-Gate that Morning the Earl dy'd, (before the Earl's Death) and by Major *Hawley* (then Gentleman-Porter of the Tower) ordered to let no Man into the Tower, or out of the Tower. This Deponent further deposeth, That about Eight of the Clock, or a little before, whilst this Deponent was Warder at the Gate as aforesaid, he did observe the said Major *Hawley* five or six times turn up towards his own House through the Gate (over-against the Traytors-Gate) leading towards his own House; and about Eight of the Clock the same Morning, this Deponent was desired by a Stranger to let him into the Tower, for which the said Stranger gave this Deponent a Shilling: This Deponent let him through the Gate; the said Major *Hawley* thereupon came to this Deponent in great Fury, and check'd this Deponent for letting in the said Stranger into the Tower. This Deponent further deposeth, That Major *Hawley* ordered this Deponent (with several others) to go Warder with the Lord *Ruffel* to the Old-Bailey; and as this Deponent was going with the Lord *Ruffel* to the Old-Bailey, (*viz.*) about Eight of the Clock, he passed before Major *Hawley's* House, and did observe Major *Hawley* then to go into his own House.

Jurat' gno die Aug.
1689, coram me

Richard Nicholson.

Tho. Pilkington, Mayor.

That Major *Hawley* was in the House when my Lord was murdered, seems farther probable from the Relation of *Mary Johnson*, then at work in Major *Hawley's* House at the time of my Lord's Death; and what Account she hath hereof given, appears by these two Informations.

The

The Information of *Philip Johnson* of *White's-Alley* in *Coleman-Street*, in *London*, Free-Mason, taken the 22d Day of *January* 168³, before *John Robins*, Esq; a Justice of the Peace for the County of *Middlesex*.

THIS Informant maketh Oath, and saith, That *Mary Johnson*, his Wife, (since deceased) being a labouring Woman to *Major Hawley*, in whose House the late *Earl of Essex* was found dead, That the Morning on which he died, as she was at Work, she heard a Noise; and designing to go up Stairs, she met *Major Hawley* coming down, who told her, My Lord was dead; upon which, she went up Stairs, and found the said *Earl* dead in his Closet, as she gave her Husband, this Informant, an Account; and that by Order of the said *Major Hawley*, she helped and assisted a Man (to the best of his Memory his Name is *Major Webster*) to strip the said *Earl* from his Clothes; and at the further Command of the said *Major Hawley*, she washed the said *Earl's* Body, and also washed the said Chamber and Closet belonging to the said *Earl*; for the said *Major Hawley* gave her 10s. and that the Neck of the Cravat that she took off the said *Earl's* Neck, was cut in three Pieces.

The Mark of *Philip Johnson*.

The Information of *Miriam Tovey* of *Red-Lion-Street*, in *Whitechapel-Parish*, in *Middlesex*, Widow, taken the Day aforesaid, before *John Robins*, aforesaid.

THIS Informant maketh Oath, and saith, That she several times heard *Mary Johnson*, above-said, declare the Substance of the preceding Information; and further sweareth, The said *Mary Johnson* told her, That *Major Webster* was the Person who helped her to strip the said *Earl* of his Clothes; which she was very unwilling to do, saying, She should bring herself into Trouble and Hazard of her Life, by intermeddling with the Body before the Coroner had sat upon it; and that *Major Hawley* told her, She must do it, and should come to no Trouble by it.

Miriam Tovey.

But it seems *Major Hawley's* Principles were ever averse to those brave True *English* Champions that opposed the late Court-Arbitrary-Designs, and could afford those Honourable Lords, and Truly-worthy Knights and Gentlemen, no better Titles than *Rogues*. This appears by what he declared the very Day that a great Number of Honourable Lords (amongst which, this unfortunate Lord, I hear, was one) and Worthy Knights, Gentlemen and Citizens, dined together at *Mile-End-Green*; for some time that Afternoon *Hawley* told *Mr. Bunch*, then a Warder, That above Two hundred Rogues that Day dined together at *Mile-End-Green*; but he did wish that he had Forty of the biggest of them there in the *Tower*, that they might be made shorter by the Head; for till then the Land would never be at quiet. This in Substance is deposed by the said *Mr. Bunch*, who with one *Mr. —* are ready likewise to depose, That some time since discoursing with one — a Servant-Maid in the *Tower* at the time of my Lord's Murder, but since turned out, they told her, That it was supposed to be *Major Hawley* that occasioned her being turned out of the *Tower*; but she replied, It could not be the *Major*, for he was the best Friend she had in the World, upon the Account of somewhat

which she knew with relation to the Death of the late *Earl of Essex*.

I have some Grounds to believe, that not a few in the *Tower*, that Morning my Lord was murdered, could discover several Things very material in order to a farther Detection; and particularly, as to the coming out of the *Ruffians* after they had perpetrated this not-to-be-parallel'd treacherous Cruelty; for I have been informed by some, who that very Morning my Lord was murdered were in *Leaden-Hall-Market*, That there came a Servant-Maid (who then lived, as she said, in the *Tower*) to that Market the very same Morning; and wringing her Hands, she wept, and cried out, *The Earl of Essex was murdered*; upon which the People gathering about her, advised her to Silence, telling her she would bring herself into Trouble by such Expressions; the Maid thereupon declared, She was sure it was true, for she saw the Men that murdered him, just as they came from his Lodgings.

I have used all Diligence possible to find this Maid out; but neither of those I have met with could tell me her Name, or the Name of the Person in the *Tower* with whom she lived. Not long after my Lord's Death, I was likewise informed of the Name of one who declared he saw the *Ruffians* just as they came out of my Lord's Lodgings, and did observe some Blood upon the Clothes of one of them: But having been obliged in a Hurry often to convey away my Papers, this Name I have lost: I do wish I could find Men as free, as their Duty obliges them in this Matter, to declare what they knew.

I have reason to suppose many Men would be then examined; and whosoever there is that can discover any Thing material with relation to this Murder, and in silence stifles it, by such his silence he consents to the Blood of my Lord; and tho' our Law may not reach his Offence, yet He who knows it, will one Day lay it to his Charge; for if God requires that all Governments should make diligent Inquisition for Blood, in defect whereof he will require the Blood of the Slain at the Hands of such Magistrates on whom this Neglect is chargeable; then on those more especially will the greatest Guilt lie, who refuse or neglect to give Information to those ordained for such Inquisition.

But, to return:

Bomeney and *Ruffel*, you find, have before deposed, That there was a Razor delivered to my Lord, wherewith to pare his Nails; which his Lordship having done, he retired into his Closet, and there cut his Throat. The Closet-Door being opened, *Bomeney* and *Ruffel* have declared they saw the Body there lie in its Blood, and the Razor lying by him.

This is, in short, the Substance of these Mens Relations, whose Interest it is to prove the Self-Murder. That this Story is false in every Part, I doubt not but to convince every unprejudic'd Person, and hope to satisfy all who are not blinded with Prejudice,

First, That his Lordship did not pare his Nails that Morning he died, as all these have sworn or declared; nor was there any Razor delivered to my Lord for that Purpose that Morning he died.

Secondly, That his Lordship's Body was not locked into the Closet, when first found.

Thirdly,

Thirdly, That there was no Razor lying by the Body when these Three first saw the Body; but the Razor laid there after my Lord was murdered, to colour the pretended Self-murder.

That my Lord's Nails were not par'd, *John Kittlebeater* hath deposed, That he being of the Coroner's Jury, did very narrowly observe my Lord's Nails on his Fingers and Feet, and could not discern either of them par'd or scrap'd.

I shall now prove *Bomeney's* Relation to be false, by what *Ruffel* swore; and *Ruffel's* Deposition forged by what *Monday* declared the very Day, and some time after my Lord was murdered; and *Monday's* Account in every material part a Fiction, by the Depositions of the two former: In order to which, I shall give you *Bomeney's* first Information, taken in the Coroner's own Hand, which is as followeth:

THE Information of Paul Bomeney saith, That the Earl of Essex on the 11th Instant did speak to this Informant to bring him a Penknife to pare his Nails; but this Informant could not then get one. The Earl of Essex called to him again on Friday the 13th Instant, about Eight of the Clock in the Forenoon, did again speak to this Informant to bring him a Penknife to pare his Nails: But this Deponent telling him that he had not one, his Lord commanded him to bring him a Razor, which he did accordingly; and then his Lordship walked up and down the Room, scraping his Nails with it: and this Informant then left him; and coming about half an Hour afterwards up into the Bed-Chamber, found his Closet-Door fast; whereupon this Informant knocked at the Door, and called My Lord, My Lord; but he not answering, pushed the Door a little open, where he did see his Lord lying all at Length on the Ground in his Blood, with the Razor near him on the Ground. And further deposeth, That he hath not any Papers of his Lord's, nor doth know where any of his Papers or Writings are. And also, That on Thursday-Night last was very merry at Supper, and did not seem to be discontented the next Morning.

This Information is *verbatim* as the Coroner took it from *Bomeney's* own Mouth: But the Coroner proceeding to ask further Questions, *Bomeney* began extremely to hesitate, and thereupon desired he might write his own Information; which being granted, he retired from the Coroner and Jury into the next Room; where having been some considerable time, he brought the Information first mentioned, according as it is there observed to be in the Original.

James Whitechurch declareth, (and in Substance before the Lords hath deposed) 'That the very Day the Earl of Essex died, he went with one *George Jones* to the Tower, to discourse *Nathanael Monday* concerning the Death of the said Earl; and when they came to the Tower, meeting with the said *Monday*, he gave them this Account: That as soon as the Gentleman-Goaler had opened my Lord's Chamber-Door, that very Morning he the said *Monday* (by Order) went into my Lord's Chamber, and tarried there, because their Orders were, That one of the Warders should be in his Lordship's Chamber, and the other at the Stairs-Foot; and that they had this farther Order, Not to suffer his Lordship to have a Knife, or any thing like it, but whilst he used it in cutting

' his Meat; and that being done, all Knives and such like were to be taken from him; with which Orders having acquainted my Lord, his Lordship answered, He should take nothing ill from them in observing their Orders.

' This Informant further saith, That the said *Monday* did then declare, That he tarried with my Lord in his Chamber two Hours or better that very Morning; and that whilst he was with my Lord in his Chamber, he did observe his Lordship pared his Nails with the Heel of a Razor. This Informant further saith, That the said *Monday* did further declare, Before he left his Lordship, and went down Stairs to stand below, he called up *Ruffel*, his Fellow-Warder, to stand in his Chamber; and as he went down Stairs, he lighted his Pipe, and sat at the Stairs-Foot; but before he had half-smoked his Pipe, he heard it cried above Stairs, *That my Lord had cut his Throat*; whereupon he the said *Monday* ran up Stairs, and pushed the Closet-Door open, and there found my Lord dead. This Informant further saith, That the said *Monday* did further declare, That when he came up Stairs, he asked Mr. *Bomeney* and *Ruffel*, Where they were whilst my Lord was in the Closet? The said *Bomeney* answered, He was sitting upon the Bed in my Lord's Chamber; and the said *Ruffel* declared, He stood at my Lord's Chamber-Door, just without the Door: Whereupon he the said *Monday* (as the said *Monday* declared) checked the said *Ruffel* for not keeping in the Chamber according to Order.

Richard Jordan declareth, 'That on the Day Mr. *Braddon* was tried, in *Hillary-Term*, 1683. (upon the Account of the late Earl of Essex) this Informant heard *Nathanael Monday* declare, 'That the very Morning the late Earl of Essex died, as soon as the Gentleman-Goaler opened the Chamber-Door, which was about Seven of the Clock, the said *Monday* stood as Warder above Stairs upon the said Earl; and at the first opening the Door, did observe the said Earl to have a Razor in his Hand, paring or scraping his Nails with it; and this the said *Monday* declared he saw a long time before *Ruffel* stood Warder above Stairs upon the said Earl.'

By these two Informations, you may perceive what *Monday* declared; *My Lord had this Razor in his Hand about Seven o'clock in the Morning, long before Ruffel came up Stairs to stand Warder upon my Lord; and that my Lord pared his Nails with the Heel of the Razor.*

By the Way, I cannot but here take notice of what *Monday* would have insinuated, (*viz.*) That the Government was jealous my Lord would destroy himself; for otherwise, how should there be Orders given not to suffer his Lordship to have a Knife, &c.? This was said, the more easily to induce People to believe that my Lord did indeed cut his own Throat: but *Monday* will not now pretend such Orders were given him. And observe how inconsistent *Monday's* Relation is! for he pretended that they had Orders not to suffer his Lordship to have a Penknife or Razor, &c. and yet at the same time confessed he left this Razor with his Lordship.

Ruffel the Warder hath before deposed, and now declares, That this Razor he saw *Bomeney* deliver to my Lord, whilst he stood Warder at

my Lord's Chamber-Door, after *Monday* was gone down Stairs.

Let us now compare these three Mens Relations as to the Time of Delivery of the Razor; by doing which, it will plainly appear that no Razor at all was delivered to his Lordship. For the clearer understanding hereof, I suppose *Bomeney* under Examination with the Jury, and answering according to what he hath sworn:

Jury. Did you deliver this Razor to my Lord?

Bomeney. Yes.

Jury. When did you deliver this Razor to my Lord?

Bomeney. About Eight of the Clock that Morning my Lord died.

This is according to what he first swore; but he then withdraws to write his own Information, which point-black contradicts this his Oath in that particular; for he is then examined, and answereth as followeth:

Jury. Do you remember the very time that you delivered the Razor to my Lord?

Bomeney. Yes.

Jury. When did you deliver this Razor to my Lord?

Bomeney. About Eight of the Clock on *Thursday* Morning, being the Day before my Lord's Death.

This, as you observe, he swears in the Information himself writ, and brought to the Coroner.

Bomeney then to withdraw, and let *Ruffel* answer to this particular.

Jury. Mr. *Ruffel*, do you know when this Razor was delivered to my Lord?

Ruffel. Very well; for I saw it delivered to my Lord by *Bomeney*.

Jury. When did you see this Razor delivered?

Ruffel. Less than a Quarter of an Hour before we found my Lord dead. I stood Warder at my Lord's Door; and I heard his Lordship ask for his Penknife to pare his Nails; and *Bomeney* said, It was not brought; upon which my Lord required a Razor, saying, it would do as well; and I saw *Bomeney* give my Lord the Razor, it being then about Nine o'Clock.

Jury. Who first stood as Warder at my Lord's Chamber-Door, or in my Lord's Chamber, Yesterday Morning before my Lord died; was it You or *Monday*?

Ruffel. *Monday*, upon my Lord's Chamber-Door being opened, first stood at the Door; and after he had been there as long as we use to stand, he called me up, and then went down and stood at the Stairs-foot, at the House-Door, where I did before stand.

Jury. Then this Razor you saw delivered to my Lord after *Monday* went down Stairs, and whilst you stood as Warder at my Lord's Door?

Ruffel. It is very true; for I am sure I stood by *Bomeney* when he delivered the Razor, and saw it delivered to my Lord.

Jury. What distance of Time do you say there might be, from the Time this Razor was delivered, to the time of my Lord's Death?

Ruffel. I am sure it could not be Half an Hour from the time of the Delivery of the Razor, to the time we found my Lord dead in the Closet.

Ruffel withdraws, and *Monday* is examined.

Jury. Mr. *Monday*, did you see my Lord have any Razor in his Hand Yesterday Morning before his Death?

Monday. Yes, I did.

Jury. What Time was it when you saw my Lord have the Razor in his Hand?

Monday. About Seven of the Clock, as soon as the Gentleman-Goaler had opened my Lord's Chamber-Door; for I first stood Warder above Stairs; and as soon as the Door was opened, I saw my Lord have the Razor in his Hand, and observed him to pare his Nails with it.

Jury. Was this before *Ruffel* came up to my Lord's Chamber-Door, to stand Warder there?

Monday. Yes, almost Two Hours.

This is according to their own Informations and Relations. Now, can you believe that this Razor was delivered by *Bomeney* at Eight of the Clock on *Friday* Morning, according to his first Oath; and yet not delivered till Eight of the Clock on *Thursday* Morning, according to *Bomeney*'s second Oath? And can you also believe that the Razor was not delivered till about Nine of the Clock on *Friday* Morning, according to *Ruffel*'s Information; and at the same time give Credit to *Monday*, who declared, My Lord had the Razor by Seven of the Clock, Two Hours before *Ruffel* came up to stand Warder at my Lord's Chamber-Door?

These Three are of equal Credit, and consequently you have as much reason to believe *Bomeney* as *Ruffel*, and *Monday* deserves equal Credit with either of the former: But all cannot be credited; neither can *Bomeney*'s Contradiction be reconciled: Or can One of these be thought True, without giving the Lye to the other Two?

Therefore upon the whole Matter, you cannot reasonably believe there was any Razor at all delivered.

If any shall say, that all Three in the main agree, That my Lord had a Razor delivered him to pare his Nails, and their Contradictions is only in Point of Time.

I answer, 'Tis true, it's a Circumstantial Contradiction in Point of Time; and the Contradiction of the Two Elders in the History of *Susanna*, was a Circumstantial Contradiction in Point of Place; for the first swore they took *Susanna* in Adultery under a *Mastick-tree*, and the second under a *Holm-tree*: Both these agree in the main, viz. That they found her in Adultery; but by this Contradiction, as to the place, where, *Daniel* convinced all then present, that these Two Elders were perjured in their Evidence, (and consequently *Susanna* innocent of her Charge) and thereupon these two Accusers justly suffered, what by Perjury they would have unjustly caused to be inflicted upon the Innocent. And I never yet heard any deny *Daniel*'s Wisdom in this Detection; or arraign his Justice in the Punishment those Two False Accusers thereupon suffered.

Secondly, That my Lord's Body was not locked into the Closet. I will now suppose that *Bomeney*, *Monday* and *Ruffel*, were to answer as to the opening this Door, according to their former Informations, and you will find their Contradictions, as to this, as gross as the former.

Bomeney first appears.

Jury. Mr. *Bomeney*, Was my Lord's Body locked into the Closet, when he was first found dead?

Bomeney. Yes.

Jury. Who opened the Door?

Bomeney.

Bomeney. When I had knocked at the Closet-Door, my Lord not answering, I did open the Door, and there saw my Lord lying a-long in his Blood, and the Razor by him, and I then called the Warders.

This according to his first Information, taken (as before) by the Coroner.

About an Hour after this, the Jury did again examine him as to this Point; and he answering according to the Information, which (as before) he writ in the Room next the Jury, and then you will find it as followeth.

Jury. Mr. *Bomeney*, Did you first open the Closet-Door upon my Lord's Body?

Bomeney. No, I did not, but *Ruffel* did; for after I had knocked at the Door thrice, calling, My Lord; my Lord not answering, I took up the Hangings, and peeping through a Chink, I saw Blood, and part of the Razor; whereupon I called the Warder *Ruffel*, and the said *Ruffel* pushed the Door open.

