

Council will have it so? whereby it is plain, that thou didst speak against the Queen and the State.

Udall. My Lord, the Author only meaneth this, That when we are called before the Bishops, they were often driven to use this Argument (when they had nothing else to say for themselves) that they could be content many things were amended; but it must be so, for the Queen and Council will have it so: And surely herein methinks they slander her Highness; and we tell them, that however they bear it out here before Men, yet before God that Excuse will not serve their turn.

Judge. Thou canst not carry it away so: Dost not thou plainly say, That they are not safe, tho' they have human Authority on their side; but he that is on our side is mightier than they? Whereby thou both abasest her Majesty, and also dost threaten them with some Force and Violence.

Udall. It is true, that whosoever doth unjustly is not safe in it, tho' all the Princes in the world should defend him in it; and that is the Meaning of the Author: But to say, that Force and Violence is threatned them, is farthest doubtless from this Meaning; for it is known to all the World, that we desire, by all good means, to commend this holy Cause of Reformation to her Majesty and the State, and do not look for neither, that ever it should by any force prevail, but that it would please God to honour her Highness with the advancement of the same.

Judge. No, no, these are but Excuses, these malicious Speeches proceeded from thee, and were the Ground-work of all these Libels that have been dispersed since, and thou art known to be the Ring-leader of this Faction.

Udall. There is no reason to charge me with other Men's doings, every Man must answer for himself; but as for me (alas) I am no body: there are five hundred Ministers in this Land of my judgment in these things, the meanest of which I acknowledge to be far better learned than I am. But by the way, my Lords, I pray your Lordships give me leave to say one thing, which I being about to speak of before, was interrupted; and therefore seeing now it cometh into my Memory, I pray you to hear me, tho' it be out of time, concerning the Felony whereof I am accused; it maketh greatly for me.

Judge. What is it? Let us hear what you can say.

Udall. When I was before the Lords of her Majesty's Council at the time of my Commitment, amongst other things that I alledged against the taking of an Oath to accuse my self, I said, that the thing was accounted criminal, and therefore by Law I was not to answer: My Lord *Anderson* said, that I said true, if the case had concerned either the loss of Life or Limb; whereby it is manifest, that then my Case was not esteemed Felony.

Judge. Tho' the Judges had not then concluded it, yet it was Law before, or else it could not so be determined after; the violent course of others since, hath caused your Case to be more narrowly sifted.

Then the Judge (having spoken to the like effect also) said to the Jury, That they should not need to trouble themselves to find him Guilty of the Felony, but only it was sufficient if they found him Guilty to be the Author of the Book: for, quoth he, it is already determined by all the Judges of the Land, that the Author of that Book was in

the compass of the Statute of Felony; and this, quoth he, was concluded before we came hither: Therefore you being ignorant of the Law, and we being sworn, as well as you are, you are to hear us, and to take our Exposition of the Law. And after many other Speeches, the Judges said, Go thy way, we will hear thee no longer, get thee hence; and shaking his Hand, he called for the other Felons to hear their Causes.

Then the Jury said, What can we find?

Judge. Find him Author of the Book, and leave the Felony to us.

And after some other Speeches, Mr. *Fuller* said to the Jury, You are to find him Author of the Book, and also Guilty of a malicious Intent in making it.

Whereat Mr. *Daulton* said, What have you to do with the matter, Mr. *Fuller*, to speak to the Jury?

Then there being some Noise at the Bar, Mr. *Udall* could not any more be heard: Yet as he was ready to depart, he said to the Jury, You of the Jury consider this, that you have not to consult about the Life of a Seminary and Popish Priest, but of a Minister of the Gospel.

Then Judge *Clarke* shewed the Reasons to the Jury, why they must find him Guilty; saying, The Evidences are manifest for the first Point, that he is the Author of the Book; and the second is a Point in Law agreed upon by all the Judges, as I have said.

So the Jury, after they had heard the Evidences of the other Felons at the Bar, departed to consult about them; in which time of their Consultation, there came two several Messages, exhorting him to submit himself, and to yield unto the Judges before the Jury had given up their Verdict.

Unto whom Mr. *Udall* replied, willing them not to trouble him with any such matter; for he was clear in his Conscience, and therefore he was not to accuse himself. In which time also the Jury, divers times sent and received Messages from the Judges; and at last, the Foreman of the Jury went himself unto them. Thus having debated of the Evidences of the rest of the Felons with Mr. *Udall*, after the Judges had dined, the Jury brought in their Verdict that he was guilty of Felony.

After that Baron *Clarke* had finished all other matters of Law, and that the Juries had given their Verdicts on the Felons, finding some Guilty, and some Not Guilty, the Judge commanded all the Prisoners to stand forth and to answer to their Names: who did so. And first, Mr. *Udall* was called, who stood forth at the Bar; but the Judge commanded him for that time to stand aside, saying, That he would deal with him anon. Then some of the Prisoners which were saved by their Books, were burnt in their Hands; and for that Night there was nothing more done. Then the Judge commanding the Jailor to bring the Prisoners betimes in the Morning, commanded them to depart: And so for that time every Man departed to his place.

The next morning, being the 25th of *July*, about four of the Clock, the Prisoners were brought to the Bar, who stayed till the coming of the Judges: who came thither by six of the Clock, or th reabouts, and called the Prisoners by their Names^e to receive Sentence of Death: And first, they began with Mr. *Udall*; who, after he was called, was commanded to stand aside till anon.

anon. And then were seven Felons that received Sentence of Death; who being taken aside, Mr. *Udall* was called the second time; and the Clerk of the Affizes said, *John Udall*, hold up thy Hand, what canst thou alledge for thy self, why thou shouldst not receive Judgment to die?

Udall. My Lords, notwithstanding my earnest pleading and protesting of mine Innocency yesterday, which I could and would have done more clearly, but that I was so much interrupted; yet it hath pleased the Jury, upon their Consciences, to find me Guilty of that, which, I thank God, never entered into my heart: Now therefore must I plead another Plea, and therefore I crave of your Lordships to grant me the Benefit of the Pardon granted the last Parliament.

Judge. I think you can have no Benefit by it, for I am deceived if it be not excepted. Then said he to the Clerk, or some other, Reach me the Statute-Book: And whilst he looked in the same,

Mr. *Udall* said, I pray your Lordships consider the Ground of my Plea, albeit indeed it seems to be excepted: Your Lordships confessed yesterday, and I shewed it by my Lord *Anderfon's* Speeches to me, that it was not thought Felony till of late; and therefore the things that be excepted, be such as be inquirable and punishable in the Ecclesiastical Courts.

Judge. That is nothing; for if the lesser be excepted, much rather is the greater.

Udall. My Lords, I refer it to your Consciences and favourable Considerations: The Words are these in the Pardon, which he repeated: And they finding it to be as he had said, the Judge said, Here is no help for you. And after other Speeches between them of the Meaning of the Words of the Pardon, the Judge said, Mr. *Udall*, your Counsel hath deceived you.

Udall. My Lords, I have not received any Counsel herein, for I have been close Prisoner this half year, and therefore could not attain to have any Counsel; but thus much have I gathered, which is my Judgment, out of the Book.

Judge. What can you alledge more for your self? for this helpeth you not.

Udall. Nothing but mine own Innocency, but that your Lordships may proceed.

Judge. What say you? are you contented to submit your self to the Queen?

Udall. Yea, or else I were not worthy to live in her Highness's Dominions.

Judge. But will you acknowledge your self to have offended her Majesty in making this Book? She is gracious and full of Mercy; it may be, that we, reporting your Submission unto her Majesty, may procure her Pardon for you.

Udall. May it please your Lordships to hear me; The Cause for which I am called in question, I cannot forsake in any sort, for I hold it to be the undoubted Truth of God; but, &c. And then he was interrupted by Judge *Puckering*, who said:

Judge. Nay, stay there, you cannot go away with that Speech unanswered, to buz into the Peoples ears such a Conceit, that it is an undoubted Truth that you hold; for I hold it to be an undoubted Falshood. And then he proceeded further in a large set Speech, the effect whereof was, That this Land having been governed by sundry Nations, hath yet kept her ancient Laws, which (he affirmed) would be overthrown, if this Government that these Men seek for, should be estab-

lished: And then he further shewed, What Inconveniencies (as he thought) would come by the same, *viz.* That we having Laws and Judges appointed to decide all Controversies, this Presbytery which these Men seek for, would overthrow all, and bring to their Censure and Government all Mens Causes, or else they would excommunicate them from their Churches; yea, and they are so hot for this Government, that they will not stay for the Magistrate; and if the Magistrate will not, they will reform themselves: and one of them writing in a Letter to a Friend of his, saith, Let us number our hot Brethren, that we may know who will stand to it, for it is high time. So that it is plain, that if they cannot have it with her Majesty's Consent, they will have it, tho' it make our Hearts to ache, as you say in your Book. And whereas her Majesty hath Revenue belonging to her Crown out of the Church-Livings, and Cathedral Churches, these Men would have her Majesty give unto them those Revenues, for the Maintenance of their Presbytery, and they would allow her a Stipend at their Discretions; so that they would bring the Queen and the Crown under their Girdles.

And some of these Men have gone so far, that they say plainly we have no Church, no Sacrament, no Ministers, nor any Worship of God amongst us. If these things be not look'd unto in time, what Confusion shall we have in this Land shortly? Many other things he spake against the Cause of Reformation, which I cannot particularly lay down: but this is in effect the Substance of it, concluding, he said, Thus much, Mr. *Udall*, have your Speeches enforced me to speak, lest the People here present (being deceived) should be carried away by it. To which Mr. *Udall* answered briefly:

Udall. My Lords, it is bootless for me to enter Disputation with you in this place touching this matter; only this I could wish you, to leave it to be first decided by the learned Divines, to whose Calling it belongeth. And altho' some weak Men wanting judgment have been headily carried in seeking the Furtherance of this Cause, and so for want of this Government have run into some Errors: yet it is no reason to charge us with them, for your Lordships know, that we have been the Men that have taken the greatest pains to reclaim them to the joining of themselves with the Church, from which they have separated themselves.

Judge Clarke. You are deceived, it is not a matter of Divinity only, but it is a matter of State, and within the compass of our Profession; and it is not so greatly in controversy, as you would have us to believe it is.

Udall. It is diversly debated (my Lords) and the greatest number of learned Men in Christendom do maintain the same.

Judge. How do you know that? have you been beyond the Seas to know the greatest number of learned Men to be of this Judgment?

Udall. Your Lordships know, that all the Churches of *France*, the *Low-Countries*, and of *Scotland*, do maintain the same, besides many hundred of learned Men in this Land.

Judge. Have you been in all these Churches, that you can tell so much?

Udall. I know it to be true (my Lords) for their Practice doth shew them to be of this Judgment.

Judge. Well, if you can alledge no more, neither will submit your self to the Queen's Mercy, then hear your Judgment.

Udall. My Lords, I was beginning to speak, but you interrupted me; I pray you hear me what I will say, and then do as God shall move you.

Judge. Let us hear what you will say.

Udall. As I said before, so I say now, I believe the Cause to be the undoubted Truth of God; and therefore in the Matter, I cannot by any means yield: yet seeing, by your order of Law, I am found to be guilty, neither can I (for the Reverence I bear to her Majesty's Laws) take any Exceptions against you nor the Jury; but that which you have done, I acknowledge to be done in all Equity and Right. Seeing, I say, you have found me to be guilty, whereby I cannot live without her Majesty's gracious and special Favour, I acknowledge, that whatsoever I have done to the advancement of the Cause, I may offend in the Manner; in which respect (if I have offended) seeing it hath pleased your Lordships and the Jury to find me guilty, I do willingly submit my self, and heartily crave her Majesty's Pardon.

Judge. But are you sorry that you have offended the Queen's Majesty?

Udall. I am sorry, that the Course of the Law hath found me to have offended.

Judge. So is every Thief that is condemned sorry, that his Offence is found out, but not for the Fact. This is a plain Fallacy.

Judge. My Lord, indeed if it were so as your Lordship doth understand it, it were a plain Fallacy; but I say farther, if in the Manner of handling so good a Cause, there be found in me any Offence against her Majesty's Laws, I acknowledge, that in the Manner of handling it, her Majesty may be justly offended, for which I am sorry. And I protest that I have never gone about to advance it by any other means, than by manifesting it to all Men, and tendering it to them in Authority; and that by such means as might not be contrary to the Laws of this Land, that so it might be received by her Majesty and the State: and this is the Care of us all, howsoever we be charged with Factions.

Judge. You say, if there be found any Offence; whereby you call in question the Equity of dealing in this Court against you.

Udall. My Lords, I do not, neither will I; let it be looked into by you and the rest whom it concerneth, I hope you would not deal otherwise than lawfully against me.

Judge Puck. You say, you seek no unlawful Means: What can be meant but unlawful Means in the words of your Book? *If it come in by that Means that will make all your Hearts to ake, blame your selves.* What good Means can be meant by these Words?

Udall. My Lords, yesterday I shewed you what I took to be the meaning of the Author in some places of the Book alledged against me in the Indictment; and then I would have spoken unto all, but you cut me off: I pray you therefore let me shew you the Meaning of the Author in those Words now.

Judge. Let us hear you how you expound it.

Udall. My Lords, your Lordships must understand, that the Author taketh it for granted, that the Cause is God's and must prevail: and therefore, seeing God hath used all the means of his Mercy to bring it in, in giving us a gracious

Prince, long Peace, and Abundance, and of stirring up some to exhibit Supplications to the Parliament; these things not prevailing in his Mercy, he will bring it in by some Judgment, as Plague or Famine, or some such-like Punishment: and this is always the manner of God's dealing.

Judge. You cannot expound it so; for the Words import another thing.

Udall. My Lord, the Author himself expoundeth it so in the Words following; where he saith, *That it must prevail, for such a Judgment will overtake this Land, as shall make the ears of all that bear thereof to tingle:* So that he meaneth nothing but this, That God will bring it in by his own Hand, by Judgment, if by Mercy he cannot prevail.

Judge. No, no, your Meaning was, That it should be brought in by Force and Violence.

Udall. God forbid! far be it from us to conceive any such Imagination. The Author of that Book doth plainly shew, that he meant no such thing; and the Words following, in the end of the Epistle, do declare the same; for there he sheweth by whom it is to be brought in, namely, by her Majesty and her honourable Counsellors, that they may see it, and establish the same.

Judge. Nay, the meaning is, That if the Queen will not, yet you say, it shall come in; for so the Words are, *That it must prevail, maugre the Heads of all that stand against it.*

Udall. Nay my Lords, the Words are, *Maugre the Malice of all that stand against it.* For there are many Heads that are not maliciously bent against it: There is great difference between Malice and Heads; for some are against the Cause, through Ignorance.

Judge. It is all one in effect.

Udall. Nay, my Lords, there is great difference.

Judge Puck. Well, Mr. *Udall*, you were best to submit yourself to the Queen's Mercy, and leave these Courses; for I tell you, that your Book is most seditious and slanderous against her Majesty and the State; and yet I assure you, that your Book had been passed over, if there had not come forth presently after it such a number of slanderous Libels, as *Martin Mar-Prelate*, *Martin's Epitome*, *Martin Jun.* or *Theses Martiniane*, *Martin Sen.* and others such-like; of which your Book was judged to be the Ring-leader.

Udall. My Lords, those that are learned, and do maintain this Cause, do judge this Book to be written very indifferently, howsoever it be hardly construed. But for *Martin*, and the rest of those Books that you have named, they were never approved by the Godly Learned: And I am fully persuaded, that those Books were not done by any Minister; and I think there is never a Minister in this Land, that doth know who *Martin* is. And I for my part, have been inquisitive, but I could never learn who he is.

Judge Clarke. You will not acknowledge your self faulty in any thing, and therefore it is in vain to stand any longer with you.

Udall. I will easily confess, that in Manner the Author hath offended: for no Man can handle a Cause so well, but there will fault appear in it, as appeareth by *Job*, who having a good Cause, handled it weakly: It is easier to handle an ill Cause cunningly, than a good one well.

Judge. Nay, but you have maliciously offended in publishing this Book, which tendeth to the overthrowing of the State, and the moving of Rebellion.

Udall.

Udall. My Lords, that be far from me, for we teach that in reforming things amiss, if the Prince will not consent, the Weapons that Subjects are to fight withal, are Repentance and Prayers, Patience and Tears.

Judge. Yea, you had done well if you had used these Weapons, rather than to have made this Book.

Udall. God forbid but that we should give unto her Majesty that Honour which justly is due unto her, for we have not taught the People to reform the State without the Prince, and our Practice hath proved the same; for we never taught any of her Subjects to go before her, but to leave that Honour as belongeth to her Majesty.

Judge. Well, will you submit your self or not? for else I must proceed to Judgment, and I have no Authority to favour you, neither will I stay Sentence of Death according to my Office: what my Brother hath I know not, and therefore shortly submit your self, or else I am to pronounce Sentence of Death.

Udall. And I am ready to receive it: For I protest before God (not knowing that I am to live an Hour) that the Cause is good, and I am contented to receive Sentence, so that I may leave it to Posterity how I have suffered for the Cause. But my Lords, the Cause excepted, I will submit my self in any thing.

Judge. Let the Cause alone, and tell us no more of it, but acknowledge your self to have offended the Queen's Majesty.

Udall. I may not in any case yield in the Cause; I have almost ever since I was a Preacher of the Gospel professed it, and therefore I cannot be at this time changed.

Judge. Let (I say) the Cause alone, and say what you will do.

Udall. I must needs profess it and mention it, lest it should be thought that I have started from it; but for any thing that I have done in the Manner against Law, I am heartily sorry for it: more than this I cannot say, do with me what you will.

Judge. But are you sorry for offending her Majesty and her Laws, and be you contented to amend, and to live in Obedience as becometh a good Subject?

Udall. I am content to seek the advancement of this Cause by no other means, than that which may stand with the Laws of this Land, and the Duty of a good Subject.