At my Trial, *Bomeney* being asked who did first open the Door, upon Oath answered, he knew not who opened the Door.

Jury. Mr. *Ruffel*, Did you find the Closet-Door lock'd upon my Lord's Body?

Ruffel. Yes.

Jury. Who first opened the Closet-Door?

Ruffel. When *Bomeney* saw my Lord's Body through the Chink, he cried out, My Lord was fallen down sick; whereupon I went to the Closet-Door, and opened it, the Key being on the out-side.

Here *Ruffel* makes no Difficulty in opening the Door; but observe *Monday's* Answer.

Ruffel withdraws, and *Monday* is called.

Jury. Mr. *Monday*, Where were you when my Lord was first found dead?

Monday. I was standing at the Foot of the Stairs, and hearing a great Noise of my Lord's Death, I ran up Stairs, and found *Bomeney* and *Ruffel* endeavouring to open the Door; but the Body being so close and strong against the Door, neither could.

Jury. Who then opened the Door?

Monday. I being much stronger than either of these Two, put my Shoulder against the Door, and pushing with all my might, I broke it open.

Upon the whole Matter you find, first, *Bomeney* opened the Door before he called either of the Warders, according to *Bomeney's* first Information taken (as before) by the Coroner; and secondly, That he did not open the Door, for *Ruffel* opened it, according to *Bomeney's* second Information (which himself writ) and *Ruffel's* Deposition: And thirdly, That neither *Bomeney* nor *Ruffel* could open the Door, because the Body lay so close against it, and so *Monday* broke it open: This according to *Monday's* Account of the Matter.

These Contradictions before observed of themselves, are as (I do humbly conceive) sufficient to convince the Man not bias'd, that this Unfortunate Lord was treacherously murdered; for our Law supposes every Man destroy'd by violent Means, to be murdered by others, unless the contrary appears to the Coroner, and his Jury; now those which in this Case come to testify the contrary, are so notoriously self-destructive in their Evidence by their gross Contradictions, that all these Three appear treacherously false; and therefore these Mens Evidence thus contra-

dictory, cannot prove the Self-murder, but rather demonstrate the contrary; for these three being the only Men, who by their *Stations* near my Lord at the Time of his Death, could then be supposed capable of giving any Account how my Lord came by his Death; (for *Bomeney* attended upon my Lord in his Chamber; and *Monday* and *Ruffel*, the Two Warders which alternately kept my Lord's Chamber-Door, for when *Monday* kept my Lord's Chamber-Door, *Ruffel* stood at the Stairs-Foot-Door, and this by turns;) and seeing these Mens Relations, for the Reasons before observed, are notoriously false, there was a *Truth* which these Perfidious Men thought neither convenient or safe to declare, which would have detected the *true* Manner of my Lord's Death, and in what Parts these Three stood related thereunto.

I would fain ask the Coroner and his Jury, What Inquisition they would have brought in upon my Lord's Body, in case *Bomeney*, *Monday* and *Ruffel* should have declared they would not discover what they knew with relation to my Lord's Death? I am apt to have such a charitable Opinion of the Discretion and Integrity of these Gentlemen, as to believe they would have been so far from finding my Lord *Felo de se*, that they would have found him murdered by others, and these three concerned therein: for by their respective Stations at the time of my Lord's Death, they could not be ignorant of the *true* manner thereof; and by their Refusals to discover their Knowledge therein, they (tacitly) would have confessed their Guilt, either as Actors in that cruel Tragedy, or privy and consenting to it. Now as such their first positive Refusal would have rendered them Guilty before the Coroner and his Jury; so their false and contradictory Account makes some of them more Criminal, by so great an Addition to their first Offence. For in the first, by their silence they would have endeavoured to conceal the Murder, and their Guilt therein; So here by their many false Relations (which have so plainly appeared, for Contradictions cannot be true) have they designed to attain the same End.

And for my own Part, (admitting what is sworn against them to be true) I think these Three are worse Criminals than those Ruffians who cut my Lord's Throat. For some of the latter were not so intrusted with my Lord's Body, as properly to be termed treacherous, neither have they appeared by Falsties to conceal their Guilt by perfidiously transferring the same on him whom their own Hands have destroyed; But two of the three Former, (*viz.*) *Ruffel* and *Bomeney*, if what is sworn against them be true, have superadded the greatest Treachery and Falstity to Blood, and therefore stand Guilty of a complicated Villany, by which they have, as much as in them lay, murdered his Lordship's Honour, and stained his Family with such Guilt, as nothing but the Discovery of Truth, and a just Recrimination of those Treacherous Men can wipe off.

But as a farther Argument of the Closet-Door's not being locked upon my Lord's Body; it appears, That when *Bomeney*, *Monday* and *Ruffel* pretended my Lord was lying in that Posture wherein they first found him, his Lordship's Legs were part out of the Closet-Door. This is declared by *William Turner* and *Samuel Peck*,
who

who before the Lords have in Substance depofed, ' That thefe two Informants were Servants to the ' late Earl of *Effex* at the Time of his Death, and ' brought fome Provisions into the *Tower* juft up- ' on the firft Difcovery of my Lord's Death, of ' which as foon as they heard, they ran up Stairs, ' and found my Lord's Legs lying upon the ' Threshold of the Clofet-Door, and a Print of ' a bloody Foot upon my Lord's Stockings.' This proves not only that the Clofet-Door could not be lock'd (as was fworn and declared by *Bomeney* and *Ruffel*) but likewise that Somebody had been with the Body in the Clofet, or other- wife how came the Print of a bloody Foot upon my Lord's Stockings, as thefe fwear to have ob- ferved.

In the *third* and laft Place, I fhall difprove that Part of thefe Mens Relations which faith, ' That the Razor was lock'd into my Lord's Clofet, ' when his Lordship was firft by them feen dead. Thofe ' Three have all depofed, or often declared, ' That ' the Razor was found by my Lord's Body lock'd ' into the Clofet; and all three denied that there ' was any bloody Razor thrown out of my Lord's ' Chamber - Window juft before my Lord's ' Death was firft difcovered to thofe out of the ' Houfe.'

William Edwards, aged about Eighteen Years, and *Jane Lodeman*, aged about Eighteen Years, have both before the Lords in Substance depofed, ' That a little before my Lord's Death was disco- ' vered, they faw a bloody Razor thrown out of ' my Lord's Chamber-Window, and that juft ' after there came a Maid in a White Hood out ' of Captain *Hawley's* Houfe: which Maid, *Wil- ' liam Edwards* hath depofed, ' took up the Ra- ' zor, and ran with it into Major *Hawley's* Houfe, ' and up Stairs, crying out Murder; and imme- ' diately hereupon was it firft faid, that the Earl ' of *Effex* cut his Throat.'

Thomas Edwards, Father to the faid *William Edwards*, *Sarah Edwards*, *Ann Edwards*, and *Elizabeth Edwards*, Sisters to *William Edwards*, (in Substance before the Lords) have depofed, ' That the very Morning of my Lord's Death, ' when *William Edwards* came home, he did give ' this Information (in Substance) to thefe Infor- ' mants.'

William Edwards did farther depofe to this ef- fect; ' That the very Morning Mr. *Speke* and I ' were tried, going into *Westminster-Hall* to be an ' Evidence at that Trial, he met with Major ' *Hawley*, who in a threatenng manner told him, ' That if he might have the Management of him, ' the faid *William Edwards* fhould be whipt once ' a Fortnight, for feven Years together; which ' Threat of the faid Major *Hawley* did fo terrify ' this Informant, (he being then about Thirteen ' Years of Age) that he was afraid to fpeak the ' Truth at that Trial, left he fhould feverely fuffer ' for fo doing.'

Mrs. *Smith*, Aunt to *Jane Lodeman*, and Mr. *Giasbrooke*, did depofe, ' That this Relation ' *Jane Lodeman* gave as foon as fhe came from ' the *Tower* that Morning.' Mrs. *Gibbons* hath before the Lords (in Substance) depofed the fame.

Here are two Children (aged then about Thirteen Years) altogether Strangers to each other, and whole Relations were as much Strangers to one another, that gave the fame Relation, ex- actly agreeing in feveral Circumftances, and this

Story by them was told when there could not poffibly be any ufe made of it to prove my Lord's being murdered. For here are Seven or Eight Witneffes have (for both Parties) depofed; That this Story was related by thefe two about Ten of the Clock the very Day my Lord died, when it could not poffibly be known what would be fworn before the Coroner's Jury the then next Day. Now the only ufe made of it, is to contradict the Depofitions of thofe which before the Coroner would have proved the Self-Mur- der. Which Depofitions (as before obferved) were not taken till the *Saturday* (which was the Day after thefe two Children had given this Re- lation) and not publifhed before the then next *Monday Morning*. Nay, thefe two Children were firft fo far from uſing it as an Argument of my Lord's being murdered, that both of them (to their refpective Relations) when check'd for fay- ing that my Lord cut his own Throat; in their Childifhnefs and innocent Simplicity, urged this as an Argument of my Lord's Self-Murder; For they declared they were ſure 'twas true, for they ſaw him throw the Razor out of the Window. But thefe two Children were not the only Perfons that ſaw this Razor thrown out; for feveral others that very Morning my Lord died, declared, That the bloody Razor was thrown out of my Lord's Cham- ber-Window before my Lord's Death was known, and that a little Boy did endeavour to take up this Razor, but was prevented by the Maid, who took it up, and ran with it into the Houfe, and up Stairs, immediately whereupon my Lord's Death was difcovered. This Relation *Robert Meake*, before-mentioned, did give the very Day of my Lord's Death, to *Bampton* and his Wife, (as they have depofed before the Lords.) The ſame Account did the aforeſaid *Ruddle* give before Twelve of the Clock the Day my Lord died, to *Hughes* and *Gladwin*, as they have testi- fied before the Lords. This Relation of thefe Two you find agrees exactly with what *William Edwards* declared. And that the throwing out this bloody Razor was commonly reported in the *Tower* juft after my Lord's Death was known, appears by the Teftimony of feveral Perfons; for *John Salisbury* hath depofed, ' That being ſent ' as one of my Lord *Ruffel's* Guard to the *Old- ' Bailey*, as they were returning to the *Tower* that ' Morning, one met them in great haſte, and de- ' clared he juft then came from the *Tower*, and ' that the Earl of *Effex* had cut his Throat in ' the *Tower*, and thrown the Razor out of the ' Window; upon which one replied to this ' effect, That my Lord had a good Reſolution; firſt to cut his Throat, and after to throw the Ra- zor out of the Window. He farther teſtifieth, ' That when he came into the *Tower*, he heard ' it declared by feveral, that the bloody Razor ' was thrown out of my Lord's Chamber-Win- ' dow before his Death was known.' *Grimes* and *Boſtick* both, likewise in the *Tower* that very Morning, have depofed, ' That the throwing ' out of this bloody Razor was talked of by fe- ' veral then in the *Tower* upon the firſt Difcovery ' of my Lord's Death, ſome then and there de- ' claring, That they ſaw this bloody Razor fo ' thrown out.' But if thefe many Teſtimonies will not ſatisfy, I ſhall next give you the Confef- ſion of him who declared he threw it out, and of the Sentinel who ſtood by my Lord's Lodg- ing-Door, and confeſſed he ſaw it thrown out.

Mr. *Samuel Story* did farther depose, ' That the very Day Major *Webster* was taken up, to wit, the 21st of *January* 1688, as suspected to be concerned in my Lord's Murder ;' The said *Webster* being then charged as concerned in my Lord's Murder, declared, ' He did nothing but throw the Razor out of my Lord's Chamber-Window.' Being asked, What made him throw the Razor out? He said he was under such a Consternation, that he knew not what he did. Upon this Confession of Major *Webster*, *Lloyd* confirm'd the same, saying, ' That it was indeed true that the bloody Razor was thrown out; for it was thrown out just over his Head, and a little Boy did endeavour to take it up, but the Maid came out of the House, and took it up, and ran immediately in with it, and then discovered my Lord's Death :' That this Maid did carry up the Razor, and then discover my Lord's Death, farther appears by the Testimony of *John Nutbill*, who deposeth, ' That just before my Lord's Death was known, he was leaning over the Pales before Major *Hawley's* House, and asked my Lord's Sentinel how his Lordship did? To which the said Sentinel answered, Very well: And this Deponent did then observe a Maid run into the House in great haste, and up Stairs (when a Warder and another were coming down my Lord's Stairs, but declared nothing of my Lord's Death, as this Deponent could hear, who stood about six Foot from them) but she immediately came down, and cried, My Lord had cut his Throat. And this Informant did observe the said Maid to have a Razor in her Hand, either as she ran up Stairs, or as she came running down.'

The several large Notches in the Razor, were Self-Evidences of its Fall from some Height upon an hard Body; for those Notches could not be made by my Lord against his Neck-bone, as a Surgeon foolishly or knavishly suggested to the Coroner's Jury.

To sum up all in a Word with relation to this

Particular. Major *Webster* (one of the supposed Ruffians) a confessed he threw the bloody Razor out of my Lord's Window. *Lloyd* the

Sentinel likewise own'd that he saw it thrown out. *Edwards* and *Lodeman* have deposed, That they did see the bloody Ra-

zor thrown out of my Lord's Chamber Window; c four have deposed, That *Edwards* declared (just as he came from the Tower that Morning) he saw it thrown out. d Three have

sworn that *Lodeman* gave this Relation as soon as she returned from the Tower that very Morning; (and these Children, and their Relations, far distant from

and altogether Strangers to each other;) e Two Soldiers in every part of their Relation, the very Day of my Lord's

Death, did at two Places, far distant from each other, declare this Matter; and f three more have depo-

sed, That the throwing out of the Razor was generally discour-
 f *Grimes, Salisbury, and Boslock.*

aged in the Tower just upon the first Discovery of my Lord's Death. This I do humbly conceive to be sufficient to convince any but Prejudice it self,

That the Razor was seen thrown out, and consequently that it could not be locked into the Closet with the Body, as *Bomeney* and *Ruffel* have deposed, or often declared. Whereas *Bomeney* swore before the Coroner, That peeping through a Chink of the Closet-Door, he saw the Razor; this appears to be impossible, considering the Position of the Razor, and the Circumstances of the Chink.

For the Razor they all declare lay in the upper part of the Closet by the Closet-stool, and the only Chink of the Door is in that part next the Chimney; now looking through that Chink when the Door is lock'd, you cannot see within Three Foot of the Place where the Razor was said to lie; this was about a Year since demonstrated to the Right Honourable the Lord *Lucas*, now Governor of the Tower, and to several Gentlemen more.

The Maid, who is supposed to have taken up the Razor, denies it, and in her Defence saith to this effect; ' That she went out of her Master's House almost half an Hour before my Lord's Death was known, and returned not until my Lord's Death was publick, and several People in the House to see my Lord :' For she tells this Story, ' That about half an Hour before my Lord's Death was discovered, my Lord's Footman came to her, and told her, the Warder would not open the Wicket to let in my Lord's Provisions that were brought, and therefore begged her to go to her Master (Mr. *Hawley* the Gentleman Porter) to desire him to go to the Warder that kept the Gate, and order him to let in the Provisions.'

' She did accordingly go to her Master, who thereupon order'd the Warder to let in my Lord's Provisions; and as they (*viz.*) my Lord's Footman, *William Turner*, and one *Samuel Peck*, and a Porter, were bringing the Provisions, a Sentinel told them they were come too late; upon which, this Maid declares she was surprized, and asked *William Turner* what should be the Meaning of that Expression, You are come too late; for she did not understand it: whereto *Turner* answered, That he did suppose the Sentinel believed those Provisions to be my Lord *Ruffel's*, who being gone to his Trial, this Soldier might think he would never return again to the Tower, and so the Provisions were brought too late. This (she declares) she then believed; but as soon as they came in Sight of her Master's House, they admired to see so great a Crowd about the Door, but were soon too well satisfied in the Occasion, for it was just before discovered that my Lord of *Essex* had cut his Throat.'

But this is a forged Lye throughout; for *William Turner*, *Samuel Peck*, and the Porter, do all three declare, That the Maid was not with them whilst they were bringing in the Provisions, neither did the Warder that kept the Gate in the least scruple the letting in my Lord's Provisions; this they all say, they are ready to depose.

All Men, I find, are to seek of the Reason that should move these Men to throw the bloody Razor out of the Chamber-Window, before my Lord's Death was discovered. But if we consider the Amazement that might naturally seize these Men upon the least Disturbance in this Deed of Darkness, we must not expect that what is done under a sudden Confusion, should be according

ording to the deepest Policy. And you find that *Webster* did confess, That when he threw the Razor out, he was under such a Confusion, that he knew not what he did. This Disorder might be occasioned by some ones coming up Stairs, who was not then privy to the Murder, before they had laid all things aside, as they designed they should be found by such as were not immediately concerned in it; and *Webster* having the bloody Razor in his Hand, which was designed to be laid by the Body, as the pretended Instrument of the feign'd Self-Murder; upon the coming up of one, of whom he was not aware, he, under a surprizing Fear of a Discovery, threw the Razor out of the Window, and the Maid was afterwards sent for it, and then was it laid by the Body as the pretended Instrument of Death. For this I have some Reason, which I think not fit now to publish.

That Major *Webster* was one of the Ruffians, and consequently might be the Man who threw this bloody Razor out of my Lord's Chamber-Window (as himself confessed,) farther appears probable by his producing (that Day my Lord was murdered) the Earl's Pocket-Handkerchief all bloody, (the Handkerchief was known by the E, and Coronet upon it) and shaked it, saying, there was the Blood of a Traytor; and the very next Morning a Purse of Gold of 49 Guineas, and a Pistole, which, rejoicing, he produced to some of his Neighbours, and immediately after my Lord's Death lived at a Rate much above his Quality, (being a poor Alehouse-Keeper, and Under-Bailiff of the *Tower-Liberty*) and (as I have been credibly informed) in some few Months after my Lord's Death, lost at Gaming several Hundreds of Pounds, which made those that had well known his Poverty, conclude he robbed; but ill got, ill spent; for his Extravagancy and Losses soon reduced him to his former Necessity; whereupon one upbraiding his Wife (or his Whore as he now calls her, for he saith he never married her, and therefore though she is living, he keeps, or hath married another;) I say, upbraiding his Wife with her Husband's Poverty, she replied, That her Husband not long before, had Five Hundred Guineas; whereupon the other declared he could not come by them honestly, for his Trade would scarce find him Bread. In Alehouse-Keeping he run very deep in the Brewer's Debt; but just after my Lord's Murder, he paid his Brewer Thirty Guineas in Part, which made the Brewer wonder how he came by so much Gold. But not discharging the whole Debt, and beginning to contract new, the Brewer sued him, and at last in Execution seized his Goods; whereupon Major *Hawley* (for what reason is not unsuspected) was a daily Solicitor to the Brewer for this *Webster*, and at last offered a considerable Sum in discharge of the Debt.