Judge. I come not here to intreat you to submit your self, but you shall do it willingly upon your Knees, and crave her Majesty's Mercy.

Udall. Then Mr. *Udall* kneeling down, said, I refuse not any kind of Submission to her Majesty: And I intreat your Lordships to be a means to her Majesty for me. And if I were worthy that my poor Papers might come unto her Majesty, or to her honourable Council, I would write thus much unto them.

Judge. Nay, will you write thus much unto us, that we may first see it and commend it to her Majesty?

Udall. I willingly do it.

Thus they dismissed him.

And this is the Sum of that which I with the help of others could remember, having not any Intent to leave out or enlarge any thing further than the meaning of the Speakers did intend; notwithstanding many more things were said on both sides, especially the set Speeches of both the Judges,

and of Mr. *Daulton*, to the disgrace of the desired Reformation, which could not well be expressed in particular, and therefore I have left them. Also many other things Mr. *Udall* purposed and begun to say, which they stopped, so that they could not be perceived.

The Affizes being thus ended, Mr. *Udall* was returned to the Prison of the *White-Lion* again, where he continued till the Sessions in *Southwark*, beginning the 18th Day of *February*, 1590; during which time he wrote a Supplication or Submission to the Queen's Majesty as followeth:

To the Queen's most Excellent Majesty.

MOST gracious and dread Sovereign, the present lamentable Estate wherein I stand, being found guilty by Verdict, to be Author of a Book entitled, *A Demonstration of Discipline*, and being, without your gracious Pardon, to die for the same; I humbly prostrate myself at your Majesty's Feet, submitting my self in most humble manner as becometh a dutiful Subject, to such Order as it shall please your Highness to appoint, to whom God hath given so high and sovereign a Power, as is able both to kill and to quicken, to bring to the Gates of Death, and to cause to return to the Comfort of Life again: Before whom standing thus convict, I am not to plead my Innocency; yet I most humbly desire it may not offend your Excellent Majesty, that I protest (of the Truth whereof I call God to witness, who knoweth all Secrets, and will judge both the quick and the dead) that I had never any thought or imagination to publish, write, or do any thing maliciously, or tending to the dishonour or slander of your Majesty's Royal Person or Princely Estate, under whose gracious Government I have attained to so many Benefits and Blessings; amongst which I most highly esteem the true Knowledge and Fear of God; in regard whereof, I have been always ready even to adventure my Life, for the preservation of your most Royal Person and defence of your Princely Estate, and the same have also taught unto others, as a thing specially commanded by God: notwithstanding, fearing the Severity of Justice unto Death, I fly for Life unto your Majesty's most gracious Mercy, most humbly desiring your Highness of your merciful Compassion, for relief of my poor and miserable Estate, to grant me your gracious and comfortable Pardon, whereby I may be discharged, both of the Offence and Punishment, which the Law hath laid upon me. Other hope than this have I none, but the Trust I have in God, (according to his Promises) that your Majesty by a special Gift of God is gracious and merciful, and have vouchsafed to shew Mercy even unto such as were not only by imputation of Law, but indeed malicious and mortal Enemies to your Highness; and therefore I hope that the same Goodness of so Princely a Nature may be moved, and will shew forth itself in like gracious Compassion on my behalf. Which gracious Pardon on my Knees I most humbly crave your excellent Majesty to grant unto me, by which special Favour being raised as it were from the dead, I promise and vow to lead the rest of my Life in all humble and dutiful Obedience unto your Majesty; praying continually for the preservation of your Highness's precious Life and happy Government, to the Honour of Almighty God, and the Comfort of all obedient and dutiful Subjects.

*Further Proceedings against Mr. Udall, at the Assizes in Southwark,
February 18, 19, 20. 1590. 33 Eliz.*

BEING called the first Day of the Assizes in the Afternoon, Serjeant *Puckering* said:

Puck. We do not mean now to deal with you, only I must put you in mind that you have made a Petition, wherem you promise to submit your self to such Order as her Majesty shall appoint; consider of it, and look that you do it, for I can tell you, it is looked for at your hands.

Udall. I know not, my Lord, what you mean; I made a Petition to her Majesty, and will willingly perform any thing promised therein.

Puck. Well, advise well with your self, and look that you do it, I tell you aforehand.

Udall. Unless you mean that, I know not your meaning.

Justice *Fenner* dwelling in *Surry*, sat on the Bench, and said: Mr. *Udall*, I must needs say something unto you, I have heard much good of you, and that you are Learned, it were pity you should do otherwise than well, I pray you take heed that those good things which are in you be not marred for want of Humility: I tell you Humility is a special Virtue in a Man of your Calling, the want whereof marreth all in them that want it; I pray you stand not in your own Opinion too much: I have heard that you have done much good, let not Humility be wanting, &c.

Udall. My Lord, I acknowledge that Humility is a Virtue generally required in Men of my Calling, without which all other Gifts are nothing; for *God resisteth the Proud, and giveth Wisdom to the Simple*: and I desire that the same Virtue may be found in me. But I trust your meaning is not thereby to persuade me to deny the Truth, which I trust the Lord will keep me from, whatsoever befall me.

Fen. I speak to you of good-will, I would not have you stiff in your own Conceit.

Puck. Remember what I said unto you.

And so I was carried into a Chamber to be conferred with by some of the Bench, &c. And when that Promise which the Judge so much spake of came to be examined, it was nothing but a Sentence in my Submission to her Highness, the meaning whereof is (as the words going before it, and immediately following it, do declare) that I professed my self willing to live or die, according as that Power which God hath given to her Majesty, shall appoint.

I having been dealt withal to this effect the first Day of the Assizes (by certain of the Bench in private) as also the second Day by some of them to this effect, that I would make such a Submission as would condemn the Book in question, and justify the Hierarchy; and perceiving that I was not to be heard till the last day, I intreated Sir *William Moore* and Mr. *Bowyer* to be a mean to the Judges for me; that, forasmuch as my Case was rare, and I had (as I was persuaded) sufficient to

alledge, why (notwithstanding the Verdict against me) Judgment ought to be stayed, I might be heard over Night, that so (according to that good Counsel given by them unto me, to advise with myself, and to consider what I would do) also they might have a Night to think of what I had to say, and the next Day to do with me as God should move them.

Hereupon I was fetch'd forth before the Judges in private, immediately after Dinner; who using many Persuasions to draw me to relent (which being in private, I will not express) told me that they sent for me, for that they understood I desired to be heard over Night, which they were willing then and there to do. I answered, My Lords, my meaning was not to desire private, but publick hearing, seeing I have nothing to say, but such as would prevent my self, and disappoint my publick Speech, if I should utter it in private: yet because they told me their other Affairs would not permit them to have any time with me till the latter end of the Assizes, I was rather willing that I should be prevented, than they should be constrained to determine on a sudden upon so weighty a matter: whereupon I did draw out a Paper for each of them, containing these Reasons following.

I humbly pray your Lordships to consider, whether these Reasons ought not in Conscience to move you to stay the Sentence notwithstanding the Verdict against me, and to be means of my release.

1. It seemeth that my Case is not esteemed Felony by the Judges of the Land, seeing they do usually sit in the High-Commission Court, where the printing and dispersing of the same, and such like Books, are usually enquired after as Transgressions of another nature.

2. No Judgment in Law ought to be given in case of Felony, but upon a Party first found Guilty thereof by a Verdict of twelve Men; but I am not so: for proof whereof, I pray you it may be remembered, that your Lordship gave the Jury in Issue only for the Trial of the Fact, whether I were Author of such a Book, and freed them from enquiring the Intent, without which there is no Felony.

3. I humbly pray you call to mind by what means the Jury was drawn to give that Verdict they did, whether they were left wholly to their own Consciences, or were wrought unto it partly by Promise, assuring it should be no further Danger unto me, but tend to my good; and partly by Fear, as appeareth in that it hath been an occasion of great Grief unto some of them ever since. And then I pray you to consider, whether upon such a Verdict so drawn from twelve simple Men, Christian Judges, in a good Conscience, may proceed to Sentence of Death?

4. In case the Verdict was never so free, yet your Lordships being Men of Wisdom and Knowledge, are to consider, whether the Statute whereupon I am indicted, do agree to my Case in the truth

truth and meaning of it, there being nothing in that Book spoken of her Majesty's Person, but in Duty and Honour; and whether the drawing of it from her Majesty to the Bishops (as being a part of her Body Politick) be not a violent depraving and wresting of the Statute? which if it be, you being Christian Judges, cannot in a good Conscience upon such a ground proceed to Sentence, contrary to your own Knowledge.

5. But if the Statute be to be taken so as it is urged, it ought to be considered that without a malicious Intent against her Majesty's Person, the Statute itself maketh no Act forbidden by it to be felonious; wherein I appeal first to God, and then to all Men that have seen the whole Course of my Life, and to your Lordships own Consciences, wherein I pray you to examine your selves in the sight of God, Whether either by your selves, or the just Report of any other, you can find me guilty of any Act in all my Life, that favoured of any Malice or malicious Intent against her Majesty, or of any other Behaviour than standeth with the Allegiance and Duty of a most Dutiful and Christian Subject. Of which Malice or malicious Intent against her Majesty, if your Consciences clear me before God, the Act wherewith I am charged being not Felony without such an Intent; I hope you will consider that you cannot with a good Conscience proceed to Judgment.

6. Yet if the Statute and Intent were such as it is said, in case of Life the Evidences ought to be pregnant, and full living Witnesses (I am sure by the Word of God, and I trust also by the Laws of this Land) were to have been produced Face to Face to charge me. But I have none such against me, neither any other thing, saving only Papers and Reports of Depositions taken by Ecclesiastical Commissioners and others; which kind of Proof the Judges of the Land cast away in case of Lands, and by no means allow to be sufficient, and therefore are much less to be allowed in a Case of Life: which being so, your Lordships ought to have a Conscience, that upon so weak Evidences, Sentence of Death be not pronounced.

7. But if the same that hath been given in for Evidence in Writing, had been testified by Men living, standing out in the presence of the Court, and of me the Accused; I trust your Lordships will consider that no one of the Evidences do directly prove me to be the Author of the Book in question; which as it was, hath little Force in it, as appeareth by this, that the Author of the chiefest Testimony is so grieved, that he is ashamed to come where he is known. Whereupon, howsoever the Jury have not discerned thereof, yet you being Men of Skill and Understanding, are to have regard of it, and not upon so weak and impertinent Proofs, to proceed to Judgment of Death.

8. If all these things were such as they ought to be, yet your Lordships are to consider (supposing me to be the Author of the Book in question) that the said Book for the Substance of it, containeth nothing but that which it taught and believed to be a part of the Gospel of Christ, by all the best reformed Churches in *Europe*; wherein nothing being diverse from them, I cannot be condemned, without condemning in me all such Nations and Churches as hold the same Doctrine. In which (if there be no Error in them) the Offence commonly being in Form, Circumstance and Manner of Writing, which some Men may think worthy an

Admonition, some more severe worthy Correction and Amercement, the sharpest cannot judge it to deserve more than some short time of Imprisonment. But Death for an Error of such a kind, in terms and words not altogether dutiful of certain Bishops, cannot be but extreme Cruelty: Which seeing it ought to be far from any Christian Man that hath the Bowels of Christ in him, surely Christian Judges professing the Gospel, for a Service of the Gospel (saving some oversight in words and terms) ought not to proceed against me (who have endeavoured to shew my self a dutiful Subject and faithful Minister of the Gospel) to give Sentence of Death.

9. My Offence not being aggravated, but remaining as it was the last Affizes when my Submission was accepted, and Judgment thereupon staid; I trust your Favour will be the same towards me now also, seeing I am ready to do the like.

If all this prevail not, yet my Redeemer liveth; to whom I commend my self, and say as sometime *Jeremy* said in a Case not much unlike; *Behold I am in your hands, do with me what seemeth good unto you: but know you this, that if you put me to death, you shall bring innocent Blood upon your own Heads, and upon the Land.* As the Blood of *Abel*, so the Blood of *Udall* will cry to God with a loud Voice, and the righteous Judge of the World will require it at the hands of all those that shall be guilty of it.

This is the Sum of that which I deliver'd to the Judges.

The Affizes being almost finished, and the other Prisoners, that were called to the Bar to have Sentence of Death, standing forth to hear the same; I was at the last called, and demanded what I could say for my self why I should not have Judgment to die. Hereupon I humbly craving Audience, began to this effect:

Udall. My Lords, I do acknowledge that I have been hitherto proceeded against by due Course of Law; and that a Verdict was given in against me the last Affizes as Guilty of Felony, &c. But I do not only (as heretofore) protest mine Innocence, but also think that I have sufficient to alledge why (notwithstanding the Verdict) Judgment ought not to be given; wherefore I intreat to be heard.

Judge Puck. I pray you stay, you seem in the beginning to speak Contraries; for first you acknowledge the Course of Law to be due, and afterwards stand upon it that you are innocent. How can a due Course of Law condemn the Innocent?

Udall. These things agree well enough, as I will shew, if it shall please you to give me leave: It is by due Course of Law that I have been indicted, arraigned, have had a Jury impannelled upon me, been accused, heard speak for my self, and Testimony produced against me: But in that the Proof by Witness was insufficient, and the Jury either in Judgment or Affection misled; thereupon it hath come to pass, that (notwithstanding the due Course of Law) Guiltiness is laid upon a guiltless Person. But I pray you let me proceed to the Reasons that I have to alledge for my self.

Then I left the first Reason of purpose, seeing I did rather wish that they only should understand it (which they did by my Papers over-night) than

to blaze it to the World; so that I did begin to speak according to the second Reason mentioned before: whereupon Serjeant *Puckering* prayed Baron *Clarke* to speak, seeing it did most concern him.

Judge Clarke. I must needs tell you, you do us and the Seat of Justice great wrong: indeed I told the Jury, what was the Law in the Opinion of all the Judges of the Land; for it was not my private Opinion, as I said also at that time.

Udall. It is not material, my Lord, in this Case, what the Judges think; for tho' all the Judges in the World thought so, our Laws thought no Man a Felon, or capable of Sentence as a Felon, till he be convicted by the Verdict of twelve Men.

Clarke. You are so convicted, as the Record will testify.

Udall. I acknowledge the Record against me, but I appeal to your Lordship's Conscience, whether you delivered not unto them Speeches to this effect: 'As for the Felony you are not so much to enquire, but only whether he made the Book, leaving the Felony to us.'

Clarke. You do me great wrong, I only told them the Law.

Udall. Well, I leave it to your Lordship's favourable Consideration, you perceive my Reason.

Then I spake to the third Reason, whereupon it was said:

Puck. All that you say tendeth to the disgracing of the Court of Justice holden against you heretofore; the Jury were left to their own Consciences, and did as they saw meet to do.

Udall. No, my Lords, I speak not any thing to disgrace the Court of Justice; for I acknowledge both this Course, and all others of the like nature, to be God's holy Ordinance, which I ought to reverence; neither do I speak to defame the Jury, but only to give your Lordships occasion why you may not proceed to Sentence thereupon: for if the Jury did well, why should it grieve any of them? If they did ill, your Lordships may not proceed to Sentence thereupon.

Puck. We cannot remember the particular Circumstances that then passed, neither are we to call in question the Verdict, but it is our Office to give Sentence according to it.

Udall. I pray your Lordships tell me one thing, must the Judges always give Sentence according to the Verdict, or may there not be cause to stay it?

Clarke. Yes, there may be cause to stay the Verdict, such may the Case be.

Udall. And I desire no other, but that my Reasons may be well weighed, whether my Case be such or no.

Then I prayed, for so much as they had the Substance of that in Writing aforehand which I meant to say, it would please them to give me leave to say at once what I could, lest my Memory (being so much weakened and dulled by Imprisonment) should fail me, and so I leave some material thing unspoken. Then I spake according to the fourth and fifth Reasons, whereunto little was replied, saving such things as were mentioned at my Arraignment: Only Baron *Clarke* used a very long Speech, wherein he compared Mr. *Stubbs's* Cause and mine together; and after the end of his Speech, Judge *Puckering* said,

Puck. Who taught you such Law? I tell you, you are much deceived and abused in it; one may

be within the Compass of Felony, tho' he do not directly mean any such thing.

Udall. Your Lordship knoweth I pleaded these Points the last Assizes, when I came from close Imprisonment to the Bar: I understand *English*, which is the Language wherein the Statute was written, and I profess my self a Scholar; and therefore to have (thro' God's Mercy) some Understanding of the Sense of that I read. It seemeth to me the most direct, and no otherwise to be taken than I understand it.

Then I spake according to the sixth and seventh Reasons, whereunto it was replied thus:

Puck. You are deceived, in that you think the Witnesses against you the less lawful, because the Parties were not present. It is an ordinary thing to have Witnesses examined in the Chancery, and other such like Courts, which do remain there of as sufficient Credit for ever, as they were when the Party's Oath was taken upon the same.

Udall. Then would I have answered that the Case was not alike, seeing the High-Commission is no Court of Record; but I was not then suffered to speak, for that it was said by the other Judge,

Clarke. Where do you find that there must needs (by the Word of God) be two Witnesses face to face?

Udall. It is so clear, as the Witnesses were also to have the first hand in executing the Punishment upon the Party offending.

Puck. That was according to *Moses's* Law, which we are not ty'd unto.

Udall. It is the Word of God, which hath a perpetual Equity in it; for the Life of Man is so precious in the sight of God, as he would not have it taken away without most evident and manifest Proof, such as in his Law is set down.

Clarke. We are not now to call in question the Proofs; seeing the Jury did think them sufficient: This Speech of yours tendeth to prove the Jury perjured.

Udall. Not so, my Lord; I think of them, that they did according to their Consciences: but being Men unlearned, and the Case being strange unto them, they may have done their best, and yet you being Men of more Knowledge and Judgment, are to look further into the matter.