This *Webster* very much abusing his Wife (or Whore) she told him, 'That he was a Fool as well as a Rogue, to abuse her so, when he knew it was within her Power to hang him, and one in the *Tower*, and naming (as I have been informed) Major *Hawley* for the Man in the *Tower*.' A great part of this is deposed, and the whole ready to be proved.—— But farther, to disprove my Lord's cutting his Throat in the Closet:

Had my Lord cut his Throat standing in the

Closet, that part of the Wall as high as his Throat would have been all bloody; for the Closet being about three Foot and two Inches wide, it could not be otherwise; for the Blood out of so large an Orifice might have gushed five Foot. Or, if my Lord had cut his Throat kneeling, the Blood in the Wall would then have been as high as his Throat might have been in that posture. But there was no Blood a Foot higher than the Floor, therefore he could not cut his Throat either standing or kneeling. Neither can it be supposed to be done lying along, for then the Wound beginning at the Left-side, (and his Lordship being Right-handed) and ending at the Right, the Razor would have lain on the Right, whereas the Razor lay on the Left-side of the Body. But lest the Circumstances of the Body, as first pretended to be found, might prove a detection of this Villany, care was taken that before the Coroner's Jury saw the Body, the Body should be stript, and the Clothes carried away, and the Room and Closet washed, so that the Body might appear as naked of its first Circumstances, as it was of its Clothes. This Particular was so notoriously irregular, or rather criminal in some degree, that all Men know the Law requires the contrary. For by the first Posture of the Body, with the Circumstances of the Clothes, &c great Light may be given to the true Manner of his Death. But that in this Case was not to be discover'd, and therefore such Practices were necessary. My Lord's Clothes were not only carried away, but when demanded by the Jury, as what might be serviceable in their Inquisition, the Coroner was upon this Question immediately called into the next Room, and returning, told the Jury, *It was the Body, and not the Clothes, they were to sit upon; the Body was there, and that was sufficient.* It is an unhappiness the Coroner hath forgot (as he swears) who those were which were in the next Room, whilst the Jury sat, and to whom, whilst they sat, he did several times go; but had the Jury seen the Clothes upon the Body in its full Posture, these would of themselves have convinced them, that my Lord of *Essex* was murdered; for how could there be a print of a bloody Foot upon my Lord, and yet none (as they pretended) had been in the Closet with him? Or how could his Lordship with such an Instrument as the Razor, cut twice through the Neck of his Cravat? For *Alice Carter* and *Mary Johnson*, who (together with Major *Webster*) stript the Body, have declared, as hath been deposed, the Neck of my Lord's Cravat was cut in three Pieces. The Circumstances of the pretended Instrument of Death, gives strong suspicion of the Murder; for the pretended Instrument of the Self-murder, was a *French Razor* about four Inches and a quarter in its Blade, and no Spill or Tongue at the end; wherefore this Razor in its use must be held by the very Blade, and not less than two Inches of that could well suffice to be held in his Hand for that Strength and Steadiness the Cutting twice through the Cravat, and afterwards so deep in the Neck, required. And then the Wound, if made at once, would not have been above Two Inches and a Quarter deep, no more of the Blade being outside the Hand, which length could not at once possibly make a Wound above three Inches in depth; I do suppose none do believe his Lordship cut twice to effect it.

The largeness of the Wound at first, did make very ingenious Physicians and Surgeons say, That they supposed it impossible for any Man to cut his Throat, according as the two Surgeons upon my Lord's Body deposed, the Wound being such, both Jugulars and Arteries quite divided, and cut to the very Vertebres of the Neck: now in cutting the first Jugular Artery, there would immediately have issued such a quantity of Blood and Spirits, as would have soon incapacitated him from dividing the second; and tho' as Ingenious an Anatomist as most in *England*, before their Lordships would not say that he thought it impossible his Lordship should so cut his Throat; yet he did confess, that he never saw or heard of any before, who cut through both Jugulars and Arteries to the Neck-bone, as my Lord's was cut. This Gentleman for some Years having been Physician to *Bedlam*, he may be supposed to have as many Instances of Self-violences as any Physician in *England*; and of all Men, none do it with that good-will and vigour as the Distracted do, and therefore should make the deepest and largest Wounds. But I think I need not insist in this Case upon such Arguments, considering what is before said to be proved. Now to proceed with the Jury.

These Gentlemen, had they not been hurried into their Inquisition (as you will hereafter find they were) by the Body as it was left naked, upon a strict view might well have been satisfied his Lordship fell not a Self-sacrifice; for it's proved

* Mr. *Shillingsford*.
† *Turner* and *Peck*.
‡ Mr. *Sherwood* the Surgeon upon the Body.

there were Five Cuts in his Right-hand (*viz.*) * one almost on the top of the Fore-finger, and another upon the same near the Hand; † one upon the Fourth-Finger, and

another upon the Little-Finger, and ‡ a fifth about two Inches long in the very Palm of the Right-hand; can it be supposed that his Lordship made these Wounds (and that upon his Right-hand) for trial how sharp the Razor was, and how well it would perform what he designed to execute? These Cuts cannot be supposed to be made by holding the Razor. No, these were previous to that direful Cut; and the effects of his struggling with those bloody Men, when he so often cried out, *Murder, Murder, Murder*; as he then used his Tongue to discover, so did he likewise his Hands to prevent that treacherous Wound he perceived designed for his Destruction; and in thus striving to put off the Instrument of Death, did his Right-hand receive these several Wounds. Mr. *Fisher*, one of the Coroner's Jury hath deposed to this effect, 'That he asked *Bomeney*, whether his Lord was not esteemed a good Man, for such he had heard him represented? *Bomeney* answered, As good a Man as lived. Upon which *Fisher* said, Then it was very strange so good a Man should be guilty of so bad an Action, for nothing could be worse than Self-Murder; whereupon Major *Hawley* told *Fisher*, Whoever thought that Action unlike his Lordship, did not know my Lord of *Essex*; for every one that was but well acquainted with the Earl, knew it was his Lordship's fixed Principle, That any Man might cut his own Throat, or otherwise destroy himself, to avoid a dishonourable and infamous Death, and therefore this was like my Lord of *Essex*'s avowed Principle.' *Fisher* be-

lieving this to be true, was the more easily inclin'd to believe that his Lordship had followed such his own fixed Principles. But when Major *Hawley* was questioned for this Suggestion to the Jury, he positively deny'd it, and for Answer saith, that he was not nigh the Victualling-House in the *Tower* all the time the Jury was there considering of their Inquisition: And as for the Principle, he could not say it, for he never heard it said to be my Lord's Principle, till their Lordships charged him with having suggested it. I know it is commonly discourst about Town, that such was his Lordship's Principles; and this was industriously spread immediately upon my Lord's Death; but observe, Major *Hawley* was the Man that suggested this to the Jury, that they might the more easily believe the Self-Murder. And the Major's now denial of this Suggestion, or that he ever heard it said to be my Lord's Principle, when the Matter is positively sworn against him (I think) naturally argues that this was a false, forg'd, and maliciously invented Story by that bloody Party that murdered my Lord, and *Hawley* the Man by them pitch'd upon as the most proper Person to corrupt the Jury (the then proper legal Judges of the Manner of my Lord's Death) with this treacherous and villainously contriv'd Suggestion; so that the Jury might the more easily be inclin'd to believe my Lord's Self-Murder upon Evidence as inconsistent as false. And the Major's disowning that he was near the Jury at the Victualling-House whilst they were upon their Inquiry, implies his being conscious that he was there for a very ill purpose, and therefore thought it not safe to own his being with them; but he was too officiously there, not to be remembered; for when some of the Jury moved for Adjourning their Inquisition, in order to the giving notice to my Lord's Family; so that if any Thing could be proved on my Lord's Behalf, it might be by them heard: *Hawley* immediately enters a Caveat, and prevents it; for he tells the Jury, That they could not Adjourn, but must immediately dispatch their Inquiry; for His Majesty was then in Council, and had sent for their Inquisition, and would not rise till it was brought him. This further Suggestion caused the Jury to make more haste than good speed; and so, without that time which was convenient, ended their Inquisition. But Major *Hawley* denies this likewise, and protests, He was not nigh the Jury at the Place, or did at all thus hasten them. But this is positively sworn against him by some of the Jury; and many of the Jury declare they remember the Major with them at the Victualling-House. The Indiscretion in the Coroner and his Jury; I cannot but observe, which was, their suffering *Bomeney* and *Ruffel* to come together, and hear each other's Examination; and, which was more foolish, to permit *Bomeney*, when he began to hesitate in his Examination, (which alone gave reasonable Grounds of Suspicion that he was telling a Lye; for Truth would have readily occur'd; but Lies were first to be invented, before they could be given in Evidence,) to write his own Examination; and not only so, but in the Room next the Jury, where his Tutors were ready to instruct him: And yet, after all, this forged Deposition needed further Amendments at *Whitehall*, (as you will immediately hear) for as it was sworn, it was not thought fit to be exposed. All

Men must agree, That the Circumstances in which *Bomeney* and *Ruffel* stood related to my Lord at the time of his Death, render'd them highly to be suspected as privy to my Lord's Death, if not acting in it, in case my Lord did not destroy himself: For, could *Ruffel* keep my Lord's Chamber-Door (as himself upon Oath confesses) and be ignorant of what Violence was offered to his Lordship within the Chamber, (the Room not being fourteen Foot square?) Or could *Bomeney* be waiting on his Lord in the very Chamber, and a Stranger to the true manner of his Death? Wherefore, in common Discretion and Justice, these Two (and *Monday*, the other Warder, who first that Morning kept the Chamber-Door, with the Sentinel that kept the outward Door,) should upon the first Discovery have been seized, and separated, and kept apart, and examined apart, so that neither might have been privy to the others Examination, by which the Truth would have been soon detected; for had my Lord destroyed himself, all their Depositions would have so harmonized (though separately and crossly examined) that the Truth would the more plainly have appeared; whereas on the other hand, in case his Lordship fell by Treachery, then such Proceedings would have immediately discovered it to the Jury; for then these Warders, and Servants, and Sentinel, not being able to foretell what Questions the Jury would ask them, consequently could not previously agree upon their Answers. And should their Examinations, upon this Management, have materially interfer'd, and thwarted each other, (as it is natural to suppose they would, for though Truth be still the same, yet Lies are almost infinite,) these Depositions would have been so far from proving my Lord a Self-Murderer, as they would have plainly discovered the contrary, and these Men guilty in a most perfidious and barbarous Connivance.

For, admitting that these Men, upon their cross and separate Examination, should have answered the Jury as it is before represented (which is according to their own Oaths, or repeated Relations,) can it be supposed that any Coroner and Jury could be so void of common Sense and Honesty, as to give credit to such, and so many Contradictions? But, alas! such fair Practices were not to be expected, where such a foul Villany was to be concealed. And therefore, instead of securing apart the two Warders, Servant, and Sentinel, poor *William Turner* and *Samuel Peck* (whose Depositions are before mentioned) were to be locked up close, (with *Bomeney* for a Colour,) as though these two Men were more to be suspected than my Lord's two Keepers. And thus in Custody were these two innocent Men kept, whilst the two Warders and Sentinel, the more-to-be-suspected Criminals, were permitted to go at large. But this was contrary to His then Majesty's Command: For as soon as King *Charles* the Second (then in the *Tower*) had heard of my Lord's Death, he did immediately send the Lord *Allington*, Sir C——, and *Thomas Howard*, Esq; to my Lord's Lodgings, with Orders, That such as were attending upon my Lord at the Time of his Death, should be secured and examined, and all Things to remain till the Coroner's Jury had seen the Body. In Obedience to which Command, Sir C—— coming into the Lodgings, began to take some Examinations; but was soon interrupted by one, who told

Sir C——, His Majesty did command him immediately to go to the *Old-Bailey*, and give notice to the then Attorney-General of my Lord's Death, and to know what was to be done therein. Sir C——, by the same Gentleman desired His Majesty's Leave to finish those Examinations he was then upon; but the same Messenger came the second time, with positive Orders (as from His then Majesty) for Sir C——'s immediate going in Obedience to this repeated Command. Sir C—— went: But Sir C—— remembers not who this Gentleman was, which thus twice came with Orders as from His then Majesty. It is a great Misfortune, Sir C—— remembers not; for by the Messenger (it is strongly suspected) it would be soon found, His then Majesty's Authority (in this Command) was used by him, who too often abused it.

This great haste to the *Old-Bailey*, (when that Great Patriot, but unfortunate Lord *Ruffel* was there Trying,) and the indirect use, by malicious Application of this pretended Self-Murder to the taking off him, of whom we were no longer worthy.—This gave to an Honourable Person then upon the Bench just Grounds to suspect, that this Noble Earl was murdered without Form of Law, the more easily to destroy that Great Lord under colour of Justice.

The Coroner's Inquisition, and the Depositions of *Bomeney* and *Ruffel* being carried in all haste to *Whitehall*, in order to their immediate publication; they were there perused, and it being found that *Bomeney* and *Ruffel* had point-blank contradicted each other; (for the first, as before observed, had sworn the delivery of the Razor the Day before my Lord's Death,) and the second, that it was not delivered till the Day of his Death: These Contradictions were not thought convenient to be exposed, lest they should give just Ground of Suspicion that the whole was forged; and therefore a Reconciler was ordered to amend the one, so it might be agreeable to the other, it matter'd not how inconsistent or contradictory they were in the Original, for those could be seen by none but the Coroner himself, in whose Custody they were; and it was to be supposed, that the Coroner would not then dare to contradict what Authority had ordered so to be printed; and hereupon was that Alteration made, as was before observed, in *Bomeney's* Information, page 899, but this done (as some Years since observed by an Ingenious Author upon this Occasion) without the least congruity either to Sense or Grammar; for nothing can be more apparent, than that the foregoing part of the Information relates wholly to *Thursday*: but at last, without any regard to what *Bomeney* had before sworn, on *Friday* the 13th Instant, is foisted in, contrary to all Rules of Grammar, and common Measures of Sense as well as Justice, which justly esteems this printed Information forged. This forged Reconciliation is done with the greatest incongruity and absurdness, as well as falseness imaginable; and I know not whether the Folly of the Suborner (for without doubt the Suborner and Reconciler in this case are the same, or of the same Stamp) or the Perjury of the suborned in that false Information, be most conspicuous.

The Soldiers that were in the *Tower* that Morning my Lord was murdered, having made such Discoveries as satisfied them my Lord was treacherously

treacherously taken off; they used too great freedom in their Discourse with relation thereunto; and therefore (as *Robert Meake* declared to two who have deposed it) 'An Officer called several of them together, and under severe Threatning injoined them not to speak one Word of what they had either seen or heard with relation to my Lord's Death. Wherefore the said *Meake* desired his Friends not to divulge what he had told them; for should it be known, it would prove his Ruin:' But some short time after, *Meake* declared (as three have deposed) 'That he did believe he should be privately murdered for what he knew, and had said with relation to my Lord's Murder, and therefore he desired *Bampton* or *Davidson* (as they have both sworn) to keep him Company that very Day, for he much feared he should that very Day be destroyed. But both of them (fearing the Danger themselves might be in) refusing, that very Night was the said *Meake* thrown into the *Tower-Ditch*.' As for *Ruddle* before-mentioned, all the Information I can have of what is become of him, is, That not long after my Lord's Death he was drawn out of the *Tower*, and sent to the *East-Indies*, and at *Fort St. George* shot to Death, but for what Reason I cannot learn. There was one *Mr. Hawley*, a Warder in the *Tower* that very Morning my Lord was murdered, and by what he had observed with relation thereunto, he had Reason to declare to a Friend, *That it was a Piece of Villany throughout*. This *Mr. Hawley* being in *Westminster-Hall* whilst I was upon my Trial, said, *He wondered what made me stir in it, when to his Knowledge I knew nothing of the Matter; upon which one Mr. B. said, Mr. Hawley, if you know Mr. Braddon knows nothing in this, what must you know? to which Mr. Hawley made no Reply*. But this Gentleman's Knowledge in the Matter cost him too dear; for about *March* next after my Lord's Death, being missing, one of the Warders, suspected to be a Papist, said, *Mr. Hawley had been prating about the Earl of Essex's Death, and therefore was forced to fly*. But six Weeks discover'd how he fled, for he was then found in a River by *Recheester* so changed through the Barbarity he had met with, that neither his Face or Body could be known by his nearest Relations; and his Clothes were all taken off except his Stockings and Shoes, by which he was discovered to be the Man; for he wore three Stockings upon one Leg, and two Stockings and a Cere-Cloth upon the other, and (as I have been informed) the Lining of the Toes of his Shoes cut out. By these remarkable Circumstances his Wife knew him. She had used all possible Diligence for finding her Husband; in order to which she offer'd in several *Gazettes* an Hundred Pound Reward to any that could discover his Body dead or alive, but it was six Week before he was found. Several of the Soldiers in the *Tower*, that Morning my Lord was murdered, I have been inquiring after, but have been told they were killed in the *West* against the late Duke of *Monmouth*.

But considering what Fate befel *Hawley*, *Ruddle* and *Meake*, before-mentioned, I have Reason to suspect that others may likewise have been murdered by Way of Prevention.

Besides such Addition of Blood, other violent Methods were used to prevent a Discovery, by

punishing such Soldiers as seemed to disbelieve (upon very good Grounds) my Lord's Self-Murder: This appears by his Information following.

Richard Jordan declareth, 'That (some time that Summer the Earl of *Essex* died, and not long after the said Earl's Death) he saw a Soldier tied to the Wooden-Horse in the *Tower* (by Order of Lieutenant Colonel *Nichols*) and whipt after a very cruel Manner.' And this Deponent heard the said Lieutenant Colonel tell the Soldier, he ought to be hanged. This Deponent further declareth, 'That he was just after informed by the Marshal that whipt the said Soldier, that by Order of Lieutenant Colonel *Nichols* he gave the said Soldier 53 Stripes (tho' the usual Number was but 12,) and that the said Soldier had lain a Fortnight before in close Custody, and been fed with Bread and Water, and all only for the Offence following; (*viz.*) *Some short Time after the Death of the late Earl of Essex, a Divine coming into the Tower, the said Soldier was sent with him to shew him the Tower; and as the Doctor was almost over-against Major Hawley's, the Doctor asked the said Soldier, which was the Chamber wherein the late Earl of Essex did cut his Throat? whereupon the said Soldier (pointing to the Chamber in which the Earl had been Prisoner) said, that is the Chamber in which it is said the Earl of Essex cut his Throat. The Doctor then asked the Soldier, what he did believe? To which the Soldier answered, That he did believe in God; but being prest by the said Doctor to tell him, whether he did believe my Lord cut his Throat? The Soldier then replied, he would not say he did believe it; for which only saying, the Punishment aforesaid was inflicted.*

And the more effectually to prevent any Discourse that might give the least credit to my Lord's being murdered, our then Misgovernment took all possible Care to punish, or rather oppress such as should declare their Belief thereof; amongst which one of the Coroner's Jury upon the Earl's Body, suffered under this Tyranny; for this Man, sometime after my Lord's Death, discoursing concerning the Earl's Death, and the several Irregularities which he observed practised upon my Lord's Body before they saw it, and how they were not permitted to make that Inquiry which was necessary; said to this effect; 'That he did believe they (*viz.* the Coroner's Jury) were all infatuated to bring my Lord in *Felo de se*; but he did suppose, had they not been hurried into their Inquisition, they should have found it otherwise.' For this Discourse this honest poor Man was prosecuted upon Information, and fined (at first I have heard) 300*l.* but it appearing he was very poor, his Poverty prevailed for a mitigation of his Fine; and his Age and great Infirmities of Body (together with the charitable Intercession of a Gentleman of Interest in the then times) avoided the corporal Punishment which he had otherwise undergone.

If such Practices as these were used by our then Court to prevent my Lord's but being suspected to be murdered, it could not be supposed that any Encouragement should be given to a full Detection, and therefore all Proposals in order thereunto, were to be rejected; an Instance whereof was as followeth, (*viz.*)

About six Weeks after my Lord's Death, there was a Letter (unsealed) left with one Mr. *Cadman*, then living in *Durham-Exchange*; the Letter was directed to the Right Honourable the Countess Dowager of *Essex*; the Substance of this Letter was, *That if her Honour could prevail with the King for the Author's Pardon, he would ingenuously make a full Discovery, how, by whom, and whose Order my Lord was Murdered: and this Letter did assure her Honour, that the DUKE of YORK and* — *were authorizing this Murder.*

This Letter was subscribed *P. B.*

By the Hand that writ it, and the Letter subscribed, it was *Paul Bomeney* before-mentioned, (who did once blasphemously say, *That he could as well tell how my Lord came by his Death, as God Almighty himself*) for the Letter was fairly writ, in an Hand between a *Roman* and an *Italian*, and such an Hand *Bomeney*, when he would write fair, did write; besides, the two Letters subscribed, are the Letters of his Name.

I do suppose it may be objected, That this Letter cannot be thought to be writ and subscribed by *Bomeney*; for the Letter, had it been brought in Accusation against him, and prov'd to be his, would have cost him his Life, seeing herein he confess'd himself Guilty of the Fact.

But, with Submission, I think *Bomeney* by this Letter, could it have been proved to be his own Writing, was in no Danger at all of being punished; for had they seized *Bomeney*, they would have caught a *Tartar*; should they have proceeded against him for this Murder, upon this Confession, the World would have believed the whole Contents of this Letter to be true; and consequently that the Duke of *York*, and — authorized (or rather commanded) this most treacherous Murder. And then pray consider what that Government could have got by such Prosecution, Conviction and Punishment.

This Letter was carried by *Cadman* to a Justice of Peace, and by him to the Secretary of State: But this Bookseller was never sent for, nor any Enquiry made after the Author.

The Backwardness of the then Government in not examining into the Matter, gave just Grounds of Suspicion they were too well satisfied in the Truth of the Contents; which was of such a Nature, as it could not bear an Inquisition; for that would have centred in *His Ruin*, who was then by Blood, and Cruelty, and other illegal and oppressive Methods, endeavouring the total Subversion of our Church and State; and this by the Removal of some of the Chief of those Noble Lords and Worthy Gentlemen, who had ever opposed their Arbitrary Designs. Amongst which, this Noble Lord and the Right Honourable the Lord *Ruffel* they did esteem two of the Chief.

Had none then in Authority and Power been concerned in this barbarous Treachery, and had our then Government had the least Desire to know this Truth, in order to a just Punishment of those bloody Villains; with what Diligence would they have search'd out the Author, who desired no other Reward than the Security of his Life; and in order to his Indemnity (if they could no otherwise have found him out) a Proclamation of Pardon would immediately have been issued forth, by which the Author would have been assured of his Life; and then, without doubt, according to his Promise; would have

laid open this bloody Deed of Darkness? Hath our Age ever seen, or known recorded, any Murder (admit this one) committed within this Kingdom, that hath been (all its Circumstances considered) attended with such Aggravations? We have seen a Reward of 200*l.* (as well as a Pardon) by Proclamation offered for the Discovery of those bloody Ruffians, who barbarously wounded (but design'd to have murdered) that worthy Gentleman, Mr. *Arnold*. And was there not 500*l.* and a Pardon by Proclamation promised to Him or Them that should detect the Murder of Sir *Edmundbury Godfrey*? Such Means as these would have been likewise in this Case used, if such who then misled *Charles II.* and corrupted the State, had not been the deepest in this black Contrivance. —

This *Bomeney*, soon after my Lord's Death, gives an eminent Divine an Account to this Effect, (*viz.*) *That his Lord did use to be taken with sudden frensical Passions; and in particular, with one that Morning he died, just before his Death: For* (said this vile *Judas*) *as soon as my Lord saw my Lord Ruffel go to his Trial, he struck his Breast, and said, Himself was the Cause of my Lord Ruffel's Misery, seeing he had vouched for that Gentleman whose Treachery would prove my Lord Ruffel's Ruin, &c. and hereupon fell almost distracted.* — But this Fellow's repeated Oaths give the Lye to this Forgery. Before the Coroner, in the **Pag. 918,* Conclusion of his first * Deposition, he swears, *That on Thursday-Night, (which was the Night before his Lord's Death) the Earl was very merry at Supper, AND DID NOT SEEM TO BE DISCONTENTED THE NEXT DAY.* And when one of the King's Counsel at my Trial, ask'd such a Question as seem'd either to imply my Lord's being Melancholy, or else would have had Mr. *Bomeney*. — For the Question was thus worded, (*viz.*) *Did you observe your Lord Melancholy, Mr. Bomeney?* *Bomeney* answered, *Yes; but we took no Notice of it; for he us'd to be so, and we had no Reason to suspect any Thing more than ordinary.*

Had this Varlet rested in the general Affirmative, without proceeding farther, his Answer would (it's probable) have better served the Design of the Question: but by the latter-part of his Answer, he destroy'd that Service which the first Word [*Yes*] might have otherwise done. And observe what a point-blank Contradiction this Evidence at the Trial is to what he deposed (before the Coroner) the very next Day after my Lord's Death, when (had this been true) it would have been fresh in his Memory, and he would (without doubt) have sworn it. But this was according to some After-instruction, not thought of at the Time of the Coroner's Inquest.

In the next place, I shall give you some Account of what was sworn against one Mr. *Holland*, so much talk'd of in this Affair, by which you will have some ground to suppose a more convenient Instrument than a Razor gave this barbarous and treacherous Wound.

The Information of *Richard Davis*, of the Parish of *St. Mary Somers*, London, School-master, taken before *J. Cardran*, Esq; Justice of the Peace for the County of *Middlesex*.

THIS Informant saith, *That a little after the late Duke of Monmouth was routed in the West, one Mr. J. E. (to the best of this Informant's remem-*

remembrance) told this Informant, That it was almost universally whispered amongst the Acquaintance of Mr. John Holland (formerly Servant to the Earl of Sunderland,) That the said Mr. Holland had confessed to one Mr. D. of his intimate Acquaintance, (and afterward concerned with Holland in the Robbery of Mr. Gatford, for which both were condemned, and the said D. executed, but Holland pardoned,) That the said Holland was concerned in the Murder of Arthur late Earl of Essex, in which he was employed by the Earl of Sunderland, upon this occasion, (viz.) The said Mr. Holland one Day waiting on my Lord Sunderland, his Lordship seemed much disturbed with Passion; upon which, the said Holland told his Lordship, That if his then coming to his Lordship had so discomposed him, he would withdraw, and wait on his Lordship some more convenient time; whereupon my Lord said, That he should tarry, for it was not with him (the said Holland) that he was angry, but with others; and that he was concerned to think that of so many Servants his Lordship had made, and been so very kind to, he had not one he could trust, or would serve him (or Words to that Effect;) upon which, the said Holland replied, He was then ready faithfully and punctually to observe his Lordship's Commands in any thing. My Lord then discovered to the said Holland the designed Murder of the said Earl of Essex, and would have the said Holland therein to be engaged, to which the said Holland readily consented; and that the said Earl's Throat was cut with a large Knife, and not with a Razor. And this Informant was then further informed, That the said Holland had further declared to the said D. That some People were afterwards made away for blabbing what they knew concerning the said Earl's Death; and that the said D. had charged the said Mr. Holland, before several of their Acquaintance one Day drinking together, with what the said Holland had confessed to him the said D. as aforesaid; and that he the said Holland being so charged, seemed much dejected, but could not deny it. This Informant further maketh Oath, That one D. P. about three Years since, did give this Informant almost the same Account with relation to Holland and D. And the said D. P. did further tell this Informant, That when the said Holland and D. were committed to Newgate for robbing Mr. Gatford, the said D. P. went to see the said Holland in Newgate, to condole his Condition; but the said Holland was very cheerful, and told him the said D. P. He was secure of his Life, and likewise not to want Money as long as the Earl of Sunderland was living. The said D. P. did likewise then further tell this Informant, That the said Holland (as soon as he was committed to Newgate for the foresaid Robbery) sent to my Lord Sunderland for some Money, and that his Lordship sent him the said Holland sixteen Guineas. And this Informant hath been told by several, That the said Lord Sunderland hath many times supplied the said Holland with Money.

When Holland was imprisoned for Mr. Gatford's Robbery in Newgate, my Lord Sunderland sent often thither, and took a more than ordinary Care of him; whereupon Major Richardson told my Lord's Gentleman, That he did much wonder his Lordship would be so kind to so profligate a Fellow. To which it was answered, That his Lordship had a very great Kindness for Holland, because he had been Servant to my Lord Spencer

(my Lord Sunderland's Son;) but it seems somewhat else was in the Matter; for it's deposed by John Waytis, "That observing Holland to be frequently furnished with Money by my Lord Sunderland, and ———, this Informant asked Holland how his Lordship became so kind to him? To which Holland replied (with his usual Phrase) *Damn him, he had done that for him, that HE DURST NOT DO OTHERWISE*: And when this Informant was once saying, It was whisper'd that the late Earl of Essex was murdered; Holland said, *Damn him, it was not a Farthing matter if Twenty such were taken off.*" He that so little valued the Lives of Twenty, would not in all probability much boggle to be concerned in the murdering One.

Holland writ a Letter to the Earl of *Feverisham*, wherein he represented me as endeavouring to suborn him to appear an Evidence in the Case of the late Earl of *Essex*; which Letter was read in the House of Lords. But that which Holland falsely called *endeavours to suborn*, I shall truly and faithfully (as it can be prov'd) declare, and appeal to every impartial Reader, Whether it deserves that infamous Name.

Having some reason to believe Holland one of the Ruffians, I did use all Means possible for his Apprehension; but I found that Holland lay very private, and, as I had reason to believe, designed to fly beyond Seas, (as his own Letter before mentioned declared.) Hereupon I applied myself to some of Holland's Acquaintance, and by them being brought to Mrs. Holland, I told her, That I had reason to believe her Husband was concerned in this villainous Murder, and herein I was confirmed by Mr. Holland's absconding; for Innocence desires a Trial, but Guilt still flies from Justice. I then told her, That if her Husband were really guilty of this Fact, and would immediately surrender himself, ingenuously declaring, *how, by whom, with whom, and for what he'd do this barbarous Murder*, her Husband should have a general Pardon, and both Him and Her provided for: But if her Husband was innocent, (notwithstanding whatsoever was said to the contrary,) and should take upon him a Crime (for any Advantage whatsoever) of which he was not guilty, he deserv'd to be Hang'd here and Damn'd hereafter, seeing by his Perjury he would make Justice an Instrument of executing the worst of Murders. ——— But if he were indeed the Man, and should surrender himself, and discover the whole Matter, he must be sure to keep within the Limits of Truth; for should he be detected in the least Perjury, no Man was ever more vigorously prosecuted, nor any more severely punished, than he (for such his Perjury) must expect to suffer.

These were the Arguments with which I would have suborn'd (as that Letter calls it) Holland to a full Discovery: And I do appeal to all the World, Whether, admitting this to be true, (as it will be proved when occasion serves) I deserve this villainous Charge. For the Truth of this, I do appeal to the Consciences of Mrs. H. Mr. P. and Mr. S. with whom I several times treated in this Affair.

I shall now mention one or two more Objections against my Lord's being murder'd, and then draw to a Conclusion. The first is this, viz. the Right Honourable the Lady Countess-Dowager.

ager of *Essex*, having heretofore declared (whether lately, I cannot say) That she did believe her Lord cut his own Throat; and being so possessed, some time after this Committee had several times sat, she desired several Lords (amongst which some were of this Right Honourable Committee) to meet at her House; and after her Honour had acquainted their Lordships with the occasion of her Request, an eminent Divine (and now Bishop) did inform their Lordships what were the Reasons that moved her Honour to believe that her Lord did indeed lay violent hands on himself; *the Chief, if not the Only* whereof, was, *That some short time before my Lord's Commitment to the Tower, his Lordship seemed to be under a great concern of Mind; but then declared, That the Trouble he was in did not arise from any Thoughts of Self-preservation, for Himself was the least of his Care; but the Thoughts of his Family, what would after his Death become of them, was what did indeed trouble him: As for himself, he was resolved what to do; SEVERAL TIMES VERY RESOLUTELY REPEATING THAT EXPRESSION, AS FOR MYSELF, I AM RESOLVED WHAT TO DO.* This I was told by a Gentleman then present, who (as I have great Reason to believe) would have represented every Thing to the best Advantage (as far as Truth would permit) on the Behalf of such Objections. But, with all Submission to such Judgments as are sway'd with this Objection, I think it carries not that Force which many imagine: For is there *nothing* to which that Resolution of his Lordship might so probably have relation, as a *Self-Destruction*? Was that the *only*, or the *most likely* thing he was resolved to do? I do humbly conceive, a little Consideration may afford us both a more charitable Opinion of his Lordship's Resolution, and somewhat *more probable* than Self-Murder to be assigned as what his Lordship *was resolved to do*. For when I consider the Time when his Lordship was apprehensive of the like Danger as threatned him just before his last Imprisonment, (*viz.*) when my Lord *Shaftsbury* and my Lord *Howard*, &c. were committed to the *Tower*, and a Gentleman who had a very great Honour for his Lordship, (as all good Men had, who had the Honour to know him) in true Zeal for his Lordship's Preservation, (having heard that the Court designed likewise to commit my Lord of *Essex*, and to take off many in Form of Law; or rather, that which they falsely called so,) went to his Lordship, and informed him of what he had been told, and humbly submitted it to his Lordship's Judgment, Whether it were not proper for some time to withdraw, till the Fury of the Court by time was a little appeased? This Gentleman told his Lordship, He found by the Papists, that they did design to take off several; and his Lordship being to their Arbitrary and Popish Designs as great and profess'd an Enemy as any, he did fear his Lordship might not be safe from their pretended Justice, when once within their Power. My Lord hereupon smiled, and said very sedately, and yet very resolutely, *That he would not stir, though he did expect the Court would proceed very far, not only to the Imprisoning, but against the Lives of many; and if God in his Providence should think fit to suffer him to fall a Sacrifice to the Malice and Rage of the Court, he did hope, and did not doubt, but the World should see that he could die*

with as GREAT RESOLUTION as ever his Father did; for he was ready at all times, and upon all Occasions, to lay down his Life for his Country.

Reflecting therefore on my Lord's declared Resolution of his not stirring, though then under the like Danger, as in this Case apprehended, and with what *Readiness, Courage, and Cheerfulness* he could lay down his Life for his Country; and likewise the Knowledge that he may be supposed to have of the then Court-Designs (*which those Villains, nine Days before his Death declared; for it is * sworn the Papists then said, The Earl knew so much of their Designs, and was so very averse to their Interest, that they could never carry them on, UNLESS HIS LORDSHIP WAS TAKEN OFF; AND HIS LORDSHIP WAS THEREFORE TO BE MURDERED.*) I say, when I consider these Things, and that the more this Honourable Lord knew of the black Intrigues of the Court, the more so good a Man, and so true a Patriot must be supposed to hate them; I can't but imagine that this brave State-Champion, when he had been once satisfied, that the Court, under Colour of Law, would have taken him off, had RESOLVED AS TO HIMSELF, to lay open those Popish Arbitrary Court-Contrivances, and justified that just Design of standing upon their Guard; there was no other Way (under God) to defend what was so grossly invaded. Now, though his Lordship might suppose, by dealing thus plainly, he should the more exasperate the Court; so that their Malice would be more inveterately bent in his Destruction; yet *that he declared he FEARED NOT, but was ready cheerfully to lay down his Life in so just a Cause.* And should this daring true Lover of his Country have thus expired, by his State-Martyrdom, he would have given such Satisfaction in the Truth of what he thus courageously, with his last Breath, should have affirmed, as would have raised a general Hatred against those Arbitrary and Popish Court-Resolutions; and this might so suddenly have given another so general a Resurrection to that just Cause, as would have totally routed those true and only Enemies of both Church and State. Our then Enemies, under Colour of Law, were indoltriously endeavouring the total Subversion of our Laws; and whilst in *shew* they seemed to maintain the *Protestant Church*, they were secretly contriving its *total Destruction*, by wresting those very Laws which were chiefly designed as *destructive* to Popery, and making them *productive of what they were enacted to destroy*: For by a malicious and furious Prosecution of all Protestant Dissenters, they did hope to raise so general Animosities between the Conforming and Non-Conforming Protestants, that they might, through such Division, have an Opportunity to fulfil that notorious Jesuitical Maxim, *Divide & Impera.*

The late Earl of *Essex* had the least Reason to despair of the late King's Mercy; for should his Lordship have been convicted through False Evidence, or Corrupt Judgment in the Court, by their adjudging that to be Treason which the Law never made, or designed to make so, (as they did in the Case of the Right Honourable the Lord *Ruffel*, and some others;) no Nobleman in *England* had better Grounds than his

Lordship to presume upon the late King's Mercy, seeing his Lordship's Father had sacrific'd his Life in that King's Service; wherefore his then Majesty had good Reason to declare (when His Highness, not many Hours before the Earl's Death, said, *the Earl ought to be taken off*) that he was resolved to spare his Lordship for what his Father had suffered; (this you find before

* *Hughs and Gladwin, 915.* by * two sworn to be declared by *Ruddle*, who heard it that very Morning my Lord was murder'd;) And this Account of *Ruddle* seems the more probable by what his then Majesty is generally said to have declar'd soon after he heard of that deplorable Accident, (*viz.*) *That he did much wonder his Lordship should murder himself, and not trust to his Mercy, seeing he ow'd him a Life.*