Puck. Whereas you say that none of the Witnesses did directly prove you the Author of the Fact, that was not necessary; for if all laid together, and the Circumstances consider'd, do prove it, it is as good a Proof as if every Witness were direct.

Udall. But the Law of God, from which I trust our Laws disagree not, would that every Proof be direct.

Puck. And do you think indeed, that the Laws of this Land are agreeable to the Word of God?

Udall. I do not profess to know them; but surely I have so reverent an Opinion of them, that I trust the Grounds of them are according to the Word of God, however in some Particulars the Proceedings may miss thereof.

Puck. Then the Government by Arch-Bishops, and Lord Bishops, is according to the Word of God, seeing the Laws of the Land do allow them.

Udall. I pray you, my Lord, take me not so general; for that will not follow upon my Speeches.

Puck. Well, you may not now disgrace the Witnesses, you should have done it at your Arraignment.

Udall. I neither meant then, nor purpose now to disgrace the Witnesses, but to shew the Insufficiency

iciency of their Testimony in this case, that your Lordships may thereby see some reason to stay the Sentence.

The first Testimony that was alledged, was that of Mr. *Chatfield*, who affirmeth, that it was not given in against me upon his Oath; but only in his anger he set his hand to, but is now sorry for it.

Puck. You should have alledged this before; it is now too late.

Udall. It is alledged too late, to prevent the Verdict: but if there be any Force in it, it ought to be consider'd to stay the Sentence: I could alledge it no sooner, because I knew it not till after the Verdict.

Puck. We may not suffer you to proceed so, to disgrace that which is passed already: if you have any other thing to say, speak on; otherwise we must do our Office.

Udall. It is not my Meaning, howsoever you take it, to disgrace any thing passed heretofore; only I pray you further to consider, that *Tomkins*, whose Testimony only carried some shew, protested before my Commitment, that he would not for all the World affirm me to be the Author of the Book.

Puck. Why did you not plead these things to the Jury?

Udall. I did so, and offer'd to produce sufficient Proof for it; but your Lordships answer'd, that no Witnesses might be heard in my behalf, seeing it was against the Queen: which seemeth strange to me; for methinks it should be for the Queen, to hear all things on both sides, especially when the Life of any of her Subjects is in question.

Puck. The Witnesses were then thought by the Jury sufficient to prove the Matter, which we may not now call in doubt; therefore say on if you have any more.

Udall. Then I spake according to the eighth Reason; whereupon it was said,

Clarke. I tell you, you are not called in question for the Cause (as you call it) nor for the Body of the Book; but only for slanderous things in the Preface, against her Majesty's Government, and therefore you may let the Cause alone.

Udall. But it is for the Hatred borne to the Cause, that I am thus entreated; for had not it been handled in the Book, such matter as is now made of the Preface, had never been objected against me, or any other.

Puck. Well, it is best for you to leave off all other Pleas, and submit your self to the Queen's Majesty's Mercy.

Udall. I will do so with all my heart.

Puck. But will you do it as you did the last Affizes?

Udall. Yea, that I will: And so I spake according to the last Reason; whereupon it was said,

Puck. You confessed that you were justly condemned.

Udall. I am not yet condemned.

Puck. I mean convicted by the Jury. Then you acknowledged that you had offended her Majesty; that you were sorry for it, and promised that you would never do the like again.

Udall. My Lord, it is not for me to oppose my Word and Credit (which is nothing) against yours; I refer it to them that heard it: only, I pray you, give me leave to speak of it, as I take it that it was. First, I did avow (and so I do now, and will do whilst I live) that the Cause handled in that Book, is an undoubted Truth.

Clarke. How often shall we bid you leave the Cause, and tell you, that you are not troubled for it?

Udall. But it is the Cause that is sought to be defac'd in my Person, and therefore I must and will still profess it, and justify it, whatsoever Disgrace I receive by it unto my self. I pray you let me proceed. Secondly, I did protest that I never had any purpose to deface, but ever to seek to honour her Majesty and her Government. Thirdly, I professed that the Course of Law against me was due; whereby what I have meant, you have heard. Fourthly, I said, that I never had any purpose to do any thing to the Advancement of this Cause, but keeping my self (to the uttermost of my power) within the compass of the Law. Lastly, I never confess'd my self to be the Author of the Book. Then my Submission was this, That if I had done any thing to the Advancement of so holy a Cause, which had brought me within compass of the Law, or might justly offend her Majesty, I was heartily sorry for it: If this be not it, let me have any other drawn, wherein the former Points are justify'd, and I will set my hand unto it.

Puck. But all this is nothing to your Book in particular; what say you to it?

Udall. I say this, That tho' I hold the Matter in it to be a most manifest Truth; yet I confess the Manner of handling in some part, to be such as might justly provoke her Majesty's Indignation.

Puck. Because you stand so much upon the Cause, as you call it, you provoke me so, as I must needs say somewhat of it, lest the Audience should think some Matter in it, more than is.

Udall. My Lord, you understand my Judgment therein: I beseech you speak not against it, unless you will give me leave to reply unto you.

Puck. I may not do so, you provoke me to it; your Discipline that you stand upon, whereupon is it grounded? Forsooth upon the Saying of Christ, *Tell the Church*: which never was expounded these fifteen hundred years, as you do within these few years.

Udall. My Lord, he did abuse you that told you so: *Chrysoptom* expounded it thus, *Tell the Church*, that is, the Governours of the Church.

Puck. He meant the Governours of the *Jewish* Synagogue.

Udall. How can that be, when he lived above four hundred years after Christ?

Puck. Was there never any that could find it out before now, if it were a Truth?

Udall. Yes, it hath Testimony sufficient, if it might be receiv'd.

Puck. And lest Men should think that your Matter were as good as you pretend, I will tell you what I know; as it is written in one of your Books, that without an Eldership there is no Salvation.

Udall. I am persuaded that cannot be shew'd.

Puck. Yes, it is in *Theses Martinianæ*. One writ that it is time to number our hot Brethren; another (Mr. *Snape* of *Northampton* by name) wrote that the Bishops should be put down all in one day.

These things he did discourse of at large, in an invective Speech, most bitter, tending to persuade the People that we meant to rebel, and set up the Discipline, and pull down the Bishops by strong hand; and went about to impair the Queen's Prerogative and Patrimony. After which, with much ado, I got audience to this effect.

Udall.

Udall. My Lord, I protest in the presence of God, and hearing of all this People, that neither I, nor any of my Brethren, that ever I was acquainted with, to my knowledge, did so much as ever purpose, or speak of any such means as your Lordship mentioneth to bring in the Discipline; but only by Prayer to God, Supplication to her Majesty, and such other peaceable Means: This is my Answer to your large Invective. And whereas, my Lord, you seem to be so hardly carried against the Cause, I would not doubt, but if I might privately confer with you, with the Blessing of God, to persuade you to be a Friend unto it.

And after some other Speeches of other Books, and the aforesaid Speeches in the Books mentioned already, Judge *Puckering* said,

Puck. Nay, I tell you there are as foul things in your own Book: For, do you not say, that the Church is committed to the Mistress of the Stews, and ruled by the Laws of a Brothel-House?

Udall. It is spoken of the Popish Canon-Law; which is as unfit to rule the Church of Christ, as the Laws of a Brothel-House to govern an honest Woman.

Puck. And those Laws are established by her Majesty's Laws.

Udall. It would trouble the learnedest Lawyer in *England* to prove that.

Then Baron *Clarke* began a Voice, tending again to compare my Case to that of Mr. *Stubbs*, and to persuade me to submit my self, telling me what Good I might do; but because he spake low, and I said I did not well hear him, he gave over, and prayed the other to speak, who told me his Meaning: And then said,

Puck. We shall make short work with you: Will you here acknowledge all the Laws Ecclesiastical and Temporal of this Land, to be agreeable to the Word of God?

Udall. My Lord, I have Disgrace enough upon me already; you may easily perceive what I think of the present Ecclesiastical Government. I pray you press me not with these things, I can yield no further than you have heard.

Puck. Then we must do our Office, and pronounce Sentence on you.

Udall. God's Will be done.

Puck. Yea, God's Will be done on you indeed.

Then he gave Sentence upon me and the rest. After which I did purpose to speak according to the last Sentence, after the Reasons; but the Clamours of the other Prisoners, calling to the Judges to be good unto them, disappointed me thereof. Thus was I returned to Prison; what will be the Issue, I know not. *The Lord turn it to his Glory, the Good of his Church, and Shame of his Foes; and then welcome Life or Death.*

I being reprieved (as the Sheriff said, by her Majesty's own Commandment,) Dr. *Bond*, one of the Queen's Chaplains, came to me as from the Queen her self, and from the Council, with the Submission that was tendered unto me; to confer with me in general, but especially to persuade me to yield thereunto, or to take the Reasons of my Refusal. After two days conference, we agreed upon a Form of Submission, as followeth.

The Form of that Submission which was offered unto me, and I refused.

I *John Udall*, have been hitherto, by due Course of Law, convicted of Felony, for penning and setting forth a certain Book, call'd, *A Demonstration of Discipline*; wherein false, slanderous, and seditious Matters are contain'd, against her Majesty's Prerogative-Royal, her Crown and Dignity, and against the Laws and Government Ecclesiastical and Temporal, established by Law under her Highness, and tending to the erecting of a new Form of Government, contrary to her said Laws: All which Points I do now, by the Grace of God, perceive to be very dangerous to the Peace of this Realm and Church, seditious in the Commonwealth, and justly offensive to the Queen's most excellent Majesty; so as thereby I now seeing the Grievousness of this my Offence, do most humbly on my knees, before God and this Presence, submit my self to the Mercy of her Highness; being most sorry, that so deeply and worthily I have incurred her Majesty's Indignation against me: promising, if it shall please God to move her Royal Heart to have compassion on me, a most sorrowful convicted Person, that I will for ever hereafter forsake all such undutiful and dangerous Courses, and demean my self dutifully and peaceably to all Authorities both Civil and Ecclesiastical, established in this Realm; for I do acknowledge them to be both lawful and godly, and to be obey'd of every faithful Subject.

The Form of that Submission wherunto I did consent, and set my Hand.

With these three Protestations I do submit my self in manner as followeth:

I. I hold the Cause of Discipline debated in that Book, to be an undoubted Truth.

II. I never imagined any Evil against her Majesty's Person or Estate; but have sought to honour them both.

III. I never proposed to do or persuade any thing, whereby the Discipline might be advanc'd, but by peaceable means; endeavouring to keep within the compass of Law.

I *John Udall* have been by due Course of Law, convicted and condemned of Felony, for penning and publishing a certain Book, called *The Demonstration of Discipline*; in the Preface whereof, some Matter, as also the Manner of writing, I confess to be in some part so bitter and undutiful, as deserveth justly to be censur'd and punish'd, and justly offensive to the Queen's most excellent Majesty: Wherefore the Trial of the Law imputing unto me all such Defaults as are in that Book, and laying the Punishment of the same, in most grievous manner, upon me; and I seeing the Grievousness of this Offence, do most humbly on my knees, as in the presence of God, submit my self to the Mercy of her Highness, being most sorry that so deep and just Occasions should be given to procure her Majesty's Displeasure against me; promising that if it shall please God to move her Royal Heart to have compassion on me, a most sorrowful condemned Person, that I will for ever hereafter forsake all undutiful and dangerous Courses, and demean my self dutifully and peaceably, as becometh a Minister of the Gospel, and as a loyal Subject to the Queen's most Excellent Majesty.

At

At the same time that Dr. Bond was with me, I receiv'd a Letter from a Friend of mine, that did sollicite Sir *Walter Raleigh* for me; wherein were these words:

SIR *Walter Raleigh* willed me to let you understand, that her Majesty is inform'd of you, that you hold that the Church of *England* is no Church, and the Sacraments of the same no Sacraments; and that all her Ecclesiastical Laws are against the Word of God, and so her Government; and that all Ecclesiastical Matters ought to be governed by a Presbytery, and she her self to be subject to the Censures thereof: And that for these things, and such like, you are not worthy to live. But if you will write half a dozen Lines under your hand, unto Sir *Walter*, concerning these Opinions, that he may shew it to her Majesty, he hopeth to obtain your Life. I know it is an easy thing for you to answer all these things; and therefore do it with speed, and in your writing to Sir *Walter*, take knowledge that he hath sent you such Word.

Hereupon I wrote a Letter to Sir *Walter Raleigh*, and what I hold in these Points, as followeth.

To the Right Honourable Sir *Walter Raleigh* Kt.
Lord Warden of the *Stannary*.

MY Duty being remembered unto your Lordship, I humbly thank your Honour for your great and honourable Care over me, and for my Good; whereof I trust you shall never be ashamed: most humbly beseeching your good Lordship to be a means to appease her Majesty's Indignation conceiv'd against me, by means of some Accusations untruly suggested. For, God is my Witness, I have never had any earthly thing in so precious account, as to honour her Highness; and to draw her Subjects to acknowledge with all Thankfulness, the exceeding Blessings that God bestoweth upon them by her Majesty's happy Government, whereof I trust mine Adversaries will be Witness, when I am dead. I have sent unto your Lordship (as in perplexity I could upon the sudden) what I hold concerning certain Points declared unto me, as from your Lordship; praying that it would please you to make known the Truth thereof unto her Highness: And if neither my Submission, heretofore deliver'd, nor these things now set down, will be accepted to draw her Highness, of her gracious Compassion, to pardon me, that yet it would please her Majesty (that the Land may not be charged with my Blood) to change my Punishment from Death to Banishment. Thus trusting your Lordship will vouchsafe me this Favour, and that it will please her Majesty thereupon graciously to consider of me, I humbly take my leave, from the *White-Lion*, Feb. 22, 1590.

Your Lordship's to command,

John Udall, Prisoner,

1. I do believe, and have often preach'd, that the Church of *England* is a Part of the true visible Church of Christ; and that the Preaching of the Word and Administration of the Sacraments therein, are the holy Ordinances of God, profitable and comfortable to every one that rightly partakes thereof: In which regard I have been, and do yet desire to be, a Preacher in the same Church; and

have communicated in the Sacraments and Prayers therein, for the space of seven Years at *Kingston*, and about a year at *Newcastle upon Tyne*, immediately before mine Imprisonment: and therefore I do from my Heart utterly renounce the Schism wherinto the *Brownists* have fallen, in condemning the Churches of *England*, and separating themselves from communicating in the publick Ministry thereof.

2. I know no other, but that the Statute-Laws of this Land do maintain the holy Ministry of the Word and Sacraments in such Manner, as any Christian may, with a safe Conscience, both administer therein, and communicate therewithal: Also that the Law which requireth a Subscription to the Articles of Religion, so far as they contain the Doctrine of Faith and Sacraments, is agreeable to the Word of God.

3. I do believe, that by the Word of God, her Majesty hath, and ought to have a supreme Authority over all Persons, in all Causes, both Ecclesiastical and Civil, to enforce every Man to do his Duty, and to be obedient in every thing that is not contrary to the Word of God. And if the Prince should command any thing contrary to God's Word, it is not lawful for the Subjects to rebel or resist, no not so much as in Thought, but with Patience and Humility to bear all the Punishments laid upon them; seeking only by Prayer to God, and Supplication to Authority, and such like peaceable means, to have Faults amended.

4. I do believe that by the Word of God, the Churches rightly reformed ought to be governed Ecclesiastically by the Ministers, assisted with Elders; and this is not my private Judgment, but such as I have learned out of the Word of God, been confirmed in by the Writings of the most learned and godly Men of antient and latter Times, and have seen practised with much Peace and Comfort in the best reformed Churches in *Europe*, and even by those Exiles which her Majesty to her great Honour hath hitherto protected.

5. I do believe that the Censures of the Church ought merely to concern the Soul, and may not impeach any Subject, much less any Prince, in the Liberty of Body, Dominion, Goods, or any earthly Privilege whatsoever; and that therefore the Papal Excommunication that deposeth Princes, and freeth their Subjects from their Allegiance, or any part of Christian Obedience to Civil Authority, is blasphemous against God, injurious to all Men, and directly contrary to God's Word: neither do I believe that a Christian Prince ought otherwise to be subject to the Censures of the Church, than our gracious Queen professeth herself to be unto the Preaching of the Word, and Administration of the Sacraments, according to the Doctrine of our Church, in Mr. *Nowell's* Catechism, and the Homilies of the right Use of the Church, at this day appointed publickly to be read.

If I understand of any other thing that I am charged to hold as a strange and private Opinion, I would be willing to shew my Mind freely in it; for my desire is, that her Highness might truly be informed of every thing that I hold: so should I be sure to obtain her gracious Favour, without which I do not desire to live.

These things thus passed, I remained as before, without any great hope of Liberty, or fear of Extremity, unto the next Assizes drew near: at last there came Mr. *Nowell* Dean of *Pauls*, and Mr.

Dr. *Andrews* with a new Submission, yet containing nothing (one Clause excepted) which was not in the former, which I condescended unto; notwithstanding I refused presently to set my hand unto it (tho' they promised in the name of the Council, that in yielding to it I should obtain Pardon and Liberty) because I would do nothing without good Advice and Consideration.

The Copy of the Submission given me by Mr. Dean of Pauls, with his name to it, as followeth.

I *John Udall*, have been heretofore by due Course of Law, convicted and condemned of Felony, for penning and publishing a certain Book, called *The Demonstration of Discipline*; in the Preface whereof, some Matter, as also the Manner of handling of it, I confess in some part to be so bitter and undutiful, as deserveth justly to be censured and punished according to the Laws of this Realm, established under her Highness, and justly offensive to the Queen's most excellent Majesty: wherefore I now seeing the Grievousness of this Offence, do most humbly on my Knees, and in the presence of God, submit my self to the Mercy of her Highness, being most sorry that so deep and just occasion should be given to procure her Majesty's Displeasure against me; promising that if it shall please God to move her Majesty's Royal Heart to have Compassion on me, a most sorrowful condemned Person, I will ever hereafter forsake all undutiful, seditious and dangerous Courses, and demean my self dutifully and peaceably, as becometh a Minister of the Gospel, and a loyal Subject of the Queen's most Excellent Majesty.