Considering therefore that his Lordship had so good Cause for Hopes of Mercy under the greatest Danger [even Conviction,] there is the less Reason to believe, **THAT HIS LORDSHIP HAD RESOLVED TO DESTROY HIMSELF.**—I find this Objection from the Right Honourable the Countess Dowager of *Essex*, hath been generally us'd as what should convince every Man that the late Earl did indeed cut his own Throat.—But I would fain ask those Gentlemen (who immediately run away with this as what is sufficient to answer whatsoever seems to prove the contrary) *Whether it is within the Power of Belief or Disbelief of a Fact, either to alter the Nature, or destroy the Existence of a Fact.* Most certainly none will be so ignorant as to assert, That any Thing becomes true by being believ'd, or false by being discredited, for then, according to different Persuasions, a Thing would be, and not be at the same time, which is impossible. Wherefore no Man should be implicitly sway'd by the bare Belief, or Disbelief of another, (without knowing and examining the Reasons of that Belief, or Disbelief) for this is to act in the Belief of *Matters of Fact*, which we justly condemn in the Church of *Rome* in *Matters of Faith*.—But when the Truth of a Fact is question'd, and Reasons given *pro & con*, every Man is naturally sway'd by those Testimonies which to him seem the strongest for the *Proof, or Disproof* of that Fact; and no Man (but such as are easily impos'd upon, or are willing to impose upon others) will oppose to such Evidences as naturally proves a Fact, another's bare Disbelief of the Fact. But before any unprejudic'd Person will be influenc'd (by another's Disbelief) against the Proof of the Fact, he will know, and well weigh the Grounds of that Disbelief, and compare their Strength and natural Efficacy with that Evidence that seems to prove the contrary; and having judicially weigh'd both in an unprejudic'd Balance, which Side draws down, **MUST** naturally draw his Belief; for no Man can believe what he would, but every Man **MUST** believe according as his Judgment stands inclin'd to assent upon such Evidence as to him seems sufficient. — Prejudice, I must confess, naturally indisposes and corrupts Men on either Side according as they stand affected: For as some are induc'd to **ASSENT** upon such Evidence as is in itself **INSUFFICIENT**, so others many times **DISSENT** upon such as is **SUFFICIENT**. Amongst the first of these (*viz.*) the **CREDULOUS**, a Reverend B. some time since rang'd me. For tho'

his Lordship (heretofore) did charitably excuse me from any Malice or ill Design, yet (as I have been credibly inform'd) he hath been pleas'd to say that I am of a *very strong Imagination, and possessed with a Fancy that a Thing is, without rational Grounds to believe the Thing to be.* But I dare now appeal to his Lordship's own Judgment, whether Credulity is more justly chargeable on the *Belief* of the Self-Murder, or its *contrary*. That is to say, whether such as believe the late Earl of *Essex* murder'd himself, because his Lordship, some Days before his Death, several times declared, *as for himself he was resolved what to do.* * And because *Bomeney* pretended (contrary to what he twice swore) that Morning of his Lordship's Death, my Lord was taken with a Fit of a Frenzy; and because *Bomeney, Monday, Russel* and *Lloyd* (the three latter being three of those ^b in whose Custody my Lord was, and who, as *Mr. Attorney* in his Information against *Mr. Speke*, and myself, sets forth, were consequently charged with my Lord's Murder) to save their own Lives, with Halts about their Necks, endeavour to prove his Lordship a *Felo de se* by their Relation, which in every Part is contradictory to each other.

For *Bomeney* first ^c swore he delivered my Lord the Razor about Eight of the Clock in the Morning the very Day of his Death, and within two Hours ^d depos'd, ' He did deliver this Razor to his Lordship about Eight of the Clock on *Thursday*-Morning, the Day before his Death. But *Russel* ^e depos'd, ' That he saw this Razor delivered by *Bomeney* about Eight or Nine of the Clock on *Friday*-Morning (being the Day my Lord dy'd) and did ever declare, and still asserts that this Razor was delivered **AFTER** *Monday* the Warder had lett my Lord's Chamber-Door, and that it was delivered ^f *within less than half an Hour* of the time they found his Lordship dead in the Closet; both which ^g *Monday* (if Contradictions can) confirmed by declaring that this Razor my Lord had, and pared his Nails with it. When his Lordship's Chamber-Door was first opened that Morning (*viz.*) about Seven of the Clock, **BEFORE** *Russel* came up Stairs to stand Warder at the Door; *Bomeney* first ^h swore that he first opened the Door upon my Lord's Body; in his ⁱ second Information depos'd, ' That he did not, but (seeing Blood, and Part of the Razor through the Chink) he call'd *Russel* the Warder, and *Russel* push'd the Door open; and in his third Oath declared, ' He knew not who open'd the Door.' *Russel* ^k depos'd before the Coroner, ' That he first open'd the Closet-Door, the Key being on the Outside (and he mentions no Difficulty in the doing it,) but *Monday* ^l declared, ' The Day my Lord dy'd. (and afterwards confirm'd the same) ^m ' That my Lord's Body lay so close against the Door, that neither *Bomeney* nor *Russel* could stir the Door; but

^a To an Eminent Divine.

^b Vide before page 908.

^c Before the Coroner. Vide the Deposition, page 918.

^d Vide the Second Deposition, page 901.

^e *Russel's Deposition, p. 901.*

^f *R's Deposition, page 901.*

^g Whitechurch and Jorden, page 918.

^h *Bom. Dep. page 918.*

ⁱ *Bom. Dep. page 901.*

^k Page 901.

^l *Whitechurch's Inf. page 918.*

^m *Jord Inf. page 918.*

' he

he being much stronger than either, thrusting with all his might, broke it open.

These Mens Depositions and Relations *THUS AGREEING in every Part in Proof of the Self-Murder, can't but satisfy all Men (except such as are, like myself, of strong Imaginations, and too easily inclined credulously to believe the contrary.)*

And whereas *Bomeney, Monday* and *Ruffel* have ^a deposed, or often declared, 'That the Razor was lock'd into the Closet with the Body, and ^o no Razor thrown out of my Lord's Chamber-Window before his Death was discovered.—

It's ^p proved (I do humbly conceive, to the satisfaction of more than the Credulous) that there was

a bloody Razor thrown out of my Lord's Chamber-Window (which is about sixteen Foot from the Closet where the Body lay) and the Maid who carried up this Razor, first discovered my Lord's Death to those out of the House (wherefore the Razor was afterwards laid by the Body for to colour the (pretended) Self-Murder) and when my Lord's Body was seen in the very Posture in which the Warders pretended it was first found,

his Lordship's Legs ^q lay part outside the Closet-Door (and therefore the Door could not be lock'd) and upon his Stocking the Print of a bloody Foot coming out of the Closet; wherefore somebody before that, and after my Lord was dead, had come out of the Closet.

Is there not rational Grounds from the many Contradictions before observed, for any Man (though not possessed with Prejudice against the Self-Murder) to believe that there was no Razor delivered to my Lord just before his Death, nor the Closet-Door lock'd upon the Body, or the Razor first found lying by the Body (as these have sworn, whose Interest and Lives depend upon the Proof of the Self-Murder) and consequently their Relation a Forgery throughout, by which they would prove his Lordship Felo de se.

But farther, to excuse from *Partiality* such as disbelieve the Self-Murder upon the Evidence before observed in all Parts contradictory; and from *Credulity*, because they are persuaded that his Lordship fell by Treachery and Violence, seeing they find it ^r sworn to this effect; (*viz.*) That about nine Days

before my Lord's Death, the Papists declared, That because the Earl of *Essex* knew so much of their Designs, and was so very averse to their Interest, he was to be taken off; and that his HIGHNESS HAD CONCLUDED AND ORDER'D HIS THROAT TO BE CUT, and had promis'd to be there when it was done; and about three Days after these Men said that it was resolv'd the Earl's Throat should be cut, but they would give it out he had done it himself; and if any should deny it, they would take them up and punish them for it; and the very Day it was done, after my Lord's Murder, they seem'd extremely overjoy'd, and confessed, THEY HAD DONE THE FEAT, AND COULD BUT LAUGH TO THINK HOW LIKE A FOOL THE EARL OF ESSEX LOOK'D WHEN THEY CAME TO CUT HIS THROAT; and that this is not a new-made Story, but long since revealed to many who did caution this Deponent, to Secrecy,

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appears by the Testimony ^u of six or seven Witnesses; and for a farther Confirmation of the Truth of that Consult, ^x three Depositions which were made to destroy the Credit of that Deponent, are detected, and (by ^y many Witnesses) proved false in every Part; but as farther rational Grounds (and not Strength of Imagination) for this barbarous Murder, ^z Eight Witnesses have proved, That before the Earl's Death, or before his Death could be known, was it reported in many Parts of *England*, that the Earl of *Essex* had cut his Throat in the *Tower*; all these several previous Reports agreed in the manner how, (*viz.*) cutting his Throat; and place where, (*viz.*) the *Tower*; (though at some of those Places when so reported, it could not be known that the Earl of *Essex* was a Prisoner in the *Tower*) and one of these previous Reports, the next Day after my Lord's Commitment, (*viz.*) the *Wednesday*, pretended to give the Reason wherefore the Earl cut his Throat (that is to say) because the King and Duke being in the *Tower*, he was afraid his (then) Majesty would have come up into his Chamber, and seen him; but his Guilt and Shame was such, as he could not bear the Thought of it, and therefore cut his Throat to avoid it: This being said about 60 Miles off, two Days before the King and Duke went to the *Tower*, and the very next Day after my Lord's Commitment; wherefore many that are not of too strong an Imagination credulously to believe without Grounds from those very particular previous Reports, as to Manner, Place, and pretended Reason, are apt to think that the MANNER HOW, THE PLACE WHERE, AND PRETENDED REASON (to be given out) WHEREFORE, were all previously agreed upon some Days before my Lord's Death; for they cannot perceive how my Lord's Death, in all its Parts (as it was afterwards pretended to be acted) could be so particularly related in so many, and far distant Places from each other.

And though those who had my Lord in ^{*} close Custody, to excuse themselves from a barbarous and bloody Treachery, did declare, That no Men were let into my Lord that Morning he died; yet many rational Men, not credulously inclined to believe without Cause, are verily persuaded to the contrary, because it is ^a proved, That two Soldiers, (who have been prevented from giving their own Relation) the Day of my Lord's Death declared, That they saw his HIGHNESS send two Men to the Earl's Lodgings to murder the Earl, and that his HIGHNESS did send two Men towards the Earl's Lodgings just before his Death, and that these two Men soon after returned, and said, *The Business was done*, appears by the ^b Testimony of him ^b Mr. *Effington*, p. 916.

^u Mr. Rowden, Mrs. Rowden, Mrs. Mary Rowden, Mr. Adams, Mrs. Adams, Mr. May, and Mr. Tournay. p. 911, 912. ^x Mrs. Hewit's Christopher's, and Mr. Swan's, p. 912. ^y Morris, Dupine, Coldham, Douthwaite, Bond and Mr. Wellstead, p. 912, 913. ^z Mr. Hubland, Mrs. Hubland, Mrs. Meux, Trehern, Burgis, Savage, and Mr. Butteo Maynoe, *viz.* attest the same, p. 913, 914.

^{*} Monday and Ruffel declare this before the Lords.

^a Hughes and Gladwin, Bampton and his Wife, p. 915.

who saw His HIGHNESS send those Men, and their Return to His HIGHNESS :
 And it's farther ^b proved, That the Sentinel who kept my Lord's outward Door, confessed, by special Order he let in two or three to my Lord, (of which *Webster* was one, who that Night produced my Lord's bloody Pocket-Handkerchief, and the next Day a Purse of Gold of 49 Guineas and a Pistole, tho' he was very poor before) just before his Death ; and that upon those Mens going into my Lord's Chamber, there was so great a trampling and bustling, that the Sentinel would have forced in after them, but could not, because the first Door was made fast ; and that upon the Bustle, he heard somewhat thrown down like the Fall of a Man, which he did believe to be my Lord's Body ; soon after which, it was pretended my Lord cut his Throat : And for what those Men were thus bustling, appears by the *Murder* which was several times very loud and very dolefully cried out during this Bustle ; and this heard by ^c one who saw this Bustling, and soon after revealed it, but was cautioned to Secrecy for her Safety, by ^d him who in this respect upon Oath hath confirmed the same : And that his Lordship made use of his Hand to prevent, as well as his Tongue to discover that Villany, which he saw designed his Destruction, is verily believed by those who find it proved, That there were several Cuts in my Lord's Right-hand, (viz.) ^e One upon his Fore-finger, near the Top ; another on the same Finger next the Hand ; ^f One upon the Fourth-Finger, another on the Little-Finger, and a fifth ^g about two Inches long in the Palm of his Hand. And lest my Lord's Cravat, which was ^h cut in three Pieces, and the Print of a bloody Foot upon my Lord's Leg, as before observed, (with other Circumstances, which might have been discovered, had the Jury seen the Body in its first Posture, and the Clothes in which his Lordship died) might have occasioned a Discovery, speedy Care was taken that the Body should be ⁱ stript (though His then Majesty had ^{*} ordered all Things to remain till the Coroner's Jury saw the Body) and the Clothes carried away, and the Room and Closet washed, before the Jury sat upon the Body. And when ^k one of the Jury desired to see the Clothes in which my Lord died, the Coroner hereupon was immediately call'd into the next Room, and returning in some Heat, told the Jury, it was the Body, and not the Clothes they were to sit upon ; the Body was there, and that was sufficient ; and when it was perceived that ^l some of the Jury were doubtful of my Lord's Self-Murder, because his Lordship was (very deservedly) esteemed a very good Man, and therefore not to be thought *Felo de se* : Major *Hawley*, to remove this Objection, and to corrupt the Jury with a Lye, tells them to this effect, (viz.) That whosoever did believe Self-Murder unlike my Lord of *Essex*, did not know his Lord-

ship, for every Man that was well acquainted with the Earl, knew that it was a fixt Principle in his Lordship, that any Man might cut his Throat, or otherwise dispose of his Life, to avoid a dishonourable and infamous Death ; and therefore this Action was according to the Lord of *Essex's* avowed Principles. — But when Major *Hawley* was charged (before the Lords) with this Suggestion, he did utterly deny it, and professed that he never heard it said to be my Lord's Principle, till their Lordships charged him with having suggested it, and therefore he could not suggest it : Besides, he was not nigh the Jury at the Victualling-house any time whilst they were there upon their Inquisition : But the Major had given them another reason not to forget his being then there ; for (it is proved by one, and ready to be proved by many then present) that some of the Jury were for adjourning their Inquisition, and immediately to give notice to my Lord's Relations, so that if any thing could be proved on my Lord's behalf, it might be heard : This Major *Hawley* steps in and prevents it, by protesting ^m that his (then) Majesty had sent an Express for their Inquisition ; and his Majesty had declared, That he would not rise from Council till it was brought, and therefore they could not adjourn, but must immediately dispatch. — In answer to this, the Major protests that he was not near the Jury at that House, and so did not, or could hasten them. But the Major was so well known to the Coroner, Surgeons, and Jury, that it is highly improbable all should be mistaken.

The timing my Lord's Death, and the speedy hurrying it away to the *Old-Bailey*, and the immediate use that was made thereof as an Evidence from Heaven of his Lordship's Guilt, and of the Truth of the Charge against the Right Honourable the Lord *Ruffel*, then upon his Trial, and the corrupt Influence it had upon the Court, Counsel and Jury, (so that they did at one stroke virtually destroy two of as great Patriots as this Age or Nation ever knew, and of whom we were no longer worthy ;) This might be used by Impartiality it self as a probable Evidence of this treacherous Cruelty.

The unjust Methods and Violence used to prevent any search after, or discovery of this unfortunate Lord's Death, are farther rational Inducements for sober Men to believe this Murder, when they find that ⁿ I was committed as soon as I came to *White-ball* with the Persons to be sworn with relation to my Lord's Death, and this before either my self, or any Person had been examined, and consequently before any thing criminal could appear against me : And afterwards Mr. *Speke* and my self prosecuted, and represented (especially my self) as the worst of Criminals, tho' nothing like a Crime was proved against me, admitting, for true, every thing sworn at my ^o Trial, where those in whose Custody my Lord was, ^p and consequently whom we would have accused of my Lord's Murder, were called a CLOUD of Witnesses to prove the Self-Murder.

The Prosecution of ^q one of the Coroner's Jury, for declaring, ^r That he believed they, (viz.)

^b *Lloyd's Confession, Mr. Story, Mr. Temple, p. 914.*

^c *Mrs. Pascomb, p. 914.*
^d *Mr. Perkins, p. 915.*

^e *Mr. Stullingsford, p. 924.*
^f *Turner and Peck.*

^g *Mr. Sherwood the Surgeon, p. 924.*

^h *Mary Johnson, who stript the Body, confessed this*

Johnson and Tooley, p. 917.
and *Alice Carter* declared the same.

ⁱ This is sworn by the Coroner, and several of the Jury

^{*} *T. Howard, Esq;*

^k *Mr. Fisher, p. 923.*

^l *Mr. Fisher, p. 924.*

^o *I do appeal to the Trial as Printed.*

^p *Vide p. 928.*

^q *Mr. Colson, p. 926.*

the Jury were all infatuated to find his Lordship *Felo de je*; but he did suppose, had they not been hurried, they might have found it otherwise, is another Instance of the Severity of the Government, with relation hereunto; and the cruel Usage

of an ^r old Soldier, in feeding him with Bread and Water in the Hole, and afterwards causing him to receive Fifty-three Stripes with great Force (tho' the usual Number was but Twelve,) and then telling him, He ought to be Hanged for saying what he did, and so discarded him; and all this, only for declaring (when pressed to give his Opinion with relation to my Lord's Death,) Whether he did believe his Lordship cut his own Throat? Declared, *That he would not say he did believe it.* But greater Cruelties than these, some bloody Men may be supposed to have used to prevent a Discovery of my Lord's Murder; for

^r Vid. p. 926. Mr. Hawley, who ^c *KNEW THAT I KNEW NOTHING WITH RELATION TO MY LORD'S DEATH; and his too freely imparting his own Knowledge in the Matter, is thought to have caused him (not to run away, but) to be murder'd.*

And honest Robert Meake ^r protested the very Day he was murder'd, that he did fear that same Day he should be murder'd for what he knew, and had declar'd concerning my Lord's Murder; and the very next Morning was found dead in the *Tower-Ditch*.

And whether poor *Ruddle* was shot to Death in the *Indies*, (where I've heard he so dy'd) for his knowing and revealing what he knew of this Murder, Time may discover.

To proceed no farther.

Now whether that CLOUD of (Three or Four) ^u Witnesfes, in whose Custody my Lord was, to avoid being

^u Page p. 928.

charged with treacherously consenting to my Lord's Murder, with Halters about their Necks, by Contradictions endeavouring to prove the Self-Murder, — or that GREAT CLOUD of (upwards of Sixty) Witnesfes (for more have been, and will be examin'd with relation to my Lord's Murder) which swear not for their own Lives, but stand *reſti in Curia*, being Persons unprejudic'd, deserve the most Credit — must be left, first, to the Right Honourable the Lords, before whom this Cause will (in convenient Time) be reviv'd; and afterwards to such other Judicatures before which this Matter may hereafter be brought; till when it is not proper to publish what might be farther said. — But I do humbly conceive I have herein already furnish'd you with sufficient Grounds to satisfy some (who have been deceiv'd by Misinformation) that there are more Arguments than they could have expected, to clear his Lordship's Innocence, and less Reason for them to believe, that I have us'd such villainous Practices as my greatest Enemies have suggested, or (as some of my pretended Friends would insinuate) am possess'd with such heat of Imagination, as credulously to believe a thing to be without rational Grounds to convince me that it is.

Sir, As you already have, so I doubt not but you will (as becomes a Friend) endeavour to rescue me from the Slanders of such as have unjustly accus'd me; and likewise from those Reproaches which have been uncharitably taken up against,

S I R,

April 15,
1690.

Your highly obliged, and ever
faithful Friend and Servant,

L. B.

CXXV. The Trial of Sir SAMUEL BARNARDISTON, Bar. at Nisi Prius at the Guildhall of London, for a Misdemeanour, Feb. 14, 1683. 36 Car. II.

HERE being in *Hillary-Term* last, an Information in the Court of *King's-Bench* preferred by His Majesty's Attorney-General against Sir *Samuel Barnardiston*, for a very great Misdemeanour: Upon Oath made, that he was so extremely indisposed, that he could not appear in Person without danger of his Life; The Court were pleased to respite his Recognizance, (which he by Order of the Lords of his Majesty's most Honourable Privy-Council, entered into the last Vacation, to appear in Court the First Day of this Term) and to allow him the Liberty of Pleading to the Information by Attorney, which he did. And *Thursday* the 14th of *February* 1683, being the Session of *Nisi Prius*, after the Term holden for the City of *London*, and County of the same, was appointed for the Trial of this Cause, and accordingly then the same came on,

and was tried before the Right Honourable Sir *George Jefferies*, Knight and Baronet, Lord Chief Justice of his Majesty's Court of *King's-Bench*, in this manner.

Clerk. Call away, *Crier*.

Crier. You good Men of *Nisi Prius*, summoned to appear here this Day between our Sovereign Lord the King, and Sir *Samuel Barnardiston*, Baronet, answer to your Names, and save your Issues.

Cl. Thomas Vernon and his Fellows. *Vous avez plein Inquest.* Call the Defendant Sir *Samuel Barnardiston*.

Crier. Sir *Samuel Barnardiston*, come forth, or this Inquest shall be taken by your Default.

Mr. Williams. He appears.

Cl. Gardez vostres Challenges. Swear *Thomas Vernon*.

Cr. You shall well and truly try this Issue, between

between our Sovereign Lord the King, and Sir Samuel Barnardiston according to your Evidence. So help you, God.

C. Percival Gilburn. Who was sworn, and so the rest.

The NAMES of the Twelve were these.

Thomas Vernon,	} Jur'	Samuel Newton,
Percival Gilburn,		George Torriano,
Edward Boverly,		Kenelm Smith,
William Withers, Sen.		Thomas Goddard,
James Wood,		Thomas Amy, and
Robert Masters,		Richard Blackburn.

Then they were counted, and Proclamation made for Information, in usual manner.

Mr. Poultney. May it please your Lordship, and you Gentlemen of the Jury; this Cause is between the King and Sir Samuel Barnardiston, and it is upon an Information exhibited by Mr. Attorney-General, wherein he sets forth, That there having been lately a horrid Plot discovered (as appears by the Convictions of those that have suffered justly for it, and by the Evidence that has been given of it, has been made so apparent, that I do not question, but that no Man, but who either has a Hand in it, or else bears a good Will to it, doth at all scruple the belief of it,) Sir Samuel Barnardiston, the Defendant, intending to scandalize and vilify the Evidence, wrote a Letter, wherein are contained these Sentences.

The Return of the Duke of Monmouth to Whitehall, and his being received into extraordinary Favour of His Majesty, hath made a strange Alteration of Affairs at Court: For those that before spake of him very indecently, now court, cringe, and creep to him. His Grace complained to the King of the scandalous Misrepresentation that was made of him in the Monday's Gazette, upon which the Gazetteer was called to Account for it, who alledged for himself, That a Person of great Quality sent him in Writing the Words therein recited, commanding him to put them in the Gazette. Yesterday being the last Day of the Term, all the Prisoners that were in the Tower upon the late Sham Protestant Plot, were discharged upon Bail. Mr. Braddon, who prosecuted the Murder of the Earl of Essex, the Information put in against him in the King's-Bench by Mr. Attorney, for a pretended Subornation, &c. was not prosecuted, and his Bail was discharged. And the passing Sentence upon the Author of Julian the Apollate, and the Printer of the late Lord Russel's Speech, was passed over in Silence. Great Applications are made to His Majesty for the pardoning Mr. Sidney in the Tower, which is believed will be attained, and that he will be banished. The Lord Howard appears despicable in the Eyes of all Men; he is under Guard at Whitehall, and 'tis believed he will be sent to the Tower, for that the Duke of Monmouth will accuse him concerning the Testimony he hath given, and the Papists and High Tories are quite down in the Mouth, their Pride is abated, themselves and their Plot confounded, but their Malice is not asswaged. 'Tis generally said, the Earl of Essex was murdered. The brave Lord Russel is afresh lamented. The Plot is lost here, except you in the Country can find it out amongst the Addressers and Abhorers. This sudden Turn is an Amazement to all Men, and must produce some strange Events, which a little Time will shew.

And then he goes on further, and says in another Letter these Words.

I am to answer yours of the 27th and 29th past, and truly I cannot but with great Sorrow lament the Loss of our good Friend honest Mr. John Wright, but with Patience we must submit to the Almighty, who can as well raise up Instruments to do his Work, as change Hearts; of which we have so great an Instance in the Business of the Duke of Monmouth, that no Age or History can parallel. I am now thoroughly satisfied, that what was printed in the Monday's Gazette is utterly false, and you will see it publickly declared so shortly. The King is never pleased but when he is with him, hath commanded all the Privy-Council to wait upon him, and happy is he that hath most of his Favour. His Pardon was sealed and delivered to him last Wednesday. 'Tis said, he will be restored to be Master of the Horse, and be called into the Council-Table, and to all his other Places, and 'tis reported he will be made Captain-General of all the Forces, and Lord High-Admiral, &c. He treats all his old Friends that daily visit him with great Civilities, they are all satisfied with his Integrity; and if God spares his Life, I doubt not but he will be an Instrument of much Good to the King and Kingdom. He said publickly, That he knew my Lord Russel was as Loyal a Subject as any in England, and that His Majesty believed the same now. I intend shortly to wait on him myself. It would make you laugh to see how strangely our High Tories and Clergy are mortified, their Countenances speak it. Were my Shesorary to be moved for now, it would be readily granted. Sir George is grown very humble. 'Tis said Mr. Sidney is reprieved for Forty Days, which bodes well.

And then, Gentlemen, he goes on further, and in a third Letter says,

The late Change here in Publick Affairs is so great and strange, that we are like Men in a Dream, can hardly believe what we see, and fear we are not fit for so great a Mercy as the present Juncture seems to promise. The Sham Protestant-Plot is quite lost and confounded. The Earl of Mackensfield is bringing Actions of Scandalis Magnatum against all the Grand Jury-Men that indicted him at last Assizes.

L. C. J. *. That is the only true thing in the whole. * Sir George Jephries.

[Mr. Poultney reads.] — And the several Gentlemen that were indicted in Cheshire and Northamptonshire will bring their several Actions at Law against them.

And, Gentlemen, then in a fourth Letter are contained these Expressions.

Contrary to all Men's Expectations, a Warrant is Signed at last for Beheading Col. Sidney at Tower-Hill next Friday. Great Endeavours have been used to obtain his Pardon, but the contrary Party have carried it, which much dasheth our Hopes, but God still governs.

Gentlemen, All this the Information says, he has done against the Peace of the King, his Crown and Dignity. To this he has pleaded Not Guilty. We will call our Witnesses, and if we prove it, we question not but you will find him Guilty.

Mr. Recorder *. May it please your Lordship, and you Gentlemen of the Jury; I am of Counsel for the King in this Cause. Upon the opening of these Letters to you, you cannot but wonder much

* Sir Thomas Jenner.

much more than he does that wrote them. His Matter of Wonder was one Way, and I suppose your Matter of Wonder is another Way, that a Man, such an one as he is, should have that Confidence to write such Letters as these are. Gentlemen, I do not doubt but you observe in the Series of these Letters how he hath travelled through all the Transactions of this horrid Conspiracy, that was of late contrived against the Life of the King, and the Life of his Royal Highness, and for the Destruction of the Government; and how he does endeavour to turn it all into Ridicule, and to magnify the Men that have come to Publick Justice for being concerned in that horrid Conspiracy, as being very brave Men. The brave Lord *Ruffel* he is lamented as a brave Man lost; The Earl of *Effex* he forsooth was murdered, and Mr. *Braddon*, who prosecuted that Murder, he is a brave Man, whom I suppose some of you have heard of, and what is become of him, how he is convicted of one of the most notorious Facts that ever was acted by Man in any Civil Government, which was that *Braddon* should go up and down to get Witnesses to make it appear to the World, as tho' some body had murdered that Earl. Thus you see he goes through the Conspiracy from one thing to another, and calls it a Sham Protestant-Plot, and all to ridicule the Discovery, which by these very Letters you may easily be satisfied of the Reality and Extent of. You see how he magnifies his *Julian*, but he likewise is come to condign Punishment for that most pernicious and scandalous Libel. In the next place he comes to the Duke of *Monmouth*, and tells you what a brave Man they have in him to be their Captain-General, and he did not doubt but to see him come to it; and sets forth, that he has denied all the Plot, and how he doth persist in that Denial. And this Gentleman has raised his Confidence in these Letters to that Degree, that I think any Man, that has lived any time in this Nation, cannot but wonder, that ever there should be such an impudent Action committed in it. Gentlemen, We shall call our Witnesses and prove it positively upon him, that these Letters he did write, and then I suppose he will give an account how he came to write them.

Mr. Herbert. May it please your Lordship, and you Gentlemen of the Jury, I have but one Word which I desire to observe; for the opening of the Case, and a right Understanding of the Matter will have a great Influence upon the Proofs. And I shall not insist upon any thing that has been opened at large out of the Letters, but one thing I would observe to you, and that is out of the last Letter. *Great Endeavours have been used to obtain his Pardon, but the contrary Party have carried it, which much dasheth our Hopes.* So it seems by this that the Faction, the Party, have their Hopes still, and it seems likewise the Writer of these Letters hath a very great Share in them. We have, Gentlemen, nothing to do here before you, but to prove that Sir *Samuel Barnardiston* was the Author, Writer and Publisher of the Letters, which contain that which is charged in the Information, and that we question not but to prove clearly without contradiction. Call Mr. *Blatwaite*. [*Who was sworn.*] Pray give in the Letters. [*Which was done.*]

Mr. Recorder. Pray, Sir, look upon those Letters, and give the Court and the Jury an account where you had them.

Mr. Blatwaite. Gentlemen of the Jury, These

three Letters Sir *Samuel Barnardiston* upon the 10th of *December*, before the King and the Lords of the Council, did own to be of his Hand-writing. I marked them at that instant of time, and I am well assured they are the Letters he owned to be of his Hand-writing.

Mr. Williams. Did he own them to be of his Hand-writing?

Mr. Blatwaite. Yes.

L. C. J. * Did he own them all three? * Sir *George Jefferies.*

Mr. Blatwaite. Yes, my Lord, he did.

Mr. Williams. Pray, Sir, who are they directed to?

L. C. J. *Mr. Williams,* He is informed against for writing, not for superscribing.

Mr. Williams. My Lord, I ask that Question for this reason, He is indicted for writing and publishing, therefore I would know who they are directed to. Did he say they were published by him, or sent to any one?

Mr. Blatwaite. He did not deny but that he had published and sent them.

Mr. Williams. Did he confess it?

Mr. Blatwaite. He did not deny it.

L. C. J. I suppose they on the other side will give an Account where they were taken.

Mr. Herbert. Yes, my Lord. Swear Mr. *Atterbury*. [*Which was done.*]

Mr. Recorder. Hark you, Mr. *Atterbury*, Do you know any thing of these Letters?

Mr. Atterbury. If you please to let me see them, Sir.

Mr. Recorder. Shew him them.

Which was done, and he looked upon them, and gave them in again.

Mr. Herbert. Did you hear Sir *Samuel Barnardiston* own them to be his Letters?

Mr. Atterbury. My Lord, and you Gentlemen of the Jury, I had a Warrant from Mr. Secretary *Jenkyns*, about two Months, or ten Weeks ago, to apprehend Sir *Samuel Barnardiston*, and I did, according to Order, by Virtue of that Warrant, apprehend him, and carry him before his Majesty. When he was there, those three Letters I had just now in my Hand, were then shewn to Sir *Samuel Barnardiston*. I marked them, and know them to be the same; Sir *Samuel Barnardiston* did own he wrote them Letters all three.

L. C. J. Were the Supercriptions upon them all, as they are now?

Mr. Atterbury. Yes, they were all as they are now.

L. C. J. What say you, Mr. *Blatwaite*?

Mr. Blatwaite. Yes, they were just so, the same Supercriptions.

Mr. Atterbury. His Majesty asked him, Who subscribed them? —

L. C. J. Supercribed them, thou meanest; they are not subscribed.

Mr. Atterbury. Yes, my Lord, supercribed them; and he looked on them again, and said, They were supercribed by one of his Servants, and so ordered to be carried to the Post-House?

Mr. Recorder. Where is *Nebemiah Osland*?

Juryman. My Lord, We would ask the Witness, Whether he did own that he sent them to the Post-House.

L. C. J. He says, he ordered his Man to supercribe them, and so to carry them to the Post-House;

Mr. Williams. Look you, Mr. *Atterbury*, Did he say he directed any of his Servants to carry them to the Post-House, upon your Oath?

Mr.

Mr. Atterbury. I am upon my Oath, Sir; I say, that he did say, that they were superscribed by some of his Servants, he could not say which of his Servants it was, and then they were sent to the Post-House.

Mr. Williams. Pray, Sir, mind, and answer my Question, Did he say, he directed any of his Servants to carry them to the Post-House?

L. C. J. Did he take any notice to you, or did you understand by him, that they were sent to the Post-House by his Consent?

Mr. Atterbury. Yes, my Lord, I did understand him so.

L. C. J. Did he write these Letters to keep them in his Pocket, do you think, *Mr. Williams*?

Mr. Williams. I do not know what he design'd them for, my Lord; nor do I yet know till they are read, what is in them: But I ask him this Question, Did he say he sent them to the Post-House?

Mr. Atterbury. With your Leave, I remember one thing more, my Lord; while he was in my House, (for there he was in Custody two Days or more) talking about these Letters, says he, I wonder how they were taken, they were sent to Sir *Skippon*, or some such Name he named.

Mr. Recorder. Swear *Nebemiab Osland*.

[Which was done.]

Mr. Herbert. Look upon those Letters, Sir. Shew him them. [Which was done.]

L. C. J. Is this Man's Name *Osland*?

Mr. Recorder. Yes, *Nebemiab Osland*, Do you know any thing of those Supercriptions?

Osland. Two of those Supercriptions I writ by his Order as his Servant.

Mr. Recorder. Which are those two: Then he gave them into the Court.

L. C. J. Can you tell whose Hand is the other Part?

Osland. I did not see it writ, but the Hand is somewhat like *Sir Samuel Barnardiston's* Hand.

L. C. J. You believe it to be his Hand?

Osland. Yes, I do.

Mr. Williams. Did you ever see the Inside of those Letters that you say you superscribed?

Osland. No, I never saw the Inside.

L. C. J. What Directions had you about them, after you had superscribed them?

Osland. I had no Direction, but to leave them where I used to leave his Letters, and that was in a Window that *Sir Samuel Barnardiston* always left his Letters in, and from thence one of the Boys used to carry them to the Post-House.

Mr. Williams. Sir, Did *Sir Samuel* order you to superscribe those three Letters, and send them to the Post-House?

L. C. J. He said he superscribed them by his Command, and left them in the Place that Letters used to be laid that were to go to the Post-House.

Mr. Recorder. Pray, Sir, Look upon those Letters again.

L. C. J. Whose Hand is the Supercription? Is that *Sir Samuel's* too?

Osland. I believe it *Sir Samuel's* Hand.

L. C. J. Shew that other Letter to *Mr. Blaithwaite*: What say you to it, Sir?

Mr. Blaithwaite. Gentlemen of the Jury: This is another Letter that was seized and brought before the King and the Lords of the Council, and this Letter was afterwards owned by *Osland*, to be writ by him by *Sir Samuel Barnardiston's* Order?

L. C. J. Did *Sir Samuel* own this Letter to be his Hand-writing too?

Mr. Blaithwaite. No, he did not, but *Osland* did own it.

Mr. Recorder. My Lord, We prove it otherwise to be *Sir Samuel's* Letter, because it is not his Hand, but his Man's. You *Osland*, Do you know who writ that Letter?

Osland. I writ it.

Mr. Recorder. By whose Order?

Osland. I transcribed it out of a Copy given me by *Sir Samuel Barnardiston*, as I was his Servant.

L. C. J. And did you write the Supercription too?

Osland. Yes, I writ the Supercription.

L. C. J. In order to what? To go down into the Country too?

Osland. In order to go where it was directed, my Lord.

L. C. J. Where was that?

Osland. Into *Suffolk*, to *Sir Philip Skippon*.

L. C. J. This Letter was written at *London*, was it not?

Osland. In *Bishopsgate-street*, at *Sir Samuel's* House.

Mr. Williams. What is your Name, Sir?

Osland. My Name is *Osland*.

Mr. Williams. Your Christian Name?

Osland. *Nebemiab*.

Mr. Williams. Then, *Nebemiab Osland*, I ask you this Question upon your Oath, when these Letters were superscribed by you, did you lay them in that Window you speak of, or did you give them back again to *Sir Samuel*?

Osland. Sir, I am not so certain as to swear to these particular Letters; but his usual Custom was, He would write a Letter, and then give it me to copy: His Closet-door was near another Window, and there he would leave it. If it were but one Letter, he would use to say, Direct such a Letter to such a Person, or such a Place, and when it was so directed, I was used to put my Letters there, and thence one of the Boys came and fetched them to carry them to the Post-House. But sometimes he would send me down directly with it away to the Post-House, if he had not any other Business for me to do.

Mr. Williams. But, Sir, mind the Question. I ask you again: Did you deliver these Letters, or any of them back again to *Sir Samuel Barnardiston*, or no?