This is the true Copy of the Submission sent unto me from her Majesty's most Honourable Privy-Council.

Alexander Nowell.

When I had weighed with my self, that the Clause which is added may admit a good Interpretation, and the omitting of that which is left out of my former Submission, causeth no ill Sense of that which is set down, I condescended (being also advised thereunto by my good and godly Friends) to set my Hand unto it; and thereupon wrote a Letter unto Mr. *Nowell* as followeth.

Right Worshipful Mr. Dean,

I Praise God with all my Heart, that Authority hath so good remembrance of my lamentable Estate, and yet more that by the same I am for my Form of Submission to deal with a Man of that Piety and Wisdom, that you have been worthily in the Church long agoe esteemed to be of, and so have continued to this reverend Age that you are come unto. It may please you, Sir, to understand, that I have considered of the Form of Submission, that your Worship brought unto me, and find nothing in it, but that in a good Conscience I can yield unto; for it requireth not of me any denial or disallowance of the Cause of Discipline debated in the Book, for which I am in question; the substance of which Doctrine I believe to be the undoubted Truth of God, and therefore ought never to deny or disallow it: notwithstanding with my persuasion I take God to witness, that I never purposed

to do or persuade any thing, whereby it might be advanced, but by peaceable means, endeavouring to keep within the compass of Law. Further also the said Form of Submission chargeth me not with any Malice against her Majesty, from which likewise I acknowledge as in the presence of our Saviour Christ, that is ready to come to judge the quick and the dead, that I have been always free, and have carried a Christian, loving and dutiful Affection to her Majesty's Royal Person and Estate, as I know by the Word of God I ought to do; which being so, I have resolved to satisfy the Authority from which you brought me the said Form of Submission, and at your Good-pleasure without further Limitation simply to subscribe it.

Good Mr. *Dean*, in the Bowels of Christ have Compassion of my Estate, more ways lamentable than I can in a few or many words express, or (as I think) any other but only the Spirit that is taught to pray with groans that cannot be uttered: and in such Christian Compassion, by your favourable and earnest mediation to the Authority that may relieve me, procure my Pardon and free Discharge, of the Dangers and Troubles wherein I am; that I may say with the Prophet, *I shall not die, but live, and declare the Works of the Lord.*

So shall not only my poor Wife and Children, but I hope many others praise God for you in that respect, and my self as beholden unto you in a case of Life; continually pray for your good Estate to the Lord of Life blessed for ever. *Amen.*

After I had thus set my Hand hereunto, I advised also to write unto certain of the Council, and other honourable Persons besides; partly to let them understand in what Sense I had yielded hereunto, and partly to entreat their Favour, and furthermore for my Liberty: the Copy of which Letter (for it was the same word for word to every one, the Title of their several Estates excepted) here ensueth.

Right Honourable,

MY present lamentable Condition enforceth me, in most humble manner, to crave so much leisure of your Lordships from the weighty Affairs of the State, as to consider of these few Lines. The Reverend Mr. *Nowell* Dean of *Pauls*, and Mr. Dr. *Andrews*, a few days ago brought me a Form of Submission (as they said) from Authority, with hope of Favour for my Life, if I would yield unto it. Whereof having considered, and finding nothing in it, but which I had heretofore yielded unto, when Mr. Doctor *Bond* was with me, one Clause excepted, to wit, That the faults do deserve to be punished according to the Laws of the Land; which yet hath no such words, but may bear so good a Sense, as I think I may in such Form submit my self, without either condemning the Suit for a further Reformation, or my self as justly deserving by the Laws to die: I cannot discern sufficient Cause to refuse it, for by the hardest word that I have by due Course of Law been convicted and condemned; I understand the Form of Proceeding by Indictment, Arraignment, Jury, Witnesses and such like; as also by that Clause, That the manner of writing is in some part such, as deserveth justly to be censured and punished by the Laws of this Land;

‘ Land; I mean of such Censures as the good
 ‘ Laws of this Land, administred with Justice, do
 ‘ ordain for punishing of such Offences in the man-
 ‘ ner of Writing; which cannot be of Death,
 ‘ without Malice against her Majesty; from
 ‘ which (I take Almighty God to witness) I have
 ‘ been always free. In regard whereof, I feared
 ‘ lest I might be thought to stand too contentiously
 ‘ and undutifully with Authority, and to be too
 ‘ careless of mine own Estate, if I should not yield
 ‘ to such a Form of Submission as they brought
 ‘ unto me. Wherein having yielded, as far as in
 ‘ Conscience I may, and as Authority by their
 ‘ means requireth of me; my most humble Suit
 ‘ to your Lordships is, that in your Christian and
 ‘ Honourable Compassion of my most lamentable
 ‘ Estate, that it may please your Lordships, by
 ‘ your favourable mediation to her excellent Ma-
 ‘ jesty, to further my most humble Suit, for my
 ‘ Pardon and free Discharge of these my grievous
 ‘ Troubles. So shall I be bound yet more heartily
 ‘ to praise God for your Honours, and to pray
 ‘ unto God for your prosperous Estate long to en-
 ‘ dure, to the Glory of Almighty God, and to
 ‘ your own everlasting Comfort.’

Within four or five days after, Mr. Doctor *Andrews* returned unto me, signifying that all that was done was mistaken, for that was not the Submission that was meant of me, but another. Which when I had perused, I found it the same (only the last Clause left out) which was offered me by the Judges at the Assizes: And he said, the Clerk to whom the making of the Letter to Mr. *Nowell* was committed, put in one for another. And because I utterly refused to consult of it, as having yielded before to so much as I might, he prayed me to understand what I took Exceptions against, and for what Reasons. So we entred into many Discourses; as first, how the Discipline could be said to be against the Queen’s Prerogative Royal, seeing it was (as I said I did believe) expressed in the Scriptures, whereby all lawful Privileges of Princes are warranted. Then we debated whether the Supremacy of a Christian Prince be the same with an Heathen, or diverse from it. After that, whether the Authority of Princes in making Church-Laws, be *de jure*, or *de facto* only: and lastly, of the most Points of Discipline. Thus we continued five or six hours, and at last he would have no answer of me then, but he prayed me to advise of it, for he would come again. I answered, that the ostner he came, the welcomer he should be, but I told him I would not accept of it; yet he came twice after, and took my Reasons of my Refusal to yield thereunto; and promising me all the favour he could procure me, he departed.

After this the Assizes approaching, and the general Report being that it would go hard with me; I being desirous to use any good means, did not only sollicit the Earl of *Essex*, and Sir *Walter Raleigh*, who had heretofore dealt for me; but also I was advised to write again unto Mr. *Nowell*, earnestly charging him to take my Case to heart, seeing he had promised to procure me Favour: whereupon I wrote unto him this Letter following.

Right Worshipful Mr. *Nowell*,

‘ **A**S I did rejoice when I perceived that you
 ‘ were employed to deal with me about my
 ‘ Submission, because of that reverend Estimation
 VOL. I.

‘ that you have been so long, among the Wor-
 ‘ thies in the Church of God; hoping, that I should
 ‘ have found thereby, some comfortable means of
 ‘ Mediation unto Authority for my release: so I
 ‘ am now occasioned to fear that all that Credit
 ‘ which you are of, shall be used as an Instrument
 ‘ to further and hasten Extremity upon me. For
 ‘ so much time being passed since I voluntarily
 ‘ yielded to that Submission which you brought
 ‘ unto me, and no Liberty appearing from any
 ‘ place, but rather that being given out, that my
 ‘ Submission shall be a special Means to hasten my
 ‘ Death, and no way to procure my Liberty; I
 ‘ am constrained to write unto you, to let you un-
 ‘ derstand, that as I look for that end the next
 ‘ Week at the Assizes at *Kingston* (where I have
 ‘ been a Preacher) which hath so long been threat-
 ‘ ned, but (to the doubling of my Torments)
 ‘ deferred; whereunto I doubt not the Lord will
 ‘ strengthen me, as graciously he hath hitherto
 ‘ done: So I pray you, as you will answer unto
 ‘ God for my Blood, which I am persuaded your
 ‘ Credit being employed to the uttermost (as in
 ‘ the Word and Faith of a Christian you pro-
 ‘ mised) might have preserved, that you would so
 ‘ take my Case to heart, as it may inforce you
 ‘ to leave no Stone unturn’d which may either
 ‘ further my Liberty, or at least clear your Con-
 ‘ science from being any way accessary to my
 ‘ Death. For it will one day be an heavy thing
 ‘ to your Heart, to think that you should be set
 ‘ on work, and the account that is worthily made
 ‘ of you employed under pretence, yea, and
 ‘ as it were with assurance of Life and Liberty,
 ‘ to draw that from a Preacher and Professor of the
 ‘ Gospel, which afterward shall be used to hasten
 ‘ his End: and you will say it had been better
 ‘ that you had never been of any reckoning, than
 ‘ to be made an Instrument to further such an Ac-
 ‘ tion. This I write unto you, not in any troubled
 ‘ affection with the fear of Death, for I thank
 ‘ God I am willing to end my days, and (if it
 ‘ please the Lord) even in this manner; and hope
 ‘ that my Death shall further the Cause for which
 ‘ I suffer, more than my Life: but lest I should
 ‘ neglect any means which might seem to be a fur-
 ‘ therance to prevent the same, or leave that Duty
 ‘ unperformed unto you, which I take my self in
 ‘ Conscience bound to discharge. The Lord make
 ‘ us willing and able to discharge every good Duty,
 ‘ that he enjoineth us, to his Glory, the Good of
 ‘ his Church, and our own Comfort, whether by
 ‘ Life or Death.’

About the same time came a Letter from the King of *Scotland* to a *Scottish* Merchant, one Mr. *Johnson*, lying in *London*, to be delivered to her Majesty (as was said) being written in my behalf, as he had done once before when I was close Prisoner; this Letter did the Merchant deliver to her Majesty, and the Dean of *Paul’s* upon my Letter went to the Council, whereby whatsoever was wrought, as soon as the Judges heard that I was brought to *Kingston*, where the Assizes were then kept, I was immediately returned unto the *White-Lion* in the Evening, before the first Day thereof. Afterward Mr. *Johnson* had the Copy of the King’s Letter sent unto him, which then appeared to be written not for me alone, but also for the rest of my Brethren the Ministers in Prison for the same Cause of Discipline; the Tenor of which Letter here followeth.

RIGHT Excellent, High and Mighty Princess, our dearest Sister and Cousin, in our heartiest manner we recommend us unto you: Hearing of the Apprehension of Mr. *Udall*, and Mr. *Cartwright*, and certain other Ministers of the Evangel within your Realm, of whose good Erudition and fruitful Travels in the Church, we hear a very credible Commendation; howsoever that their diversity from the Bishops and others of your Clergy, in matters touching them in Conscience, hath been a mean by their dilation to work them your misliking; at this present we cannot (weighing the Duty which we owe to such as are afflicted for their Conscience in that Profession) but by our most effectuous and earnest Letter interpose us at your hands, to any harder usage of them for that Cause: requesting you most earnestly, that for our Cause and Intercession it may please you to let them to be relieved of their present strait, and whatsoever further accusation or pursuit depending on that ground, respecting both their former Merit, in setting forth of the Evangel, the Simplicity of their Conscience in this Defence, which cannot well be their lett by Compulsion, and the great slander which could not fail to fall out upon their further straiting for any such occasion: which we assure us your Zeal to Religion, besides the Expectation we have of your Goodwill to pleasure us, will willingly accord to our Request, having such proofs from time to time of our like Disposition to you, in any matters which you recommend unto us. And thus, right Excellent, right High and Mighty Princess, our dear Sister and Cousin, we commit you to God's good Protection. From *Edinburgh* the 12th Day of *June*, 1591.

The just Copy of the King's Letter sent to her Majesty.

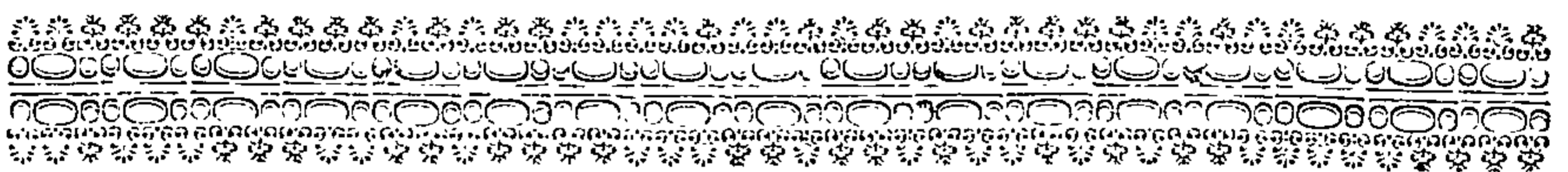
Presently upon these things fell out that wretched matter of that leud fellow *Hacket*, whereby the Adversary did take occasion so to slander the Truth, and to disgrace the Professors of the same unto her Majesty, that I thought it bootless to

sue. And so I did little till the Lord Chancellor was dead, and forgotten by such as were sorry for it; so that about *Easter* Term following, I sued for Liberty to go to Church, which was denied me, being a condemned Man: but by the Lord Treasurer's means, I got a Copy of my Indictment, which before I could not obtain.

Hereupon I getting a Pardon framed according to the Indictment, sent it with a Petition by my Wife to the Council, who referred me to the Archbishop, unto whom I both had sent divers Petitions, and dutiful Letters, and also got many of my Friends, both honourable Personages and others, to sue him, yet could not his Good-will be gotten. At last the *Turkey* Merchants having my Consent to go for a time into *Guinea* to teach their People that abide in that place, if they could procure my Liberty, sent unto him for his Consent, who promised his Good-will, so that they would be bound that I should go indeed, when I had my Liberty. But when two of the Antients of the Company went unto him for his Hand thereunto, he would not yield it, unless they would be bound not only that I should go (which they were willing unto) but also that I should tarry there, till I had her Majesty's Licence to come thence.

This Condition they could not yield unto, for that I denied to go upon any such Ground; so was their Suit, and my Hope of Liberty, at an end; saving that one Mr. *Cavell*, who had been the first beginner of it, and being to go into *Turkey* did most affect it, moved the Dean of *Paul's* in it: who thereupon wrote to my Lord Keeper, persuading him of the Conveniency of that Journey for me, and my Fitness thereunto. Which Letter when he received, he did so deal with the Archbishop, as they both promis'd at their next meeting at Court to deal with her Majesty to sign my Pardon, that so I might have Liberty to go the Voyage.

But her Majesty never did sign the Pardon, and the *Turkey* Ships going away without him, *Udall* died in the *Marshalsea* Prison about the end of the Year 1592, quite heart-broken with Sorrow and Grief.




XV. *The Trial of Sir JOHN PERROT, Lord Deputy of Ireland, at Westminster, for High-Treason, April 37, 1592.* 34 Eliz.

The COMMISSIONERS were,

The Lord Chamberlain,
The Lord Buckhurst,
Sir Robert Cecil,
Secretary Woolley,
Mr. Fortescue,
The Master of the Rolls,

Sir Edmund Anderson, Lord Chief Justice of the Common-Pleas.
Justice Periam,
Justice Gawdic,
Justice Fenner,
Mr. Rockeby, one of the Masters of her Majesty's Court of Request.

 *Sir John Perrot* being brought to the King's-Bench-Bar, accompany'd with the Lieutenant of the Tower, and *Sir Henry Lee*; and Proclamation for Silence being made, the Lieutenant was commanded to return his Writ of *Habeas-Corpus*.

Then was *Sir John* commanded to hold up his Hand. Here *Sir John Perrot* made low Obedience, and desir'd he might be heard to speak before he held up his Hand.

He protested that he never had thought of Treason against her Majesty, and desir'd that the

Witnesses

Witnesses might be good and sufficient: He knew well the Place whereunto he was brought, and therefore he would submit himself humbly to their Honours, and said, Sithence it was God's Will, and her Majesty's, he gave God hearty Thanks therefore.

Then was he bid to hold up his Hand again. Whereunto he answer'd, Look what is to be done; and here is as true a Man's Hand as ever came in this Place.

The Effect of the Indictment.

“ That the last of *January* 1587, in the 30th
“ Year of the Queen's Majesty, he the said Sir
“ *John Perrot* falsly and traitorously, &c. did
“ imagine in his heart to deprive, depose, and
“ disinherit the Queen's most excellent Majesty
“ from the Royal Seat, to take her Life away, to
“ make slaughter in her Realm, to raise Rebellion
“ in *England* and *Ireland*; and that he did procure
“ a foreign Power to invade the two Realms.

“ That one *James Eustace*, Viscount *Baltinglas*,
“ being a false Traitor to her Majesty and the
“ State, sent Letters of Treason from *Madrid* to
“ the said Sir *John Perrot* by one *Dennis Oroughan*
“ an *Irish* Priest.

“ That the said Sir *John* sent Letters of Treason
“ to the said Viscount *Baltinglas* into *Spain*, by the
“ said *Dennis Oroughan*.

“ That whereas the Queen's Majesty, in *April*
“ the 27th of her Majesty's Reign, did write her
“ Letters to the said Sir *John Perrot*, signifying
“ unto him that her Pleasure was, that the said Sir
“ *John* should not proceed in any Matters of Go-
“ vernment, without the Advice of some of her
“ Majesty's Council in *Ireland*, wherein she gra-
“ ciously advised him not to murmur, but to take
“ the same dutifully, and in good part; notwith-
“ standing he the said Sir *John*, shortly after the
“ Receipt of the said Letters, did send for the
“ Archbishop of *Dublin*, and reading the same
“ Letters unto him, in a great fury said these
“ words, *If she will use Men thus, she will have*
“ *cold Service, and some one Day she will have need*
“ *of me.*

“ That in the 29th Year of the Queen's Majesty
“ he did maintain horrible and unknown Traitors,
“ not doing Justice upon them.

“ That Pope *Gregory XIII.* and the King of
“ *Spain* prepared an Army to invade *England*;
“ at which time the said Sir *John* sent Letters to
“ the King of *Spain*, promising him Aid and As-
“ sistance in the Army: which Letters *Dennis*
“ *Oroughan* carry'd into *Spain*, and received of the
“ said Sir *John* divers Sums of Money therefore.

“ That Sir *Bryan Oricke*, a notorious false Trai-
“ tor, was procured and animated by the said
“ Sir *John* to move and stir up Rebellion in
“ *Ireland.*”

Here again Sir *John* desir'd to speak, and said that he was 64 Years old, and had been long imprison'd, yet very honourably used at my Lord Treasurer's, but found fault with his Lodging in the *Tower*; and said he was by nature Cholerick, and knew not what Imperfections his Imprisonment might work in him; and therefore if he should happen to fall into any extraordinary Speeches in that honourable Place, he craved Pardon, alledging that the same should not proceed for want of Duty or Obedience.

Then Mr. *Sands*, Clerk of the Crown, asked him, if he were guilty of this first Indictment.

He answer'd, clapping his Hand upon the Bar in these words; *I am not guilty of any Part of that which is laid down.*

Then was he willed to hold up his Hand again: Whereunto he said, (holding up his Hand) *What again? here is a true Man's Hand.*

The Effect of the second Indictment.

“ That the 15th Day of *May*, in the 27th
“ Year of the Queen, Sir *John Perrot* being at
“ *Dublin*, received Letters from *Alexander Duke*
“ of *Parma*, craving his Furtherance in giving
“ Aid to the King of *Spain's* Power.

“ That the 20th of *June*, in the 28th year of
“ the Queen, he sent for Sir *William Stanley* to
“ entreat and confer with him touching his traito-
“ rous Purposes; and that on the 30th of *June*,
“ 28 *Eliz.* he talked with the said Sir *William*
“ *Stanley* to that effect.”

Then he was asked if he were guilty of this Indictment: whereunto he answered these words, *viz. Even as guilty as you are in speaking, Mr. Sands.*

Mr. *Sands* asked him by whom he would be tried.

I will be tried, said Sir *John*, by God and good Men, and I shall not remember the most of the Points.

Serj. *Puckering*. Then said Mr. Serjeant *Puckering* unto him; you shall be remembered of every matter piecemeal.

Sir *John Perrot* said, I pray God the Lord be not angry with these Courtes; there is a Judge in Heaven who knoweth all.

Here the Sheriff was commanded to return the Precept directed unto him for the summoning of the Jury for our Sovereign Lady the Queen, and an O-yes made that every Juror should answer to his Name.

The Names of the Jurors.

<i>Richard Martyn</i> Kt.	<i>Robert Carr,</i>
<i>Hugh Offley</i> Esq;	<i>John Stone,</i>
<i>Christopher Read,</i>	<i>Bartholomew Quenye,</i>
<i>John Machell,</i>	<i>John Padge,</i>
<i>John Hautrey,</i>	<i>John Vavasour,</i>
<i>William Kinton,</i>	<i>Humphrey Wylde,</i>
<i>Henry Row,</i>	<i>Henry Goodyer,</i>
<i>William Meggee,</i>	<i>William Hitchcooke,</i>
<i>Thomas Fowler,</i>	<i>Thomas Ruffel.</i>
<i>Richard Weeks,</i>	<i>William Paggenton,</i>
<i>Henry Holford,</i>	<i>Richard Edlyn,</i>
<i>John Powell,</i>	<i>George Millot.</i>

Out of these twenty-four were twelve taken, whereof the Foreman was *Hugh Offley* Esq;

Then Mr. *Sands* willed Sir *John* to mark the Jurors well as they were called to be sworn, to see if he knew Cause of Challenge to any of them, before they were sworn between our Sovereign Lady the Queen and him.

Whereunto he answered: Woe is me that she is made a Party against me! And then he demanded of my Lord Chief Justice of the Common Pleas how many he might challenge.

The Lord Chamberlain answer'd, that they of the Bench were not to give Counsel to the Prisoner.

Then said my Lord *Buckhurst* unto Sir *John*, If you have any just Cause of Challenge against any

any of them; you may challenge; if not, why should you challenge?

Then he challenged two of the Jurors, and said, Lord send me Justice, and for God's sake let me have good Men; and wished he might have Men of his own sort, and such as knew Service, and feared God; and desired that none might go upon him that had any suit in Law with Sir *Thomas Perrot* his Son; and wished for more good Aldermen: yet if they that were sworn feared God, he cared not.

Here the Indictment was read unto the Jury, and after that an O-yes made, to know if any Man were there to give Evidence against the Prisoner at the Bar in behalf of her Majesty.

Then Serjeant *Puckering* rehearsed to the Jury the principal Points contained in the Indictment aforesaid. But before he handled the same, he opened unto the Jury, that the Original of his Treasons proceeded from the Imagination of his Heart; which Imagination was in it self High-Treason, albeit the same proceeded not to any overt Fact: and the Heart being possessed with the abundance of his traitorous Imagination, and not being able so to contain it self, burst forth in vile and traitorous Speeches, and from thence to horrible and heinous Actions; for Mr. Serjeant said, *Ex abundantia Cordis Os loquitur.*

Then Sir *John* pray'd Serjeant *Puckering* to lay aside words, and to proceed to the matter of the Indictment. Whereunto he answered, he would proceed by degrees; but would first begin with his contemptuous Words, which contained in them High-Treason.

Then Serjeant *Puckering* shewed, That Sir *Nicholas Bagnol*, Marshal of Ireland, being with Sir *John Perrot* in his House, and entering in Communication together, and falling into hot words, Sir *John* brake forth into these Speeches, *If it were not for yonder pild and paltry Sword that lieth in the Window, I would not brook these Comparisons:* Speaking of her Majesty's Sword of Justice carried before him.

To this he answered, That he termed the same after that sort, because the Scabbard of the same Sword was old and worn; and within one Week after he caused a new Scabbard to be made. And then falling from that Point to other idle Discourse, my Lord of *Buckburst* told him, he was before a Bench very wise and learned, and before a wise Jury; and therefore if he spoke not to purpose it would but hurt his Cause, and give them all occasion to think that he had nothing to speak in his own Defence: for if he had, he would not go from the same, and follow other frivolous and unnecessary matters.

Then it was shewed that the Queen's Majesty having directed her Letters of Commandment to Sir *John Perrot* in the behalf of Sir *Tibert Butler*, for the placing of the said Sir *Tibert Butler* in the Barony of *Kaire*, he the said Sir *John* being moved therein by the said Sir *Tibert Butler*, at the Council-Table in the Castle of *Dublin*, used these Speeches, *Stick not so much upon the Queen's Letters of Commandment, for she may command what she will, but we will do what we list.*

To this matter Sir *John* answered; he remembered not what Speeches he then used, and said it might be he used some Speeches cholerickly, as naturally he used to do, for it was his Disposition: but notwithstanding any Speeches whatsoever, yet he said he executed her Majesty's Commandment

therein; and added, that he did always from time to time execute her Majesty's Commandments or Warrants in all things whatsoever.

Then said my Lord Chamberlain, you are not charged with not executing her Majesty's Commandment, but with contemptuous Speeches used against her Majesty in the matter.

Then Sir *John* going from the matter, and speaking more than was needful, my Lord *Anderson* willed him to have patience to hear all, and then to answer all.

Then it was shewed, that Sir *John* calling a Parliament at *Dublin*, among other matters he moved to suppress the Cathedral Church of *St. Patrick* in Ireland; and her Majesty then sending Letters to the contrary, he used these words with a stern Countenance, *Nay, God's Wounds, I think it strange she should use me thus.* With these words the Bishop of *Meath* was moved, and found fault with his undutiful demeanour; and said, he spoke as tho' the Kingdom were his own, and not the Queen's.

To this matter Sir *John* answered by way of Excuse, and said, that the Archbishop of *Dublin* was his mortal Enemy, and that the Reason why he was moved to suppress the said Cathedral Church, was to have an University created thereupon; but, he said he was withstood by the said Archbishop, because he and his Children received by the said Cathedral Church 800 Marks a year: And he said further, that the said Archbishop bare him the greater Malice, for that the Queen's Majesty sending her Letters unto him for the discharging of many idle and unnecessary Pensions, he discharged among the rest one of the Archbishop's Sons.

It was then declared, that whereas the Office of the Clerk of the Exchequer was void, and that Mr. *Errington* had made humble suit unto her Majesty to be preferred to that Office, in consideration of his good and dutiful Service; her Majesty directing her Letters to Sir *John* for admitting the said Mr. *Errington* into the said Office, he the said Sir *John Perrot* used these undutiful Speeches upon the Receipt of the said Letters, *This fiddling Woman troubles me out of measure; God's Wounds he shall not have the Office, I will give it to Sir Thomas Williams.* This was proved by the Oath of *Philip Williams*.

Against *Philip Williams* Sir *John* took exceptions; affirming the said *Williams* to be his mortal Enemy; and said he was a naughty leud Man, of no Credit, and had abused my Lord Treasurer in a Letter; for the which he said, he did beat him in his Chamber: And further he said, he did write to the Master of the Rolls, and to Mr. *Powle*, touching the leud and undutiful behaviour of the said *Williams*.

Then it was shewed that Sir *John Perrot* having received Letters from her Majesty, wherein she checked him for divers Complaints, having read the same Letter, he used these undutiful Speeches; *It is not safe for her Majesty to break such unkind and sour Bread to her Servants;* he being Lord Deputy, and a Servant of Trust. This was spoken to *Philip Williams*.

Afterwards *Philip Williams* being his Secretary writing to her Majesty in Sir *John Perrot's* Name, among other things he said, *he would be sacrificed for her;* which words Sir *John* reading, bad *Williams* put them out; saying, *he had little cause to be sacrificed for her:* adding, *that he could not forget her*

her ever since the time he could not get Justice of her, against some of her Guard, for murdering some of his Men.

When it was bruited abroad that the Spanish Fleet was in preparation for the invading of England, Sir John entering into Communication with Philip Williams touching the said Army, Philip Williams said, he hoped God would bless us for her Majesty's sake: whereunto Sir John Perrot answered, God's Wounds, and why for her sake? never the more for her sake. This was proved by the Deposition of Williams.

Here Sir John called for Williams, that they might speak face to face: whereunto
 * Sir John Popham. Mr. * Attorney said, that Williams was in the Tower in the same State that he was; and was to answer to matters of his Treason as well as well as he.

Then it was shewed, how the Queen sent him a Letter, wherein she wrote very favourably unto him, advising him to look well unto his Charge; about the time the Spaniards should come: whereupon he spake these words; *Oh silly Woman, now she shall not curb me, she shall not rule me; now God's Lady dear, I shall be her white Boy now again; doth she think to rule me now?*

Shortly after John Garland brought a Letter from her Majesty to Sir John Perrot; whereat he conceived great discontentment, infomuch that he broke forth into these undutiful Terms following, *God's Wounds, this it is to serve a base Bastard Pifs-kitchin Woman; if I had served any Prince in Christendom, I had not been so dealt withal.* Here he prayed the Devil might take him Body and Soul, if ever he uttered such words, and exclaimed against Garland. Sir John talking with Nathaniel Dillan Clerk of the Council of Ireland, asked him this Question, viz. *If her Majesty should be distressed, dost not thou think that I am the fittest Man in England to have the keeping of her Body?* This was verified by the Oath of Nathaniel Dillan.

Talking with the Archbishop of Dublin in his Chamber touching the coming of the Spaniards, Sir John said, *God's Wounds, let them do in England what they can, we shall do well enough in Ireland; if her Majesty were gone, we should do here in Ireland better than they in England should do.* This was justified by the Oath of the Archbishop of Dublin.

Whereunto he said, he renounced God's Mercy if he ever spake any such words.

And all this, Serjeant Puckering said, did declare his malice against her Majesty.

My Lord Buckhurst told him that those Speeches did shew a disloyal mind.

Here Sir John exclaimed against the Witnesses, calling them leud and wicked Men; and saying he was bought and sold.

When Sir John Perrot said, that he wrote his Letters to her Majesty, desiring to be revoked and called home; and made suit to Sir Francis Walsingham to that effect; Mr. Popham told him, that when he saw him curbed, as himself termed it, by the Council, and that he could do nothing without their privity; then he sought to come away, with an intent to make himself a Ruler in Wales.

Here they proceeded to the Treasons.

Mr. Attorney declared that Doctor Craugh being a known Traitor, and a Man that had maintained Religion from time to time, and had se-

duced many People in Ireland, and was a dangerous Instrument to be suffered in those Parts; and Sir John being given hereof to understand, did not use that diligence in the apprehending of him; as became his place: for after he had given out Warrants for the seeking of him; then he gave out a countermand they should use all diligence in apprehending of him in all places, except in the white Knights Country; where Sir John knew the said Craugh to be; which did manifestly shew he would not have him taken.

My Lord Buckhurst said to Sir John, that he granted Warrants to take him where he was not.

Sir John said, there was a God that knew all; marveling that he having known Religion these forty-six Years, should be charged with favouring of Priests and Massmongers.

Mr. Attorney willed him not to stand upon Religion, for then said he we shall prove you irreligious. Will any Man of Religion seek to have Men murdered? Will any Man of Religion stab a Man in the Cheek, and after bring him to the Fire to be roasted, to make him confess that he knoweth not, and afterwards hang him by martial Law?

Mr. Attorney, to prove Sir John of no Religion; further shewed, that Sir John being in his Chamber at the Castle of Dublin looked out at the Window, and espied Sir Dennys Oroughan, who knew all his secret Treasons, and willed his Chamberlain to call unto him Stephen Seager; who being come, Sir John commanded away his Chamberlain, and locked the Chamber, and willed Seager to look out at the Window, and said, Seest thou not one beneath in a black Mantle? Seager said he saw none there; Sir John said there is one there: you see how I am crost by some of the Council here, and he is going to the North with Letters from some of the Council to move them against me; I would have thee take these Letters from him, kill him; cast him aside; and bring those Letters to me. Stephen Seager hereunto answered; that he would rob him of the Letters, but he would not kill him with his hands; or if he would give Commandment to hang him by martial Law, he would see it done. Whereupon Sir John said, *Go thy ways, thou art a paltry Fellow, I did it but to prove thee.* This was proved by the Oath of Seager.

Sir John then called for Seager, to speak with him Face to Face, who justified all that he had said.

My Lord Chamberlain said, now you see you bad him kill one.

Then said Sir John, because he hath sworn it I will not reprove him; it may be I spake such words, but I remember it not.

Mr. Attorney said, we have alledged these matters against you; to shew you to be a Man of no Religion.

Whereat Sir John stormed, and was angry; saying, they went about not only to make him a Traitor to his Prince, but a Traitor to God, which he said they should never do.

* Mr. Solicitor told him that all the * Mr. Eger-
 Papists desired his Government there. ton.

Mr. Attorney then declared further, that one Richard Morrice, a Priest, a notorious Traitor; being a Passer from Ireland to Viscount Baltinglas in Spain, and from thence to Rome, to confer of Rebellions and Invasions for England and Ireland, Sir John Perrot knowing the said Morrice to be a most dangerous Person to the State, would not give

give Order for the taking of the said *Morrice*, as he should have done: but the Bishop of *Cashell* caused him to be apprehended of his own Authority, and sent him to Mr. *Poor* the Sheriff, to be sent to the Castle of *Dublin*; whereupon the Friends of the said *Morrice* told them that *Morrice* had better Friends than all they had; and shortly after *Morrice* was discharged, and never called more in question. And all this was affirmed by the Oath of the Archbishop of *Cashell*, and of the said *Poor*, *vivâ voce*.

Then said Mr. *Attorney*, that *Halie* being a Man that conversed with *Craugh*, and dealt with him in his Treasons, told him that *Poor* had a Warrant to apprehend him and others: Whereupon he told him, that he could be better trusted than twenty such as *Poor* was that should take him; presuming upon the Favour of Sir *John Perrot*.

The Archbishop of *Cashell* did complain to Sir *John*, that the said *Halie* was a notorious Traitor, and thereupon delivered to Sir *John* Articles against him and others, and desired Sir *John* to grant him a Commission for the apprehending of them; praying him in the mean time to keep the said Articles secret until they were apprehended: Notwithstanding, before they could be apprehended, within three days, the self-same Articles were taken from one *Patrick Young*, being a Partner with the said *Halie* in his Treasons; and thereupon they all escaped.

Mr. *Sollicitor* then said unto the Jury, You see *Halie* was accused of Treasons, and the Accusations being delivered to Sir *John* in secret, he sent them to *Halie* before he could be apprehended, which was plain Treason. And this was verified by the Bishop of *Cashell*'s Oath.

The Lord *Chamberlain* said, you ought to have acquainted no body with the Cause, until they had been apprehended.

Sir *John* protested, and took God to his Record, he was ignorant what was become of him.

Then Mr. *Attorney* turning to the Jury said, By this which hath been proved, you may see how he hath always been a Confederate and Maintainer of notable Traitors against her Majesty; namely these three, *Craugh*, *Morrice*, and *Halie*, with others their Confederates.

At what time a Rebellion was raised in the North part of *Ireland*, divers of the said Rebels made Rhymes of her Majesty, wherein they shewed themselves Rebels and Traitors, as concerning her Birth; Traitors as concerning her Person; and Traitors to her Royal Dignity: which Rhymes came to the hands of Sir *Richard Bingham*, and the Rhymers taken and committed to Prison, and one of the said Rhymers sent to Sir *John Perrot* by *Woodhouse*. Sir *Richard Bingham* sent them to Sir *John Perrot*, certifying him what he had done, and prayed Sir *John Perrot* to write his pleasure what should be done with them: whereupon Sir *John* sent him word to discharge them all. Howbeit Sir *Richard* detained the chiefest of them in Prison; but Sir *John* afterward sent a special Warrant to the said Sir *Richard* to discharge him, taking Bonds of him for his Appearance by a Day: All which he confessed to be true, saying, that by virtue of his Patent he might pardon them. This was proved to be true by *Marbury* and *Woodhouse*, *vivâ voce*.