Osland. I cannot tell for these particular Letters. I tell you what the usual Custom was in the House.

Mr. Williams. Pray when you had superscribed them, or *Sir Samuel*, what became of them Letters?

Osland. They went to the Post-House, as I believe.

Mr. Williams. How long have you served *Sir Samuel Barnardiston*?

Osland. Five Months.

Mr. Williams. Did you serve any body before?

Osland. No.

Mr. Recorder. Why, do you think he doth not serve him well now, *Mr. Williams*?

Mr. Williams. I know very well what I think of it, *Mr. Recorder*.

L. C. J. Well, come read them.

Clerk reads.—*This is directed to Sir Philip Skippon, Knight, at Ipswich, and dated Novemb. 29, 83.*

(Reads)

(Reads) Sir, *The Return of*—

Mr. Williams. That is not Sir Samuel's Hand, I think.

L. C. J. No, but writ by his Order.

Oslund. I transcribed it by his special Order: For he came to me and gave me a Letter, says he, Go and make a Copy of this Letter.

Mr. Recorder. And you did transcribe it exactly as it was in the Paper he gave you?

Oslund. I examined it after I had writ it my self, and read it over again.

L. C. J. What did you write it out of?

Oslund. A Copy he gave me.

L. C. J. Was that Copy his Hand-writing?

Oslund. I did not see him write it, but I believe it to be his writing.

L. C. J. Come read it.

Clerk reads—

SIR,

THE return of the Duke of Monmouth to Whitehall, and his being received into extraordinary Favour of His Majesty, hath made a strange alteration of Affairs at Court: For those that before spake of him very indecently, now court, cringe, and creep to him. His Grace complained to the King of the scandalous Misrepresentation that was made of him in the Monday's Gazette, upon which the Gazetteer was called to Account for it, who alledged for himself, That a Person of great Quality sent him in Writing the Words therein recited, commanding him to put them in the Gazette.

Yesterday being the last Day of the Term, all the Prisoners that were in the Tower upon the late Sham Protestant Plot, were discharged upon Bail. Mr. Braddon, who prosecuted the Murder of the Earl of Essex, the Information put in against him in the King's-Bench by Mr. Attorney, (for a pretended Subornation,) &c. was not prosecuted, and his Bail was discharged. And the passing Sentence upon the Author of Julian the Apostate, and the Printer of the late Lord Russel's Speech, was passed over in Silence. Great Applications are made to His Majesty for the pardoning Mr. Sidney in the Tower, which is believed will be attained, and that he will be banished.

The Lord Howard appears despicable in the Eyes of all Men; he is under Guard at Whitehall, and believed he will be sent to the Tower, for that the Duke of Monmouth will accuse him concerning the Testimony he hath given, &c.

The Papists and High Tories are quite down in the Mouth, their Pride is abated, themselves and their Plot confounded, but their Malice is not aswaged. 'Tis generally said the Earl of Essex was murdered. The brave Lord Russel is afresh lamented. The Plot is lost here, except you in the Country can find it out amongst the Addressers and Abhorers.

This sudden Turn is an Amazement to all Men, and must produce some strange Events, which a little time will shew.

Mr. Recorder. Now, go on to the next. The Second Letter.

Clerk Reads.—This is directed, To Sir Philip Skippon, Knight, at Ipswich, Suffolk.

L. C. J. That is one of his own writing.

Mr. Recorder. Yes, my Lord.

Clerk. It is dated London the first of December 1683.

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Dear SIR,

I AM to answer yours of the 27 and 29th past, and truly I cannot but with great Sorrow lament the Loss of our good Friend honest Mr. John Wright, but with patience we must submit to the Almighty, who can as well raise up Instruments to do his Work, as change Hearts, of which we have so great an Instance in the Business of the Duke of Monmouth, that no Age or History can parallel. I am now thoroughly satisfied, that what was printed in the Monday's Gazette is utterly false, and you will see it publickly declared so shortly. The King is never pleased but when he is with him, hath commanded all the Privy Council to wait upon him, and happy is he that hath most of his Favour. His Pardon was sealed and delivered to him last Wednesday. 'Tis said, he will be restored to be Master of the Horse, and be called into the Council Table, and to all his other Places, and 'tis reported he will be made Captain-General of all the Forces, and Lord High-Admiral, &c. He treats all his old Friends that daily visit him with great Civilities, they are all satisfied with his Integrity, and if God spares his Life, doubt not but he will be an Instrument of much Good to the King and Kingdom. He said publickly, That he knew my Lord Russel was as Loyal a Subject as any in England, and that his Majesty believed the same now. I intend shortly to wait on him my self. It would make you laugh to see how strangely our High Tories and Clergy are mortified, their Countenance speak it. Were my Shesorary to be moved for now, it would be readily granted. Sir George is grown very humble. 'Tis said Mr. Sidney is reprieved for Forty Days, which bodes well.

Mr. Kedder sat with me sometime this Evening.

L. C. J. There is no more in the Record.

Mr. Recorder. No, my Lord. Then go on to the Third.

Clerk. This is directed For Mr. Edward Gael, Linen-Draper, at Ipswich.

Mr. Williams. Is it likely he should write these Letters to a Draper?

L. C. J. It is, it seems, the ordinary riff-raff he writes. He thinks it not below him to keep a Correspondence with all the Scoundrels of his Party in the Country.

Mr. Recorder. Ay, all Sorts of Trades he is acquainted with.

Clerk. It is dated the first of December 1683.

Reads.—Mr. Gael,

This Evening Mr. Kedder came and sat with me—

L. C. J. Will you have it all read?

Mr. Williams. No, my Lord, we do not desire it.

L. C. J. Then read what is in the Record.

Mr. Recorder. Look where that Passage begins. The late Change—

Clerk. Where is it, Sir? It is not marked.

L. C. J. If you cannot find it out, then read the whole.

Clerk Reads—

Mr. Gael,

THIS Evening Mr. Kedder came and sat with me, when acquainted him what you and others writ me in reference to himself, as also of the Death of Mr. Wright, which he was sorry for. He protested, if could persuade his Wife, he would accept of Ipswich Choice, notwithstanding all the Discouragement he had met with. One more he acquainted me with, that had seen a Letter from Mr.

Cutliffe to Dr. Clegat, extremely discouraging him from coming to Ipswich, where if he did come, said, would find himself mistaken, for that would never enjoy Quietness or Peace, notwithstanding his Balsamick Temper, &c. as he called it. These Things frights Mr. Kedder, who I am now persuading so soon as he is up again, to go down for a Month or two, and then if it doth not like the Place and People, may return hither again. This I resolve to press hard on Monday, when have promised to Dine with me, as also Mr. Hodges. Be confident, I shall thinke nothing too much to effect this Business, though one or other still pulls down as fast as I build up — Here is now a Door of Encouragement opened for sober Men to come into publick Employment. You will undo the Town of Ipswich if you bring not sober Men into play: For God's sake consider of it. Persuade Mr. Snilling, or some sober Men, to come in their two Ports-Mens Places void for other Matters, refer you to Sir P. the late Change here in Publick Affairs is so great and strange.

L. C. J. There begins the Passage in the Record.

Clerk reads—*The late Change here in Publick Affairs is so great and strange, that we are like Men in a Dream, can hardly believe what we see, and fear we are not fit for so great a Mercy as the present Future seems to promise. The Earl of Mackensfield is bringing Actions of Scandalis Magnatum against all the Grand Jurymen that indicted him at last Assizes. And the several Gentlemen that were Indicted in Cheshire and Northamptonshire, will bring their several Actions at Law against them. Acquaint Mr. Snilling—*

L. C. J. There is all that is in the Record.

Mr. Recorder. There are but two Lines more.

Clerk reads—*Acquaint Mr. Snilling we received the two Barrels of Oysters, and two Couple of Ducks, and desire him to take Money of Buckle for them.*

I rest, yours.

Mr. Recorder. Now go on to the next.

Clerk. This is the Fourth Letter: It is directed to Mr. William Cavell, at Brightwell near Ipswich in Suffolk, and dated London the 4th of December 1683. Shall I read it all?

L. C. J. No, no: If you can find that Part that is in the Record, Contrary to most Men's Expectations, there it begins.

Clerk reads—*Contrary to most Men's Expectations, a Warrant is Signed at last for Beheading Colonel Sidney at Tower-Hill next Friday. Great Endeavours have been used to obtain his Pardon, but the contrary Party have carried it, which much dasheth our Hopes, but God still governs. Acquaint Buckle—*

L. C. J. There is all.

Clerk. Here is but a Line more (reads) *Acquaint Buckle, here is no News of Crafton Hoy, notwithstanding the Wind is fair, 'tis his Practice always to loiter by the Way.*

I rest,

Your loving Friend.

Mr. Williams. Pray let me see that Letter.

Mr. Recorder. We have done, my Lord, we leave it here.

L. C. J. Well, What say you to it that are for the Defendant?

Mr. Williams. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel here for the Defendant, Sir Samuel Barnar-

diston, and the Question now before you is, Whether this Gentleman be knowingly guilty of the writing and publishing these four Letters that have been read here to you, and which of them he is guilty of writing, and which not? I do not see that his Name is put to any of them; nay, the Letters are not subscribed by any body, and that, Gentlemen, you may see by looking upon the Letters. For the Evidence that hath been given, I beseech your Lordship to observe what it is. As to his publishing of them, I see no Evidence at all to prove him any way concerned in that: Some of them, indeed, are his own Hand-writing, and proved to be his Letters, by his own Confession before the King and Council; that Mr. Blatbwaite and Mr. Atterbury the Messenger swear directly, that Sir Samuel Barnardiston did own the Letters, but for the Fourth they say he did disown that to be his Letter, and it is not so much as his Hand; but what Proof is it they have brought to apply this to him? You see what a Sort of Proof is made: They produce you here a young Man that was (as it happened) his Servant at this time, and lived in his Family with him in the Nature of a Secretary, it seems; and how fit he was to be entertained in that Quality, you, I question not, observe. He says, he did copy this Letter by the Direction of his Master. It is well if he did not keep a Copy himself by him of such a Letter as this for a particular Use, as some honest Servants have done before now, that have designed somewhat of Advantage to themselves: But that is his Evidence about this Fourth Letter. That then Gentlemen which we would offer on behalf of the Defendant, is this, Whether there be any Evidence of the publishing of these Letters by Sir Samuel Barnardiston, either of all, or any, and which of them? All the Proof that I hear, comes from Atterbury, and the Clerk of the Council Mr. Blatbwaite, which is but this: Atterbury says, That Sir Samuel should say, They were sent to the Post-House; and Mr. Blatbwaite says, he did not deny the publishing of them, but he does not say, he confessed it. As to the sending to the Post-House, if it be true, I shall leave it to your Lordship, how far that, my Lord, can be a publishing of a Libel; Whether that be a publishing within the Information, or no? A Gentleman writes a Letter to a private Friend, and sends it to the Post-House; Whether that be a publishing of a Libel, I leave it to you? For the Fourth Letter, this same trusty Secretary cannot tell you, whether he delivered it back again to Sir Samuel, or no; or whether he put it in the Window; or whether he delivered it in at the Post-House, only, as he believes, he laid it in the Window as he used to do other Letters. But whatever he believes must not pass for Evidence, especially in Matters of this Nature, it being a great Crime, as the Information has set it forth. If then there is no Proof (as with Submission I hope there is not) of the Publication of these Letters, I suppose, Gentlemen, you will not take it upon your Oaths, that he is Guilty of what he is here accused of without Evidence. This Information, Gentlemen, doth mention several Things, which do very much aggravate the Matter, if they were proved. Many Things are laid in it to induce the Information, and which may much enhance the Crime, but of which I see no manner of Proof at all. Many Things

Things are mentioned as Facts leading to the main Fact, which is the great Offence; but these not being proved upon him, I desire he may be acquitted of that Part.

L. C. J. What do you mean, *Mr. Williams*?

Mr. Williams. Of all your Preamble.

L. C. J. What Preamble do you mean?

Mr. Williams. That he being a Person of a turbulent and unquiet Spirit——

L. C. J. Why, *Mr. Williams*: Would you have the Jury find that he is not so?

Mr. Williams. My Lord, There is no Proof of it; or that he did do it with a Design seditiously to disturb the Peace, that he did it with a seditious Intent.

L. C. J. You would have the Jury find, I warrant, that he did it piously, and with a good Intent.

Mr. Williams. My Lord, There is a middle way——

L. C. J. No, no, *Mr. Williams.* Let us have none of that Doctrine, we must have a care of that, and your middle Ways. For certainly the Law supplies the Proof, if the thing it self speaks Malice and Seditious. As it is in Murder, we say always in the Indictment, He did it by the Instigation of the Devil: Can the Jury, if they find the Fact, find he did it not by such Instigation? No, that does necessarily attend the very Nature of such an Action, or Thing. So, in Informations for Offences of this nature, we say, He did it falsely, maliciously, and seditiously, which are the formal Words; but, if the nature of the Thing be such as necessarily imports Malice, Reproach, and Scandal to the Government, there needs no Proof but of the Fact done, the Law supplies the rest. If the Fact were indifferent in it self, then to make a Crime of it, the accidental Circumstances must be proved, but it needs not where the Thing implies Malice in its own Nature. You would have the Jury find he had no ill Design in it; he did it with a good Intent, I warrant you.

Mr. Williams. All I would ask, my Lord, is but this——

L. C. J. Do you think he did it to serve the Crown? If the Jury will take it upon their Oaths, that *Sir Samuel Barnardiston* wrote these Letters to serve the Crown, you say something. Pray ask them that Question. Try if you can make them believe that, *Mr. Williams.*

Mr. Williams. There is no Evidence given about his Malice.

L. C. J. Yes, the very thing is Evidence of it self.

Mr. Williams. Pray, my Lord, let the Fact lie upon its own weight: There is no Proof given of any of these aggravating things.

L. C. J. How shall any Man prove another Man's Malice, which is a thing that lies only in a Man's Mind? How should any Man know that I am malicious against the Government, but by my Actions.

Mr. Williams. I lay it before your Lordship and the Jury.

L. C. J. No Proof can be expected, but what the Nature of every thing will bear.

Mr. Williams. Then I pray this, my Lord, that I may be at Liberty next Term, if we be convicted, to urge this, and observe in mitigation of the Punishment, that there was nothing of these things proved.

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L. C. J. Urge what you can in its proper time, but offer nothing here but what is fit to be offered.

Mr. Williams. Here are mentioned in this Information, (tho' it be by way of Inducement, yet they must be proved) things that are Matters of Record, but they have proved none of them.

L. C. J. Have you any of those Records here, the Convictions of my Lord *Ruffel* and Colonel *Sidney*?

Mr. Recorder. Those things are so well known, I suppose they will not contest them.

Mr. Williams. Sir, I must lay hold on all Advantages for my Client. You have made them Part of your Case, pray prove them.

Mr. Recorder. Truly, my Lord, we did not think they would have made that any Question, and we have them not here. They know it well enough to be true.

L. C. J. If you have them not here, go and find them; if they insist upon it, you must prove them. I will stay till you fetch them.

Mr. Williams. My Lord, we would not hinder your Lordship's Business.——

L. C. J. No, no, it will be no Hindrance, I will do something else in the mean time. This is a Cause of publick Example and Consequence, and I will give it all the fair Hearing I can.

Mr. Williams. My Lord, if you please, there is, I suppose, no such haste of trying this Cause now, to hinder Business, and keep you here longer than needs. This Cause may as well be tried the beginning of next Term.

L. C. J. No, no, I will make an end of it now, if I stay never so long for it; indeed the Defendant says, *I am down in the Mouth*: 'Tis true, I have got a little Hoarseness, but I thank God my Heart is not down, nor I hope never will be to serve the Government.

Mr. Williams. If they will, they shall find the Letters without the Records.

Mr. Jones. No, no, We must have the Records, tho' it is true it is but Matter of Form, yet we must prove our whole Case.

L. C. J. Well, I will stay till they are fetched. Let the Jury stand by, and I will go on and try another Cause, and in the mean time fetch these Records. Do not make two Journies, but bring all that are mentioned in the Record.

Then the Jury were set by, and the Court went on in some other Causes, and about an Hour and an half after the Records were brought, and this Cause was resumed, and proceeded thus.

L. C. J. Well, come, have you those Records now?

Mr. Recorder. Yes, swear *Mr. Tindal*. [*Which was done.*] Is that a true Copy?

Mr. Tindal. Yes, it is a true Copy of the Indictment, Conviction and Attainder of my Lord *Ruffel*. I examined it with *Mr. Tanner*.

L. C. J. Well, put it in. [*And then a Word of it was read by the Clerk.*]

Mr. Recorder. And here is the Record it self of the Attainder of Colonel *Sidney*.

[*Which was some part of it read also.*]

L. C. J. What say you now to it, Gentlemen, for the Defendant?

Mr. Thompson. My Lord, I have nothing more to say than has been said.

L. C. J. All this was well enough known.

Mr. Jones. Ay, but they would give the Court all the Trouble they could by making them fend for that which they could not deny.

L. C. J. Gentlemen of the Jury, Here is an Information exhibited against Sir *Samuel Barnardiston*, and the Information sets forth this Matter. It doth take notice of a horrid Conspiracy, a damnable Conspiracy, lately hatched and set on foot for the Destruction of the King, and for the Subversion of the Government, That there were divers Persons who were indicted, and stood convicted, and were afterwards executed for this horrid Conspiracy. Among the rest, there is notice taken of my Lord *Ruffel* for one, and Colonel *Sidney* (he went by that Name, *Algernon Sidney* I mean) for another, to be two of those Conspirators that were engaged in that damnable Conspiracy for the Destruction of the King, and Subversion of the Government.

Now, Gentlemen, That these Persons according to the Inducement of this Information, were so indicted, so attainted and executed (as far forth as is recited in the Information) is proved to you by the two Records, which the Counsel on the other side insisted to have shewn, and which have been now produced. The one is sworn to be a true Copy of the Conviction and Attainder of my Lord *Ruffel*, and the other which they produced, was the Record it self of the Conviction and Attainder of *Sidney*. So that, as to that part it is plain, they were convicted and attainted, both the one and the other, as Actors in that Hellish Plot.

The next thing, Gentlemen, and which was so much insisted upon by the Defendant's Counsel, is this: The Information takes notice, that the Defendant Sir *Samuel Barnardiston*, being a Man of a factious, seditious, disaffected Temper towards the Government, a Man of ill Principles, in order to disturb, disquiet, and discompose the Government, he did cause several Letters, Four in Number, to be writ and published, which Letters have been read unto you.