Whereunto Mr. *Attorney* answered, that he could pardon no Traitors to her Majesty's Person, but

ought rather to have proceeded in Justice against them. And here he willed the Jury to consider upon this Point.

Sir *John* then said to Mr. *Attorney*, By God I never saw such a Man since I was born. I pray you sit down and let me speak; and so he turned his talk to *Woodhouse*, and said, he had spoiled the North part of *Ireland*; with other frivolous Speeches.

Sir *Brian Orurke* a notable Traitor, and executed of late at *Tyburn*, about that time, in a *Christmas*, disposing himself to Villany, took down a Picture, and did write *Elizabeth* thereupon; and using the same in most contemptuous and despiteful manner, tied the same to a Horse-tail, and he with others dragged it in the dirt, and hacked it with Gallow-glass Axes, signifying how they would have used her Majesty if they had her in their power. This traitorous Act being made known to Sir *John Perrot*, he would not give Order for the apprehending of the said *Orurke*, to do Justice upon him for so horrible a Treason; whereas he might have had him if he had sent but his Horse-boy for him, and after he was known to be in Company with him. To this he said little.

Sir *Dennis Oroughan* being called to testify against Sir *John Perrot*, and the Book being offered him to swear, Sir *John* said it was no matter whether he were sworn or not, for his Word and his Oath were all one; for there was neither Truth nor Honesty in him.

My Lord *Buckhurst* said he must be sworn, for it was for the Queen.

The said *Dennis Oroughan* told Mr. *Poor*, that he had been in *Spain*, and had brought Letters from Viscount *Baltinglass* to *Feugh Mackbeugh* in *Ireland*, and divers others; and said that he had News to tell the Lord Deputy, that would save the Queen one hundred thousand Pounds. *Poor* discovered this to Sir *John Perrot*, and *Dennis* was committed to Prison in the Castle of *Dublin*.

Sir *John* knowing that *Dennis* was in Prison, sent for him to come unto his Bed-chamber, where he had Conference with him, and told Sir *John* he had brought him a Letter from Viscount *Baltinglass* in *Spain*.

Sir *John* demanding of *Dennis* why he gave him not the Letter at his first coming out of *Spain*? he answered, for fear of being executed, as one Doctor *Halie* late was: and he sent a Letter and a Token to his Wife, that she should bring him the same which was in a Box; which Letter and Box *Margaret Leonard* Wife of Sir *Dennis* did shortly after deliver to Sir *John Perrot* in his Bed-chamber. For Proof whereof one *Rice Thomas*, and *Margaret Leonard* both deposed, that the said Letter was delivered to Sir *John Perrot* as declared. *Feugh Mackbeugh*'s Wife affirmed, that *Dennis* brought her Husband a Letter from *Baltinglass* in *Spain*.

Now *Dennis* being known to have had Conference with a notable Traitor in *Spain*, and to bring two notable Traitors into *Ireland*, and committed to the Castle for Treason, was nevertheless set at liberty in the Castle, and had access to Sir *John* early; and they sat for a long time together, and he had his meat and drink in the Porter's Lodge in the withdrawing Chamber, next to his Bed-chamber, and other places, and commandment to have Wine and whatsoever he wanted, and had a private way to his Bed-chamber. This did Sir

Dennis

Dennis testify himself; to whom *Sir John* said, A mischief on thee, I pray God! Woe be to the time that ever thou wert born, or that ever I saw thee! One *John London* also justified, that the said *Dennis* had the favour and maintenance of *Sir John Perrot* for half a year together.

Here *Sir John Perrot* being pressed by the Queen's Counsel, said unto them, No one Man can answer such three grave learned Men as you are, you cloy me now I cannot speak.

Then said my Lord *Buckhurst* unto him, Truth will answer it self, and Innocency defend it self.

Then my Lord *Chamberlain* said, That never was any Man that came to that place dealt withal so favourably as he was: And greater Men than he have not had that favour, as to bring their Writings and Letters with them.

Then *Sir John* said, He thanked God and the Nurse of Mercy, the Queen's Majesty, whom he called the Handmaid of *Jesus*; and said, he always carried so reverend an opinion of her, that had she not been a Queen, he would have made her one, if it had lain in his power.

Then was touched the extreme Malice *Sir John* shewed against the *Cavener*: and the better to execute his purpose, *Sir John* found means that the *Cavener* should offend the Law, by making an escape out of Prison; and so being escaped, was after taken and hanged.

This matter being urged against *Sir John*, he said, You win Mens Lives away with words.

My Lord *Chamberlain* said, I fear me the *Cavener's* Blood will light upon you.

Now *Sir John Perrot* began to discredit the Testimony of *Dennis* the Priest, saying, he had changed his Religion five times in six years; and he did counterfeit himself a regish Bishop.

The Queen's Attorney then said, If he were so leud a Man of his Life, I marvel you would comerce with him, and repose your self so much upon his honesty.

A Man of no Religion can be no Witness, said *Sir John*; he is a Sorcerer and a Witch.

To which he was answered, If he were so defamed, why did you favour him so much? how many Pardons have you given him? It was said he had given him two.

Sir John proceeded against *Sir Dennis*, and said he had counterfeited his Hand above eight times; was a common Drunkard, a common Lyar, and had been forsworn a thousand times.

The Attorney then said, If he were the worst Man in the world, yet was he worse for *Sir John Perrot*.

Dennis was then called again, and said, that *Sir John* delivered him two Letters to carry to the King of *Spain*, signifying that he would be a Mean to help him to *England* and *Ireland*, so he might have *Wales*: but he would have it as the Princes of *Germany* have their Dukedoms, that is *jure regio*, to be a *Prime* and *Lord* himself, and not to depend on any other. And herewithal he delivered to the said *Dennis* fifty Pounds, and so the said *Dennis* departed to *Rosse*.

The said *Dennis* did farther swear, that *Sir John Perrot* and *Sir Brian Orurke* were Confederates together in the Parliament; and that each of them swore to other to further the King of *Spain* in the Action of *England*.

Here *Sir John Perrot* waxed hot against *Sir Dennis*, and said, he was a lousy Villain, and a Rogue, and had the Pox upon him.

One *Francis White*, and others of *Rosse*, said, that true it was that the said *Dennis* was at *Rosse*, ready to go for *Spain*, and came to him to change Silver into Gold; but after fearing and suspecting some body in the Ship; he would not go himself, but procured one *Davie* to carry the said Letters into *Spain*, with great Charge for the safe delivery thereof, and gave him five pounds for his pains. It was further declared, that *Sir John* having Conference with *Sir William Stanley* in *Ireland*, *Sir John* wished him to revolt, assuring him that the *Irishmen* would live and die with him.

Sir William Stanley going from *Ireland*, to have 1600 Men for the *Low-Countries*, *Feugh Mackbeugh*, being a known Traitor, brought him certain Men, and bad his Men do as *Sir William Stanley* would have them to do, whether it were right or wrong; and thereupon they shook hands and parted.

To this *Sir John Perrot* said, if *Stanley* be a Traitor, what is that to me?

It was proved that *Sir Thomas Williams* sent Letters from *Ireland* into *England*, to *Sir John Perrot*, with strict charge given to the Bearer that he should deliver them safely to his own hands; and made them to be sowed to the Lining of his Doublet within his Bosom: which Letters were delivered to *Sir John Perrot* at *York House*.

John Burgh of *Abson* had Conference with *Sir William Stanley* at the *Groine*, who amongst other Speeches asked him what places in *England* were fittest for Landing, if the King of *Spain* should invade *England* again? *Burgh* answered, *Portsmouth*. *Sir William Stanley* disliked of that, saying he knew nothing, but rather thought *Milford-haven* the fittest place; affirming they should find better Friends in *Wales* than the Queen had; and some of them were near the Queen.

Letters were sent from the Duke of *Parma* to *Sir John Perrot* by one *Browne*, and an Answer from the said *Sir John* to the said Duke by the said *Browne*, to whom the Duke gave a Bark. It was likewise proved that he sent Letters to *Sir William Stanley*.

When *Sir John Perrot* was to come to *England*, he went about to get a Pardon for all his Actions before he would come over, wherein he shewed his guilty Conscience.

Here the Queen's learned Counsel prayed the Jury to consider well of that which had been said, and willed them to go together.

Then *Sir John Perrot* willed them to consider their Charge, and have a Conscience in the matter; and to remember that his Blood would be required at their hands, if they dealt further than their Conscience did warrant them.

Then the Jury departed from the Bar, and within three quarters of an hour returned to the Bar; and being demanded whether the Prisoner were guilty or not of the several Treasons comprised in the Indictment, they answered Guilty.

Then Serjeant *Puckering* in the Queen's Name began to pray Judgment; and *Sir John Perrot* desired most humbly that he might speak with some of their Honours before Sentence should be pronounced.

Whereunto they condescended, and commanded he should be brought to talk with them in the *Chancery*; where after some Communication had among them, they all repaired to their places, and *Sir John* came to the Court of *King's-Bench* be-

ing with them, and Judgment was stayed, until her Majesty's Pleasure were further known.

Then was the Court adjourned to the *Tuesday* next, being the second of *May*; and so the Court ended, and every Man said, *God save the Queen.*

For the better understanding of the aforesaid Arraignment of Sir *John Perrot* and the Judgment that followeth, it is to be known that at the time of his Arraignment, being the 27th of *April, Anno 34 Eliz.* Mr. *Puckering* was the Queen's Serjeant at Law, Mr. *Popham* the Attorney General, and Mr. *Egerton* Solicitor.

But before the day he was brought to receive Judgment, her Majesty's said learned Counsel were removed as followeth; that is to say, Mr. *Puckering* was made Lord Keeper of the great Seal of *England*; Mr. *Popham* was made Lord Chief Justice of the *Queen's-Bench*, and Mr. *Egerton* of Solicitor was made Attorney General.

This making and removing of Officers was done at the Court of *Greenwich* on *Saturday* the 28th of *May 1592.*

My Lord Keeper went to *Westminster* to take his Oath very honourably, with Lords, Knights and Gentlemen, on *Saturday* the 4th of *June 1592. Anno Eliz. 34.* And that Day took his Oath, and sat first in the Chancery. On *Wednesday* following he first sat in the Star-chamber.

On *Friday* the 26th of *June* Sir *John Perrot* appeared before the Commissioners; who were,

The Lord Chamberlain,	The Lord Chief Justice of the <i>Common-Pleas,</i>
The Lord <i>Buckhurst,</i>	Justice <i>Gawdie,</i>
Sir <i>Robert Cecil,</i>	Justice <i>Pennel,</i>
Secretary <i>Woolley,</i>	Mr. <i>Rookesbie</i> one of the
Mr. <i>Ferrestue,</i>	Masters of the Court of Requests.

First the said Sir *John Perrot* that Morning was brought in a Coach from the *Tower* to the *Old Swan*, and thence conveyed by Water to *Westminster-bridge.*

Between the Hours of eight and nine of the Clock he landed at *Westminster-bridge*, and was brought into *Westminster-Hall*, being accompanied with Mr. *Crooke*, Son in Law to the Lieutenant of the *Tower*, on his right Hand, and Mr. *Blunt*, Son to the Lieutenant on his left Hand, and being strongly guarded by divers of the Yeomen of the Guard, with Halberds, and the Lieutenant's Men with Weapons all round about him: and in that sort he was brought up to the *Queen's-Bench Bar*, where he stood for a quarter of an hour bare-headed, expecting the coming of the Commissioners. But Mr. *Rookesbie* one of the Commissioners was set, who had taken his place before the coming of Sir *John Perrot* into the Hall, and tarried for the coming of the rest of his Associates.

The said Sir *John Perrot* was clothed in a Doublet and Hose of black Sattin plain, and a Gown of wrought Velvet furred, and a square or flat crowned black felt Hat, with a small Band, and a plain white Ruff.

The said Mr. *Crooke*, and Mr. *Blunt* supplied the room of the Lieutenant, for that he was sick, and could not be there in Person.

Divers of the Queen's Commissioners, and her learned Counsel being come to the Hall, staid un-

til the coming of the Lord Chamberlain, at whose coming they all took their places and sat in Judgment.

Then an O yes was made, and the Lieutenant of the *Tower* called to return his Writ, or Warrant directed unto him for the bringing of the Prisoner forth.

Then Mr. *Crooke* having the said Warrant, which was written in Parchment, and having four or five Seals of red Wax annexed to the same by gilt Labels, delivered in the same to the Court; and humbly craved that the Lieutenant might be excused for his absence, and declared the cause thereof.

Whereupon Mr. *Sands*, Clerk of the Crown, taking the said Writ, and turning his Face to the Lord Chamberlain, read the return thereof, being in Latin, the common and ordinary Return of an *Habeas Corpus.*

Then Serjeant *Snagg* for the Queen, being one of her Majesty's learned Counsel, moved the Lords to this effect, That whereas Sir *John Perrot* was before that time indicted of Treason and arraigned, pleaded not Guilty, and put himself on the Country, who found him guilty of High-Treason, therefore he prayed, on her Majesty's behalf, that Judgment might be given accordingly.

Then *Sands*, Clerk of the Crown, spake unto Sir *John*, saying, Thou hast been heretofore indicted of High-Treason by the Name of *John Perrot* late of *London* Knight, and being thereupon arraigned, thereunto didst plead not Guilty; and didst put thy self upon the Country, who found thee guilty of High-Treason: what hast thou now to say for thy self, why thou shouldst not have Judgment to die?

Sir *John* making low Obeisance, answered; First whether he might be permitted to take any Exception against the Indictment, and if he might, then he requested he might be thereunto permitted.

To this the Lord Chief Justice *Anderson* answered, he might not be permitted.

Then Sir *John* made a protestation of a quarter of an hour long, wherein he included the Mercy of her Majesty toward him, extolling her to be the only mirror of Mercy of all the Princes in the World; and said, God forbid that ever his Heart should imagine Treason or utter such unreverend Speeches of her sacred Majesty, who had exalted him so highly from the estate of a Gentleman, and of whose Bounty and gracious Favour he had so liberally tasted; but complained of the hard and false dealings of the Witnesses towards him in these Causes, who he said, falsely, maliciously, and perjuriously accused him, but said he found no fault in the Proceedings of the Law, but that he had good and orderly Proceeding therein: and then again extolling her Majesty's great Mercy and Favour towards him, protested his Innocency in the Cause to be such, that he forsook God's Mercy and his Saviour's Merits, if ever he meant any Treason or Treachery towards that gracious Queen *Elizabeth*; and said, that he knew her Majesty's great Clemency and Mercy towards him proceeded from her Majesty's own Heart, by the mere Providence of God, who knew his Innocence in this Cause, in staying him so long from Judgment, which he affirmed to be now six times; especially after such heinous matters being proved against him, but, as he said, most falsely and untrue.

Whereupon

Whereupon my Lord Chamberlain conceiving these Words to tend, that her Majesty had so long deferred Judgment, being persuaded thereunto of his Innocency in the Fact, and that her Majesty was persuaded that he had been hardly dealt withal, and unworthily condemned; wherefore my Lord Chamberlain said, he was much to blame to use any such Speeches to that end or purpose; and said, That the conceit of his Innocency was not the cause her Majesty deferred his Judgment so long; and used very vehement Speeches against the said Sir *John Perrot* in that point, saying his Treasons were most manifest and apparent, and for his Trial he received more favour than any other Traitor that ever he saw, and there were more Witnesses of his own Men and others than ever he saw against any other Traitor.

Whereupon Sir *John* said, I pray your Lordship interrupt me not: for the Lord Chamberlain began these Speeches in the midst of Sir *John's* matter.

Then said my Lord Chamberlain, you must be interrupted in this Point; and proceeded more vehement and earnest against him than before.

Sir *John Perrot* pray'd his Lordship not to misconstrue his meaning, and said, he meant no such matter touching her Majesty's conceit of his hard usage, as his Lordship took his words to be; for, said he, I can recite my words again, which in effect were, that her Majesty being the only Prince of Mercy, had dealt with him most graciously, in forbearing thus long with him for his Judgment.

Mr. *Egerton*, now Attorney, then stood up, and directing his Speeches to my Lord Chamberlain and the rest of the Bench, said, he had thought to have moved their Lordships touching Sir *John Perrot's* Speeches in that point, which, as he said, were by protesting his Innocency to seduce and deceive the Audience to think him innocent, and not guilty of Treason, and that he had been injuriously condemned; whereas it was most manifest that he was most justly condemned of most heinous Treasons; and that in his Trial he received most favourable hearing.

Whereunto Sir *John Perrot* replied and said, Mr. Attorney, you did me wrong now, as you did me before.

I never did you wrong, said Mr. Attorney.

You did me wrong, said Sir *John*.

Instance wherein I did you wrong, said Mr. Attorney.

You did me wrong, said Sir *John*.

I never did you wrong, said Mr. Attorney.

All these Speeches were spoken with great vehemency each to the other.

My Lord *Buckhurst* directed his Speeches towards Sir *John* to the like effect, touching his Guiltiness and Trial, as my Lord Chamberlain had said before; adding further, That whereas he went about to persuade the Audience, that the Cause which moved her Majesty to defer his Judgment, was her conceit of some hard Proceeding against him at his Arraignment, which was not the Cause indeed, that therein he did injury to the Judge, Jury and Witnesses; and said it was very evilly done of him, to utter any Speeches to any such end: saying further, that my Lord himself had been at and upon the Trial of divers Traitors before that time, far Sir *John's* Betters, and said he had seen divers Traitors condemned of Treason upon a tenth part of the Evidence that was

against him, and yet justly condemned of Treason; and you Sir *John* are condemned justly of a Mass of Treasons; and the said Lord said, in his Conscience he thought him guilty of most heinous Treasons, and that he was worthily condemned: and he said also, that divers and sundry Witnesses very sufficient, had proved Treason against him most manifest; and said withal, Sir *John*, would you have all these, being so many in number, as testified against you, to be all perjured, and you only believed? No, no, it is not possible to be true, neither will any Man believe it, Sir *John*.