It hath been objected, That in as much as the Words, Falsly, Seditiously, Maliciously, Factiously, and the like Words are in the Information, they would have you believe, That there being no Evidence of any such Thing as Faction, Malice, and Sedition, or that the Man did it Maliciously, and Advisedly, and Seditiously, (which are the Words in the Premises, as I may call them, or the Preamble of the Information) therefore they must be acquitted of that part. Now as to that, I told them then, and tell you now, Gentlemen, That no Man living can discover the malicious evil Designs and Intentions of any other Man, so as to give Evidence of them, but by their Words and Actions. No Man can prove what I intend, but by my Words and Actions. Therefore if one doth compass and imagine the Death of the King, that by our Law is High-Treason; but whether or no he be guilty of this Treason, so as to be convicted of it by another, is not proveable, or discoverable, but by some Words or Actions, whereby the Imagination may be manifested. And therefore my Imagining, my Compassing, which is private in my own Mind, must be submitted to the Judgment that Reason and the Law passeth upon my Words or Actions, and then the Action it self being proved, that discovers with what Mind the Thing was done; as in the Case I put before

to the Counsel. Suppose any Man without Provocation kill another, the Words of the Indictment are, That he did it Maliciously, Feloniously, not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil. Now all these things, whether he had the Fear of God before his Eyes, or not; or whether he were moved by the Instigation of the Devil, and of his Malice forethought, or no; these cannot be known, till they come to be proved by the Action that is done.

So that in case any Person doth write Libels, or publish any Expressions which in themselves carry Sedition and Faction, and Ill-Will towards the Government; I cannot tell well how to express it otherwise in his Accusation, than by such Words, that he did it Seditiously, Factiously, and Maliciously. And the Proof of the thing it self proves the evil Mind it was done with. If then, Gentlemen, you believe the Defendant, Sir *Samuel Barnardiston*, did write and publish these Letters, that is Proof enough of the Words, Maliciously, Seditiously, and Factiously, laid in the Information.

The Letters are Factious, Seditious, and Malicious Letters, and as base as the worst of Mankind (tho' he had had all the Provocation that ever could be given a Man to libel another) could ever have invented. And let Sir *Samuel Barnardiston* put it under the Countenance, or under the Umbrage, or under the Enamel of his Zeal for the true Protestant Religion, if he will; or if he have a mind to it, to give himself any fine Name, by calling himself one of the Sober Party, or Godly Party, or the Upright Party; let him gild himself, and paint himself as he pleaseth, yet the Inside is rotten, and 'tis Factious and Seditious at the bottom to all Intents and Purposes whatsoever. And if he be guilty of it, as you Gentlemen are to try and consider; the greater the Man is, the greater the Crime; and the more Understanding he has, the more malicious he seems to be: For your little ordinary sort of People, that are of common mean Understanding, they may be wheedled and drawn in, and surprized into such things; but Men of a publick Figure, and of some Value in the World, that have been taken to be Men of the greatest Interest and Reputation in a Party, it cannot be thought a sudden Surprize upon them; no, 'tis a Work of Time and Thought, 'tis a thing fixed in his very Nature, and it shews so much Venom, as would make one think the whole Mass of his Blood were corrupted. I had thought the Act of Oblivion might have put Sir *Samuel Barnardiston* in mind, That it was not fit any more to go down to *Whitehall*, to make Uproars, and Tumults, and Hubbubs.

But here is the Matter that he now is accused of, and here is in it Malice against the King, Malice against the Government, Malice against both Church and State, Malice against any Man that bears any Share in the Government, indeed Malice against all Mankind that are not of the same Persuasion with those bloody Mifcreants, (I cannot give them a milder Name) I mean the Conspirators in the late damnable Conspiracy, some of whom have been attainted and executed for it. Here is the Sanctifying of Traitors, that were justly sentenced to Execution according to the Law of the Land, and at the same time there is joined with it the most

most inveterate Insinuation against the Government that can be, as though the King was prevailed with, upon a Sham Protestant Plot, to do Things in order to destroy the Government itself, and every one of the *Sober Party*, as they call themselves. For these Persons could not have suffered, but as Condemned according to the Rules of Law, but these Letters carry an Insinuation as if they were cut off by a Sham Trick and Design. For after the good News of the Reprieve of *Sidney* was contradicted, the Warrant for his Execution is taken notice of, and you see the manner of Expression that is used, *their Party has prevail'd*, as tho' the putting the Laws in Execution, and hanging of Traitors, were such a Thing that a Party must be set up to prevail to do it, and Mankind must be divided into Parties, their Party and our Party, and the contrary Party, they have prevailed; and truly now our Party, the *Sober Party* as he calls it, are in a very sad Condition.

Then here is, as I said, the Sainting of Two horrid Conspirators, here is the Lord *Ruffel* Sainted, that blessed Martyr, my Lord *Ruffel*, that good Man, that excellent Protestant, he is lamented, and what an extraordinary Man he was, who was fairly Tried, and justly Convicted and Attainted, for having a Hand in this horrid Conspiracy against the Life of the King, and his dearest Brother His Royal Highness, and for the Subversion of the Government. And here is Mr. *Sidney* Sainted, what an extraordinary Man he was? Yes surely, he was a very good Man, because you may some of you remember, or have read the History of those Times, and know what Share Mr. *Sidney* had in that black and horrid Villany, that cursed Treason and Murder, the Murder, I mean of King *Charles I.* of Blessed Memory, a Shame to Religion itself, a perpetual Reproach to the Island we live in, to think that a Prince should be brought by pretended Methods of Law and Justice to such an End at his own Palace. And 'tis a Shame to think, that such bloody Miscreants should be Sainted and Lamented, who had any Hand in that horrid Murder and Treason, and who to their dying Minutes, when they were upon the Brink of Eternity, and just stepping into another World, could confidently bless God for their being engaged in that Good Cause, (as they call it) which was the Rebellion which brought that Blessed Martyr to His Death. It is high time for all Mankind, that have any Christianity, or Sense of Heaven or Hell, to bestir themselves, to rid the Nation of such Caterpillars, such Monsters of Villany as these are.

Nay, In these very Letters is contained the very Language of that cursed Murderer and Traitor *Walcot* himself, *That God Almighty in his own Time would raise up Instruments*. I know, Gentlemen, you have heard and read what that bloody Traitor said to that effect; and you hear what Expressions like it are in these Letters, *I am sorry for the Death of our Friend, honest Mr. John Wright, but God can easily raise up Instruments to do his own Work*; the very Language of *Walcot*. And I would have you take notice of it, Mr. *Blackerby*, for I would have you take Warning by these Things.

[Speaking to a Gentleman that was taking Notes.

Mr. *Blackerby*. My Lord, I have neither said nor done any thing that should give you occasion to speak thus to me.

L. C. J. These Letters tell you, *God will be sure to raise up Instruments*, but what Instruments do they mean? Instruments of Rebellion, and Faction, and Sedition, which they most falsely call, *his own Work*. For it is that monstrous Sin Rebellion that they mean by it, Instruments of Treason, under pretence of fighting for God Almighty they would fain be fighting against the Government. It was the Language of the former Times, wherewith they destroyed the best of Kings, and subverted the best of Governments for a Time, and were very near having totally destroyed Three Kingdoms, under pretence of doing God good Service. And when once a People pursue such Principles, and, under the pretence of Religion, endeavour to destroy Monarchy and Government itself, it is high time for all honest Men to look about them.

Nay, and you may observe, Gentlemen, another thing in these Letters, it is not only the Destruction of the Civil Government, the King, and those that are in Authority near Him that are aimed at; but all Persons that come with humble Representations of their Loyalty to Him, all that Address themselves to the King to shew their Duty, and their Dislike of that damnable Design and Conspiracy against Him. For now (says Sir *Samuel Barnardiston*) *all the Sham Plot is quite blown off, and we cannot find any here, 'tis lost except you can find it among the Addressers and Abhorers in the Country, or among a Parcel of Clergymen*. ——— So that all Mankind, that ever thought themselves obliged to congratulate that blessed and happy Deliverance, either to own our Thankfulness to God for it, to whom we owe more than we are able to pay for His great Mercy to us therein, or to express our Joy to the King, in humble Addresses, Congratulating His Deliverance from the horrid Conspiracy lately designed against Him, His Brother and the Government; these Gentlemen, because they are Loyal Subjects, and desire to shew themselves so, must be branded with the Names of *Abhorers*, *Tories*, *Addressers*, *Sham-Plotters*, and all the Ignominy they can lay upon them. This shews it was not only aimed at the Civil Magistracy, but at all that dare be honest and oppose Faction and Rebellion.

As for any thing that he has said of me, Sir *Samuel Barnardiston* shall write and speak of me as long as he pleases. But though he says, *I am down in the Mouth*; it is true, I have a little lost my Tongue by my Cold, yet I hope I shall never lose my Heart nor Spirit to serve the Government, nor forbear to use my utmost Diligence to see that such Offenders as these Persons, that entertain Principles so destructive to the Government, be brought to condign Punishment. And be they who they will, were they my own Brothers, I should be of the same mind, and in that mind I hope in God I shall live and die.

Gentlemen, the Question before you is, Whether the Defendant be guilty of writing these Malicious, Seditious Letters; for that they are Malicious and Factious, no honest Man can doubt in the least, and I do not find that the Counsel for the Defendant do offer to say any thing in Defence of the Letters, or can say, but that

that they are as venomous, malicious, seditious, factious, tumultuous Letters, as can be written, and I must tell you, tread very near upon the Borders of High-Treason itself. I am sure I may venture to call it *Cozen German* to *High-Treason*.

Now that he did write and publish them, you have this Proof before you: Mr. *Blatwaite* tells you, That Sir *Samuel* did own Three of them, acknowledge them to be his own Writing, before His Sacred Majesty in Counsel. *Atterbury* the Messenger says, He was by too when he did before the King acknowledge the Writing of those Three Letters. As to the Supercription to one of those Three Letters, you have the Testimony of *Osland*, the young Man that lived with Sir *Samuel Barnardiston*, he swears he writ it by his Direction, being his Servant. And as to the Fourth Letter, this young Man does directly swear, That the Original he copied it by (for it is his Writing) he had from Sir *Samuel Barnardiston*, and it was of Sir *Samuel's* own Writing (which he knows well, being acquainted with his Hand) and that Sir *Samuel* expressly directed him to Copy it out, which he did by his Command, and this is the same Letter; and so though it is not under his Hand, yet it is under his Man's, and written by his Direction. And he says, he does believe the other Three to be his Hand-Writing. So as to the Dictating and Writing of these Letters, you have as full and as plain a Proof as can be made.

And as to his Publishing of them, which is another Part of the Information, and of which Mr *Williams* said there was no Proof, I would say but this to you. Is it not very preposterous, absurd and senseless, to think that ever it should enter into any Man's Imagination, That Sir *Samuel Barnardiston* would take such a wonderful deal of Pains and Care to write these Letters to Sir *Philip Skippon*, and to the other two Men, to tell them of his Endeavours to take off Mr. *Kedder's* Scruples, and persuade him to go down to *Ipswich*, and to desire them to take care of the *Sober Party*, and endeavour to get *Sober Men* into play, and *all will do well*, and that the Duke of *Monmouth* had denied all the Plot, and so given the Lye to the King and the Courts of Justice, and now there was a Door opened for *Sober Men* to come in, and God would raise up Instruments, and the *Sober Party* will up again? Do you think, I say, he would write all this Fustian Stuff, (for I can call it no better than Stuff, though it be very malicious Stuff) and carry to his Man to Copy out, and Superscribe them and Seal them, only to put them in his Pocket? If you can believe this, upon my Word you have a Faith able to remove great Mountains; but I assure you my Faith cannot get to that Strength.

But for further Proof of the Publishing, you hear what the young Man that was the Defendant's Servant says. He tells you, the usual Way of dealing with Sir *Samuel's* Letters was this, There was a Window near Sir *Samuel's* Closet, and when the Letters were Sealed up, they were used to be put there, in order that the Boy, according to the usual Course, might carry them to the Post-House. And he doth believe these Letters (though he cannot particularly and positively speak to them) were so used.

Besides all this, you have it by *Atterbury* positively Sworn, that about the same time that Sir *Samuel Barnardiston* did acknowledge before the

King, that he writ those Letters, being in his Custody, he did say they were sent to the Post-House, and he wondered how they came by them. That proves it was done by his Privy. And beyond all there is this Circumstance, that the Thing speaks it self, they are directed to Men at *Ipswich*, where Sir *Samuel Barnardiston* is known to have a Correspondence; they take notice of the Receipt of Letters from thence, and of the Death of Mr. *Wright*, mentioned in those Letters, which shews them to be Answers to Letters received; and must not these think you be sent, but kept still in his Pocket? There is notice also taken in them, of their Country Affairs: Though they seemed to have met with some Disappointment in such a Business about Mr. *Kedder*, yet they were resolved to go on, and desire them to communicate this Business of Mr. *Kedder* and Dr. *Cleggitt*, to such and such of our Friends, and desire them to bestir themselves, and get in *Sober Men*, such as Mr. *Kedder*, among them. For it is mightily for our Advantage, that there should be *Sober Men* brought into play at *Ipswich*, and pray be sure to keep the *Sober Party* up. These Things in their own nature speak, that these Letters were intended and written, in order to preserve a Correspondence between those of the *Sober Party* in *Ipswich*, and their Friends here, and therefore you may easily conclude what was to be done with them.

So that, *Gentlemen*, this Information surely (if ever any was) is fully proved, as it is laid in all the Parts of it.

I would not have given you so much Trouble at this Time, in an Affair of this Nature, that has been so evidently proved, because your Question that you are to Try, is only, Whether the Defendant be Guilty of this Offence, or not Guilty? (You are not to inflict the Penalty, that is the Province of the Court above;) but only because I see it is a Matter of great Expectation and Consequence. I would not we should be gulled twice in one Age, by the self-same Men, and the self-same Way, into the same Treason and Rebellion, and all those other Mischiefs that dreadful Chaos and State of Confusion, Misery and Destruction, that we were brought into in the late Times. And that has made me take so much notice now in this Place of the Tendency of Things of this Nature, that we may learn to beware of, and know these Men that carry Sheep's Clothing, pretend Zeal and Religion, but their Insides are Wolves. They are Traitors in their Minds, whatsoever they are in their outward Pretences.

Then the JURY laid their Heads together in the Place where they stood, and being presently after agreed upon their Verdict, the Foreman gave it in,

That the Defendant Sir Samuel Barnardiston was Guilty of the Offence and Misdemeanour, Charged on him by the Information.

Which Verdict was Recorded by the Clerk.

Afterwards Sir *Samuel Barnardiston* received Sentence, *That he should pay 10,000 l. Fine, be imprisoned till paid, and find Sureties for his Good Behaviour for Life.*

CXXVI. *Proceedings against JAMES HOLLOWAY* in the King's-Bench, on an Outlawry for High-Treason, April 21, 1684. Paschæ. 36 Car. II.*

HIS Majesty's Attorney General having on *Friday* last, moved the Court of *King's-Bench* for an *Habeas Corpus* Returnable this Day, directed to the Keeper of His Majesty's Goal of *Newgate*, to bring thither the Body of *James Holloway*, then in his Custody, to shew Cause why Execution should not be awarded upon an Outlawry for High-Treason against him. The Keeper of *Newgate*, according to the Command of the Writ, brought him this Day to the Bar of the said Court, where he was proceeded against in this Manner.

The Return of the Writ of Habeas Corpus was first Read.

Cl. of Cr. James Holloway, Hold up thy Hand.
[Which he did.]

Thou hast been Indicted in *London*, by the Name of *James Holloway*, late of *London*, Merchant, for High-Treason by thee committed, touching the King's Majesty's Person, and the Government of this His Kingdom of *England*, and for not appearing and answering that Indictment, by due Process of Law, upon the Indictment thou standest Outlawed, and upon that Outlawry thou standest Attainted of the same High-Treason; What hast thou to say for thy self why Execution should not be awarded against thee upon that Attainder by this Court according to Law?

Holloway. My Lord, I have been a great while Absent, and know not what hath been done in this Matter, or proved against me.

L. C. J. Yes, you have been absent so long it seems, that you now stand Outlawed, and thereby Attainted of High-Treason; there is nothing now remains with the Court, but only to make a Rule for your Execution.

Holloway. If an ingenuous Confession of the Truth will merit the King's Pardon, then sure I have done it.

L. C. J. For that Matter we are not to dispose of the King's Mercy, he will dispose of his own Mercy as he shall think fit. Is Mr. Attorney in the Hall?

Crier. Yes, my Lord, he is.

L. C. J. Then pray send for him.

Which was done, and in a little time after he came into Court.

L. C. J. Mr. Attorney, here is the Prisoner at the Bar, *Holloway*.

Mr. At. Gen. Yes, my Lord, I see he is. *Sir Samuel Astry*, have you the Record there?

Cl. of Cr. Yes, Sir.

L. C. J. It has been read to him, Mr. Attorney? *Mr. At. Gen.* My Lord, I would know what he saith that Execution should not be Awarded.

L. C. J. He talks of Discoveries and Confessions which we, you know, cannot take any notice of; Ask him again.

Cl. of Cr. Hast thou any thing to say for thy self why Execution should not be awarded against thee, according to Law?

Holloway. My Lord, I know not what hath been proved against me, but I have made such an ingenuous Confession to His Majesty of what I know—

L. C. J. Proved against you? You are Outlawed upon an Indictment for High-Treason; what can you say against the Court's awarding Execution?

Mr. At. Gen. My Lord, has he heard the Indictment upon which the Outlawry was grounded?

Cl. of Cr. No, Sir, only the Substance was told him, That he was Indicted of High-Treason, and Outlawed for it, and stands Attainted by that Outlawry.

Mr. At. Gen. If your Lordship please, the Indictment may be read to him, that he may understand what it is, and may not go blind to Execution.

L. C. J. Ay, Mr. Attorney, if you please, let it be so.

Cl. of Cr. Reads. The Jurors being Sworn to enquire for our Sovereign Lord the King, and the Body of the County of the City of *London*, upon their Oaths present, That ———— [And so the whole Indictment was read.]

Cl. of Cr. That is the Indictment, Mr. Attorney, and upon this he is Outlawed.

Mr. At. Gen. And so stands Attainted. What hath he to say to it?

L. C. J. Ay, why should not we award Execution against him according to Law?

Cl. of Cr. Have you any Thing to say?

Holloway. I have said what I have to say.

Mr. At. Gen. Pray what is that, my Lord, that he has said, for I was not here?

Holloway. I beg his Majesty's Mercy.

Mr. At. Gen. If the King be so gracious as to admit you to your Trial, can you make a Defence against the Indictment? Have you any Thing to say that you can defend your self by, if the King do admit you to be tried, and that is a Mercy and a Grace, for at Law you are gone.

L. C. J. It is so, indeed, Mr. Attorney; if you will on the King's Behalf indulge him so far, as I suppose you have Authority from the King to Consent unto, that if he has a mind to try the Fact, and can defend himself, he shall have that Liberty, that is a great Mercy, I assure you.

* Burnet's *History of his own Times* Vol. I. p. 576. He had fled to the West-Indies, where he was taken, and sent over to England.