My Lord Chamberlain spake again and said, There had been thirty Witnesses produced against him at his Arraignment, who proved Treason against him; and that he was a Traitor worthily condemned of Treason; and said, he never saw any Traitor have such indifferent Trial, and such sufficient Proofs produced against him: adding further, that he might speak his Will; but no Man would believe him; and that he had spoken much already, but not a true word of all he spake.

Then Sir *John* alledged that the Matter was set forward and followed by his Enemies in *Ireland*, and that he was condemned by *Irish* Witnesses all, and that no one *English* Witness had proved Treason against him.

My Lord *Buckhurst* said, He had both *Irish* and *English* Witnesses, and those his own Men.

Sir *John* said, it was more than he knew.

Sands said, *Philip Williams* was an *Englishman*.

Sir *John Perrot* said, He proved no Treason: and further he said, That the *Irish* Witnesses had no respect of an Oath; and that for a small value, a Man might procure a number to swear any thing. And for proof thereof, he appealed to some of the Bench that had been in *Ireland*, and threw his Hand towards Mr *Rookesby*, that they knew the same to be true; he also said, that God would plague the Prosecutors of this Cause against him for their corrupt dealing therein.

He also, with great protestation in the midst of his Speeches, utterly denied that ever he intended or meant to murder any Man, as he was falsely accused; and said, that now lately he had found among his Writings a Letter of that wicked fellow's that accused him thereof, *Stephen Seager*, and said he had that Letter about him to prove his Testimony false; and said that that Matter grieved him more than any other Matter. He also with great protestation denied that he was ever a Papist in Heart or Soul, or ever favoured any of them, but was of a sound Religion these 45 Years, ever since the second Year of King *Edward*; and for trial thereof, he referred himself to divers there present that were old Parliament-Men of his Speeches touching Religion in divers Parliaments.

My Lord *Chamberlain* answered him, That he was not charged for murdering or intending to murder any Person, altho' the same was proved to his face by his own Man.

Sir *John* said, Altho' the same was not objected to his Charge, it was laid open against him to make him infamous to the World, which grieved him most of all; and said, that *Seager* in the end denied it again.

My Lord *Chamberlain* said, he denied it not, but justified it to his face.

Sir *John* said, that *Seager* said Sir *John* told him that he did it but to prove him what he would do.

Then my Lord *Anderson*, Chief Justice of the Common Pleas, asked him whether he had any thing to say in Arrest of Judgment?

Sir *John* answered, Seeing it pleased God and the Queen he should come to that pass, he had nothing to say, but humbly submitted himself to the Law and their Lordships.

My Lord *Anderson* then asked if he had the Queen's Pardon? Then he said he had no Pardon.

Then my Lord *Anderson* proceeding to pronounce Judgment, began with a long Discourse, reciting divers good Blessings of God upon this Realm, namely the establishing of true Religion, and to be governed with so gracious a Prince, and many other good Blessings of God bestowed upon us; yet notwithstanding, divers wicked and traitorous Persons, discontented with the State, had practised divers and sundry Treasons, which by the great and mighty Providence of God, had been from time to time revealed. And omitting divers foreign Treasons, many Treasons had been practised here at home; and said, That he himself had been at the Arraignment of divers, as namely of *Babington*, *Abington*, with others; adding, that the Treasons of Sir *John Perrot* far surpassed them all, most wickedly conspiring her Majesty's Death and Deprivation, and Invasion of this Realm by foreign Enemies, and taking in the *Spaniards* to the Destruction of so many thousands of good and natural Subjects. Lord *Anderson* contented with the two other Lords, that he was worthily and justly condemned of Treason, of good and sufficient Proof; and said, that at his Arraignment he had Indifferency with Favour, and commended the Goodness and Substantialness of the Jury that tried him at his Arraignment. And then he proceeded to Judgment, which was by him pronounced to this effect:

That he should be carried by the Lieutenant of the Tower, to the Tower, which was the place from whence he came, and from thence to be drawn upon a Hurdle thro' the City of *London* to the place of Execution, and there to be hanged, and to be cut down alive, and his Bowels and Privy-Members to be cut off, and cast in the Fire in his sight, his Head to be cut off, and his Body to be cut in four quarters, to be disposed at the Queen's pleasure, and God have Mercy upon thee.

Then said Sir *John*, Seeing it pleased God and the Queen that he should be thus judged, his Life stood in her Majesty's merciful Hands, whose Life he wished, and prayed God that it might be three times, yea five times as long as she hath lived already; with divers other good and godly Wishes to her Majesty: and he prayed God that among her Subjects the innocent Lambs might be known from the scabbed Goats; and if the living God who knew his Innocency would put it into her Princely Heart to be merciful unto him for his Life, that he would, as always heretofore he did, serve her Majesty most faithfully against her malicious Enemies; yea and to stop the mouth of a Cannon, and fight against the Dogs the *Spaniards*; and said he knew her Majesty to be the Fountain of Mercy, and wished that utter Destruction might ensue to him and his Progeny, if ever he meant Treason against Queen *Elizabeth*: which very words he uttered and wished divers times before and after, and said that shortly God doubtless would make manifest his Innocency, and that to her Majesty and the World.

He also said, that he wished not now to live, by reason of his Infamy in his Country, and that his Name and Blood was corrupted, which had been of antient continuance, and never before that time spotted: and said, Wo be unto me that am the first of my House and Name that ever was attainted or suspected, and shook his Hand: and having a Carnation in his Hand, he said, I care not for Death the value of this Flower, I fear it not; and wished that he had never offended God more than he had offended the Queen's Majesty. Which Words he pronounced contrary at the first, but presently reformed them.

Then he declared he had certain Petitions, which he humbly desired their Lordships to move her Majesty in on his behalf.

The first Petition was, That it would please her Majesty of her abundant Mercy to pardon his Life, that he might have a better Room, for his Lodging was a short Chamber only room for his Bed and a Table, and that he never went out of Doors, nor had any Air to comfort him.

To this my Lord *Chamberlain* answered, that the Room was such as was fit for such a Man as he was.

The second Petition was, that he might have a Preacher appointed unto him, and that he might be permitted to receive the Sacrament, which he said he did not since his Commitment to the Tower, but said he received the same in my Lord Treasurer's House.

To this Petition my Lord *Chamberlain* answered, that he never heard that he desired or wished any such thing before, which if he had, it might have been granted him. Sir *John Perrot* said, that he had requested the Lieutenant for the same twenty times; and said, here is a Man that knoweth the same, meaning and pointing at Mr. *Crooke*, standing next him on his Right Hand: which thing Mr. *Crooke* voluntarily and without asking disavowed; and said he knew no such thing. Then said Sir *John*, Mr. Lieutenant well knoweth it; and will confess the same.

My Lord *Chamberlain* said, he should have his Petition herein granted: And that they, the Justices and Commissioners, had Authority to grant the same without moving her Majesty therein.

The third Petition was, that if he should suffer Death, that then their Lordships would be humble Suitors to her Majesty, that seeing he was a Gentleman born, and that he had been advanced to Place and Calling by her Majesty, and served her Majesty in place of Honour, he might die a Gentleman's Death, and be spared from drawing thro' the Streets, and the rest of the Judgment; and said, he was a Gentleman of antient Descent, and but a Gentleman.

The fourth Petition was, that they would move her Majesty to be good and gracious to his Son, meaning Sir *Thomas Perrot*, and that they would put her Majesty in remembrance of her gracious Promise made unto Sir *Philip Sidney* and Sir *Thomas Perrot*, that her Majesty would be good to them; especially that her Majesty would be good to that virtuous and gracious Lady my Lady *Dorothy*: and then said, that he never received any penny of her Marriage, nor ever assured her any Jointure, for which he was now very sorry; and said, that something moved him so to do, which now grieved him very sore.

He also said, that he had made Estates of his Lands, a dozen, sixteen, and twenty Years past; for

for that he had Children by divers Venters, and that he would have his Lands to remain in his Name, and now he had but one Son, the other having died in her Majesty's Service. He said, peradventure Holes may be now found in the same; therefore he again requested that their Lordships would move her Majesty to be good to his Son and his Wife, and as he heard to a little Son which they had, and which hereafter may do her Majesty Service.

He also oftentimes protested with great protestation that he never meant evil, and wished Confusion to him and his Posterity if he were guilty of Treason. And if he were, he utterly renounced the Merits and Mercy of his Saviour Jesus Christ.

And then speaking to my Lord Chamberlain, said, he excepted his Lordship for that he sat Commissioner for her Majesty, otherwise he was as true a Subject as any in England whosoever; and herewith clapped his Hand upon the Bar mightily.

And as he was departing from the Bar, he returned again towards the Lords and said, he could not dispend 1200*l.* a Year, altho' it was bruited he could dispend many thousands.

He also made mention he was in debt.

Then was he conveyed away from the Bar in the same manner he was brought thither, and brought by Water to the *Old Swan*, for that he could not shoot the Bridge, and all the Guard and others attending him in Wherrys; and from the *Old Swan* he was conveyed in a Coach into the *Tower*, as he was brought from the *Tower* to *Westminster* that Morning.

He also seemed in his Speeches to refer all things to God, who as he said best knew the secret of this Cause. Again and very zealously he wished and hoped that all things should be by him made manifest; and in all his Protestations and Speeches referred him and his to God alone.


Then the Lords and Commissioner sitting a little space after Sir *John's* departure, and until he took Barge, an O Yes was made, and the Commission of Oyer and Terminer was determined by Proclamation made in these words following:

All manner of Persons of *England* and *Ireland*; that had any thing to do before my Lords the Queen's Majesty's Justices of Oyer and Terminer in this present Cause, may depart hence in God's Peace, and the Queen's Majesty's, and keep their Day again upon a new Summons, for my Lords the Queen's Justices do determine their Commission; and then they all cried, *God save the Queen. Amen.*

Then my Lords arose, and it was at the stroke of ten of the Clock at Night.

Afterwards the Queen began to be appeased towards him, and was often heard to applaud that Rescript of *Theodosius, Honorius, and Arcadius*: *If any Person speak ill of the Emperor thro' a foolish rashness and inadvertency, it is to be despised; if out of Madness, it deserves Pity; if from Malice and Aversion, it calls for Mercy.* But while he thus had hopes of his Life, he fell sick, and died in the *Tower* in *September* following; but the Queen granted his Desire, in suffering his Estate to go to his Son, who had married the Earl of *Essex's* Sister.

XVI. The Trial of ROBERT Earl of Essex, and HENRY Earl of Southampton, before the Lords at Westminster, for High-Treason, the 19th of February, 1600. 43 Eliz.

 SPACIOUS Court was made in *Westminster-Hall*, where the Lord Treasurer *Buckhurst* sat as High Steward of *England*, under a Canopy of State; where sat also about the Table, the Earls, Barons, and Judges of the Land, according to their Degrees.

The Judges were these;

The Lord Chief Justice *Popham*, and the Lord Chief Justice *Anderson*.

The Lord Chief Baron, Justice *Walmesley*.
Sir *William Periam*. Justice *Warburton*.
Justice *Garodie*. Justice *Kingsmill*.
Justice *Fenner*. Mr. Baron *Clarke*.

These sat all in the Court next the Bar, before the High Steward. Seven Serjeants at Arms came in with Maces before the High Steward, and laid them down before him in the Court. The King at Arms stood on the one side of the High Steward by his Chair of Estate, and one of her Majesty's

Gentlemen Ushers with his white Rod in his Hand on the other side. The Clerk of the Crown and his Assistant sat before him, to read the common Indictments and Examinations. The Captain of the Guard (*Sir Walter Raleigh*) and forty of the Queen's Guard were there to attend the Service. Then the Serjeant at Arms made three O Yes! and Proclamation, That the Lord High Steward of *England* commanded Silence, and to hear the Commission read, upon pain of Imprisonment. Then the Clerk of the Crown read the Commission, whereunto the Earl of *Essex* was very attentive.

Another Proclamation was made, That the Lord High Steward of *England* commanded all Justices to whom any Writs had been directed for this Service, to bring them in, and certify the same.

Another Proclamation was made by a Serjeant at Arms, That the Lieutenant of the *Tower of London* should return his Precept, and bring forth his Prisoners, *Robert* Earl of *Essex*, and *Henry* Earl of *Southampton*.

Then the Lord High Constable of the *Tower*, the Lieutenant of the *Tower*, and the Gentleman Porter,

Porter, who carried the Ax before the Prisoners, came first in, and the Prisoners followed and made their appearance at the Bar, the Gentleman Porter with the Ax standing before them, with the Ax's Edge from them; and so the Lieutenant delivered his Precept into the Court.

The two Earls (which were Prisoners) kissed one another's Hands, and embraced each other.

Another Proclamation was made, That the Serjeant at Arms to the Queen's Majesty do return his Precept of the Names of all the Peers of *Robert Earl of Essex*, and *Henry Earl of Southampton*, the which he delivered into the Court accordingly.

Another Proclamation was made, That all Earls, Viscounts, and Barons of the Realm of *England*, which were Peers of *Robert Earl of Essex*, and *Henry Earl of Southampton*, and summoned to appear this Day, do make answer to their Names, upon pain and peril that will fall thereon.

Then the Lords were called, and answered and appeared as followeth:

<i>Edward Earl of Oxford.</i>	<i>Edward Lord Morley.</i>
<i>Gilbert Earl of Shrewsbury.</i>	<i>Henry Lord Cobham.</i>
<i>William Earl of Derby.</i>	<i>Henry Lord Stafford.</i>
<i>Edward Earl of Worcester.</i>	<i>Thomas Lord Grey.</i>
<i>George Earl of Cumberland.</i>	<i>Thomas Lord Lumley.</i>
<i>Robert Earl of Sussex.</i>	<i>Henry Lord Windsor.</i>
<i>Edward Earl of Hertford.</i>	<i>William Lord Chandois.</i>
<i>Henry Earl of Lincoln.</i>	<i>Robert Lord Rich.</i>
<i>Charles Earl of Nottingham.</i>	<i>Thomas Lord Darcy.</i>
<i>Thomas Viscount Bindon.</i>	<i>George Lord Hunsdon.</i>
<i>Thomas Lord De la Ware.</i>	<i>Oliver Lord St. John of Blotso.</i>
	<i>Thomas Lord Burleigh.</i>
	<i>William Lord Compton.</i>
	<i>Thomas Lord Howard,</i>
	<i>Baron of Walden.</i>

Then the Earl of *Essex* desired to know of my Lord Chief Justice, whether he might challenge any of the Peers or no; whereunto the Lord Chief Justice answered, No: and Mr. Attorney General alledged a Case in *Henry VIII's* Time, of my Lord *Darcy*. Whereupon the Earl bad them go on.

[When the Lord *Grey* was called, the Earl of *Essex* laughed upon the Earl of *Southampton*, and jogged him by his Sleeve.]

Then they were called to hold up their Hands at the Bar, which they did. And then the Clerk of the Crown read the Indictments. That being done, they were bid to hold up their Hands again, which they did, and another Indictment was read, whereunto the Earl of *Essex* was attentive. After which, the Clerk of the Crown asked them, whether they were Guilty, or not Guilty: they pleaded not Guilty; and for their Trials they put themselves upon God and their Peers. They spake this severally.

Then my Lord High Steward in a few words gave the Peers a Charge, requiring them to have a due regard of their Consciences.

Serjeant Yelverton's Speech.

First he began to open the Evidence, and shewed the Effect of the Indictment, and held it in his Hand, and said as followeth:

May it please your Grace (speaking to the High Steward) about the 8th of *February* last, my Lord of *Essex* (there Prisoner at the Bar) went about with armed Men very rebelliously to disinherit the Queen of her Crown and Dignity, which

when it came to her Majesty's Ear, she of her abounding Mercy, sent to see if it were possible to stop the Rebellion: and who did she send? She sent (my Lord) no worse Persons than my Lord Keeper, my Lord Chief Justice of *England*, the Earl of *Worcester*, and Sir *William Knowles*, all which went in her Majesty's Name, and commanded the Earls and their Adherents very strictly to dissolve their Assemblies, and to lay down their Arms. But he knowing it, very treacherously imprisoned the said Lords and Counsellors by her Majesty so sent, and altogether refused her Majesty's Authority: and divers of their Confederates cry'd out, Kill them, kill them! thereby putting her Majesty's Council in fear of their Lives; and withal, left them with Sir *Jo. Davis* to keep safe, lest they themselves should miscarry in the City. But, my Lord, I must tell you this by the way, that my Lord of *Essex* can no way excuse nor shadow this his rebellious Purpose, nor turn his Actions to any other intent: for the sending of *Temple* his Secretary into *London* the Night before, manifesteth his determination, without Scruple or Question; for by that means he was in hopes to have had the help of the Citizens, her Majesty's most loyal and loving Subjects: and he used not only his best endeavours to strengthen himself abroad, but also fortified his House at home with strong Defence and Ammunition; all which were Tokens of his Inclinations to a sudden and unexpected Rebellion, and were confirmed in the opinion of all the World, when he withstood divers of her Majesty's Subjects standing in her Highness's Right, and Defence of her Peace, against him and his Confederates. Good my Lord, I beseech your Grace, and you my Lords that are the Peers, to understand, That if any Man do but intend the Death of the King, it is Death by the Law: for he is the Head of the Commonwealth, and all his Subjects as Members ought to obey and stand with him. But as for this Rebellion, being duly considered, it contains in it many Branches of Treason, which are and will be directly proved: which being found to be so, my Lords, who are their Peers, are to find them Guilty. Hereof need to be made no doubt, for it is more manifest than the Sedition of *Catiline* to the City of *Rome*, and consequently *England* is in no less danger; for as *Catiline* entertained the most seditious Persons about all *Rome* to join with him in his Conspiracy, so the Earl of *Essex* had none but Papists, Reculants, and Atheists for his Adjutors and Abettors in their capital Rebellion against the whole Estate of *England*. My Lord, I much wonder that his Heart could forget all the Princely Advancements given him by her Majesty, and be so suddenly besotted, as to turn them all to rebellious Ends; but it seems this overweighing a Man's own Conceit, and an aspiring Mind to wished Honour, is like the Crocodile, which is ever growing as long as he liveth. Your Lordships know in what sort they went into the City, with Armour and Weapons, and how they returned to *Essex-House* again, as you my Lord Admiral, and my Lord of *Cumberland*, with others of their honourable Peers do know; which makes we wonder they do not blush to be so forward to stand upon their Trials without Confession, when their intended Treasons are in all Men's Judgments palpable. For my part, my Lord, I can conjecture nothing hereby; and it will not easily out of my own conceit, but that there is some further Matter in it than as yet appears; but

but my hope is, that God of his Mercy, that hath revealed their Treasons, will not suffer the rest of his or any others to the hurt of the State, or prejudice to her Majesty's most Royal Person, whom I pray God long to preserve from the hands of her Enemies. *Amen*, cry'd the Earl of *Effex* and the Earl of *Southampton*, and God confound their Souls that ever wished otherwise to her sacred Person.

* *Attorney Gen.* May it please your
* *Sir Ed. Coke.* Grace, the Lords Chief Judges, which are the Fathers of the Law, do know that the Thought of Treason to the Prince, by the Law is Death; and he that is guilty of Rebellion, is guilty of an Intent (by the Laws of the Land) to seek the Destruction of the Prince, and so adjudged Treason: and I will prove this unto your Lordships by two several Cases. First, he raiseth Power and Strength in a settled Government, the Law will not suffer it, but it is construed as in case of High-Treason; he that doth usurp upon it, the Law doth intend that he hath purposed the Destruction of the Prince; he that doth assemble Power, if the King doth command him upon his Allegiance to dissolve his Company, and he continue it, without any question it is High-Treason: he that doth levy Forces to take any Town in the Prince's Dominions, it is so likewise. But my Lord of *Effex* hath levied Power to take the Tower of *London*, and to surprize the Queen's own Court; then this must needs be higher than the highest; and he that doth fortify himself against the Prince's Power, must needs be within the compass of Treason. And by your favour, my Lord of *Effex*, I will now speak a word unto you, for I know you can speak as well as any Man; That whereas you say the Law of Nature compelled you to do this, which in judgment you have, tho' most treacherously attempted, I will in a word disprove your own Judgment, admitting you must make that freely your Argument. First, I will open the Quality of your Rebellion; Secondly, the Manner of it; Thirdly, I will touch the Circumstances; and, Lastly, I will observe the Person. The Quality hath High-Treason; for which I think I shall not need to say any more. For the Manner of it, I hold it an unnatural Act for a natural Subject to commit Treason against his natural Sovereign; and methinks it cannot be by any probability denied, but that this High-Treason is, and must be, both against the Law of God, Nature and Reason. And under your Grace's favour, my Lord, the manner of it being of so high a Nature as it is, must needs be High-Treason, which was not only carried in their Hearts, but, for a continual Remembrance, kept in a black Purse, which my Lord of *Effex* wore on his Breast next to his Skin. Let me note unto you, my good Lord, that they being both born under the Government of this Princess, and so highly advanced by her Majesty's Favour, should have trembled once to think of such a Rebellion as they have enterprized. Doth not my Lord of *Effex* now enjoy his Earldom of *Effex* by the Gift of *Henry VIII.* to his Father? Was not he made Master of her Majesty's Horse at twenty-two Years of Age? one of her Majesty's Council? to be Earl Marshal of *England*? General of her Majesty's Forces in *Ireland*? And lastly, hath he not received divers Gifts and Sums of Money, to his own use, of her Majesty's Gracious and Princely Bounty, to the value of thirty thousand Pounds? Yet all

these were as cleverly forgotten, as if they had never been. Now shall I shew you the Person whom this concerns, even her Majesty's sacred Person, against whom their Attempts have been, only for the undertaking of God's Cause, and exercising of Justice with admirable Mercy; and tho' I cannot speak without reverent Commendations of her Majesty's most honourable Justice, yet I think her overmuch Clemency to some, turneth to overmuch Cruelty for herself: for tho' the rebellious Attempts were so exceeding heinous, yet out of her Princely Mercy, no Man was racked, tortured, or pressed to speak any thing farther, than of their own accord, and willing minds, for discharge of their Consciences they uttered; and then, to see the Mercy of God that will have the Truth known, it is admirable beyond the Conceit of Man's Capacity: for they being severally examined, notwithstanding, all agreed directly, without varying. But when her Majesty sent a Counsellor of State to have the Earl come before her, when she heard of his Rebellion, for no other end or purpose but for his Admonishment, he refused to come; and having a guilty Conscience, and suspecting his Treasons were laid open, took consultation to surprize the Court and the Tower of *London*, all at one instant: and for this purpose; had appointed *Blunt* the custody of the Gates, *Sir Jo. Davis* of the Hall, *Sir Charles Devers* of the Presence, and himself of her Majesty's Person. Whereupon *Blunt* said, Ah! what Humour shall we find them in at the Court? This was not all, for the Earl he must call a Parliament, and he would decide matters, not making for his purpose: but now in God's most just Judgment, he of his Earldom shall be *Robert* the last, that of a Kingdom thought to be *Robert* the first. And my Lord did not any whit amuse himself to give order, that if he and his Complices should miscarry in *London*, then the Counsellors which he caused to be imprisoned in his House, should be slain. It was plain Treason in him to stand out, being by them charged to dissolve his Company upon his Allegiance. What shall I need to stand upon further Proofs? it is so evident, and my Lord himself will not deny, but that he had a Schedule, containing in it divers of his Friends Names; which, as I conjecture, must needs contain some other matter, for he durst not let it come to light, but burnt it: and as for *Owen*, *Salisbury*, *Davis* and *Tresham*, they must have the guard of the Lords of the Council, to use them at their pleasure.

Effex. Will your Lordships give us our turns to speak, for he playeth the Orator, and abuseth your Lordships Ears and us with Slanders; but they are but fashions of Orators in corrupt States. Considering some Privileges which we might challenge, equal Answers and equal Hearing were indifferent; for unless it will please your Lordships that we might answer to every particular, we shall soon confound our own Memories, and give Liberty and Advantage to our Enemies, whereupon to lay hold, for lack of precise Answer to each particular Objection. And seeing now, my Lord, you have undertaken the place of a Judge, I beseech you, as you prove against us, we for our selves may answer what may fall out to be fit.

He the Lord of *Effex* was interrupted; and not allowed to speak, until *Henry Witherington's* Examination was read, which imported thus much :

Wither-

Witherington's Examination.

That upon the Sunday morning he was sent for to *Essex-House*, where he found the place guarded with many Gentlemen in Arms, who told his Uncle that came in his Company, that he feared they were come into an ill Action; my Lord of *Essex* bade him very welcome, and intreated him to go with him, for he feared hurt of some private Enemies. And when Mr. *Witherington* perceived the Council were stayed, he feared danger to them; for he heard some bid, *Stab them*; and others, *Let us make an end of them, we shall have the fewer to deal withal*. And he proves further, that order was left, That if the Earl should miscarry in *London*, then the Lord Keeper and the Lord Chief Justice should be killed; and also when the Council had commanded him, upon his Allegiance, to dissolve his Forces, he answered nothing: he likewise saw my Lord of *Bedford* brought in that morning; and Mr. *Witherington*, fearing he might be drawn on to his Destruction, prayed him only to follow him, for when opportunity served in *London*, they would leave the Troop; and that they followed the Earl into *London*, and on a sudden lost him.

Essex. I will not (I protest to God) speak to save my Life; for those that prosecute it against me, shall do me a good turn to rid me of my Misery, and themselves out of Fear. As for Mr. *Witherington*, he does much disparage himself if he saith so, for I protest to God upon my Salvation, I never heard such Words as *Kill him, kill him*; and Mr. *Witherington* came voluntarily to my House, unsent for, and in the forenoon did come into our Company, and took to heart as much as we did whatever we went about: and these are but Reports, for he that is the Witness, is now sent into the Country about some Employments. But if it had been a Secret, Mr. *Witherington* being privy thereto, might have been a good Witness; but being so openly spoken, (as you say) a hundred more might have testified it, yet none spake it besides. And as for locking up the Council, I protest to God it was done in Charity, and without Disloyalty, but intending only to save them, lest they should take hurt; considering the People abroad in the Streets, with a great and sudden Outcry, said, *We shall be slain*. At which time we thought our Enemies had been come to beset the House, for my intent was no otherwise than Loyal to her Majesty and them.

The Lord Keeper, the Earl of *Worcester* and the Lord Chief Justice *Popham*, proved in Court upon their Honours, that they heard the words, *Kill them, kill them*; but they would not charge my Lord of *Essex* that they were spoken either by his Privy or Command.

The Declaration of the Lord Keeper, the Earl of Worcester, and the Lord Chief Justice of England.

Upon Sunday, being the 8th of *February* last past, about ten of the Clock in the forenoon, the Lord Keeper of the Great Seal, the Earl of *Worcester*, Sir *William Knollis* Comptroller of his Majesty's Household, and the Lord Chief Justice of *England*, being commanded by direction from the Queen's Majesty, did repair to the late Earl of *Essex's* House; and finding the Gate shut against them, after a little stay they were let in at the Wicket. And as soon as they were within the

Gate, the Wicket was shut upon them, and all their Servants kept out.

At their coming thither, they found the Court full of Men assembled together in very tumultuous sort: The Earls of *Essex*, *Rutland* and *Southampton*, and the Lord *Sandys*, Master *Parker*, commonly called Lord *Mounteagle*, Sir *Christopher Blunt*, Sir *Charles Davers*, and many other Knights and Gentlemen, and other Persons unknown, which flock'd together about the Lord Keeper, &c. And thereupon the Lord Keeper told the Earl of *Essex*, that they were sent from her Majesty, to understand the cause of this their Assembly, and to let them know, That if they had any particular cause of grief against any persons whatsoever, it should be heard, and they should have Justice.

Hereupon the Earl of *Essex* with a very loud Voice declared, That his Life was sought, and that he should have been murdered in his Bed; that he had been perfidiously dealt with; that his Hand had been counterfeited, and Letters written in his name; and that therefore they were assembled there together to defend their Lives: with much other speech to like effect. Hereupon the Lord Chief Justice said unto the Earl, That if they had any such matter of grief, or if any such matter were attempted or purposed against him, he willed the Earl to declare it; assuring him that it should be truly related to her Majesty, and that it should be indifferently heard, and Justice should be done, whomsoever it concerned.

To this the Earl of *Southampton* objected the Assault made upon him by the Lord *Gray*. Whereunto the Lord Chief Justice said, That in his case, Justice had been done, and the Party imprisoned for it. And hereupon the Lord Keeper did estoons will the Earl of *Essex*, that whatsoever private Matter or Offence he had against any Person whatsoever, if he would deliver it unto them, they would faithfully and honestly deliver it to the Queen's Majesty, and doubted not to procure him honourable and equal Justice, whomsoever it concerned: requiring him, that if he would not declare it openly, that he would impart it unto them privately, and doubted not but they would satisfy him in it.

Upon this there was a great Clamour raised among the multitude, crying, *Away my Lord, they abuse you, they betray you, they undo you, you lose time*. Whereupon the Lord Keeper put on his Hat, and said with a loud Voice, My Lord, let us speak with you privately, and understand your griefs: and I command you all upon your Allegiance, to lay down your weapons, and to depart, which you ought all to do, being thus commanded, if you be good Subjects, and owe that duty to the Queen's Majesty which you profess. Whereupon they all brake out into an exceeding loud shout and cry, crying, *All, all, all*.

And whilst the Lord Keeper was speaking, and commanding them upon their Allegiance, as is before declared, the Earl of *Essex* and the most part of that company did put on their Hats; and so the Earl of *Essex* went into the House, and the Lord-Keeper, &c. followed him, thinking that his purpose had been to speak with them privately, as they had required. And as they were going, some of that disordered Company cried, *Kill them*. And as they were going into the great Chamber, some cried, *Cast the Great Seal out of the Window*. Some other cried there, *Kill them*, and some other said, *Nay, let us shop them up*.

The Lord Keeper did often call to the Earl of *Essex* to speak with them privately, thinking still that his meaning had been so, until the Earl brought them into his back Chamber, and there gave order to have the farther door of that Chamber shut fast. And at his going forth out of that Chamber, the Lord Keeper pressing again to have spoken with the Earl of *Essex*, the Earl said, *My Lords, be patient a while, and stay here, and I will go into London, and take order with the Mayor and Sheriffs for the City, and will be here again within this half hour.* And so departed from the Lord Keeper, &c. leaving the Lord Keeper, &c. and divers of the Gentlemen Pensioners in that Chamber, guarded by Sir *John Davis*, *Francis Tresham*, and *Owen Salisbury*, with musket-shot, where they continued until Sir *Ferdinando Gorges* came and delivered them about four of the Clock in the afternoon.

In the mean time we did often require Sir *John Davis*, and *Francis Tresham*, to suffer us to depart, or at the least, to suffer some one of us to go to the Queen's Majesty, to inform her where and in what sort we were kept. But they answered, *That my Lord (meaning the Earl of Essex) had commanded that we should not depart before his return, which (they said) would be very shortly.*

Thomas Egerton, C. S.
Edward Worcester.
John Popham.

All which the Lord Chief Justice *Popham* attested, *viva voce.*

Attorney Gen. Yea, my Lord, you had three hundred Men in Arms in your House; why did you not dissolve them, being commanded upon your Allegiance from the Queen to do it?

Essex. They hearing rumours of Men about my House against them put them into such a Fear and Extasy, that it was not in my power suddenly to dissolve them, or to quench their Passions; and the rather, for that Sir *Walter Raleigh* desired Sir *Ferdinando Gorges* to leave their Company, or else they would be all lost; so that they stood amazed, and knew not what to do.

Southampton. Mr. Attorney, you speak all this as if it were as true as the Gospel.

Essex. Good my Lord, let me intreat you to mark the Circumstances: Word was brought that Men were sent for into the Country, to take us in our own Houses; then we conceiving the thirsty Appetite of our private Enemies, took our selves to our Arms, and were glad to stand upon our guard for our own Defence. But as for the Lords of the Council that came to my House, we being before advertised that we should be beset, thought it the securest way for those of the Council to keep them there, not knowing what Mischief would ensue.

Attorn. Gen. My Lord, your Grace sees that this is without Colour or Question; for my Lord

Chief Justice had proved it plain, that they would not dissolve their Company that was up in Arms, being charged upon their Allegiance so to do.

Essex. Good my Lord, know whether it were in my Lord of *Southampton's* power or in mine to withhold their Purposes so suddenly: For, not long before Sir *Walter Raleigh* had sent to my House to have Sir *Ferdinando Gorges* to come to him to *Durham-House*; and we fearing him to be a private Enemy, would not suffer Sir *Ferdinando* to go thither, but returned answer, that he would meet him on the Water upon equal Terms: where Sir *Walter Raleigh* used the former Speeches to Sir *Ferdinando Gorges*, wishing him to leave our Company, or else he would be undone. And whereas we are charged to have dealt with Papists, I assure your Lordship, and it is most true, that Papists have been hired and suborned to witness against me; as by the means of one *Sudall*, who was a Seminary Priest, and sent into *Ireland* to deal with Sir *Christopher Blunt*, whom he thought to be inward with me, to touch my Honour and Reputation. Then *Bales*, the Scriviner in the *Old-Baily*, hath confessed under his hand to forge and counterfeit my Hand in at least two Letters; and these two honest Gentlemen can witness it.

Attorney Gen. Ay, by my troth this is true, but it was by the Procurement of one of your own Men.

Essex. Thou swearest it, but it is not on a Book; that Man thou sayest I procured to do it, his name is *John Daniel*, an arrant Thief, one that broke a Standard of mine, and stole a Casket of my Wife's, and many other things. It is very probable that I should trust him so far, that had before betrayed me, is it not? But it is well known who set him at work to attempt against me so much as he hath done, to procure my hand to be counterfeited; and yet this Man, by your Judgment, must be a Practiser in such Matters by my own Consent*. Well, Mr. Attorney, I thank God you are not my Judge this Day, you are so uncharitable.

Attorney Gen. Well, my Lord, we shall prove you anon what you are, which your Pride of Heart, and aspiring Mind, hath brought you unto.

Essex. Ah! Mr. Attorney, lay your Hand upon your Heart, and pray to God to forgive us both.

Raleigh. That Sir *Ferdinando Gorges* told me upon the Water, that my Lord of *Essex* had put himself into a strong Guard at *Essex-House*, and this is like to be the bloodiest day's work that ever was, wishing him to go to Court with speed for prevention thereof: Then Sir *Walter* wished Sir *Ferdinando Gorges* to refuse their Company, else he would be undone. To this Sir *Walter* was sworn.

Essex. Whatsoever Sir *Walter Raleigh* hath said, differeth altogether from that which Sir *Ferdinando* told us at *Essex-House*, upon his return from the Water.

Attorn. Gen. Well my Lord, what can you devise to say for Sir *John Davis*, another of your Adherents, that Papist? for he hath confessed that

he

* The Matter here refer'd to, as it came out upon a strict Enquiry, was thus. The Countess of Essex being apprehensive, that in those troublesome times some Mischief might befall her Husband and her self, put some Letters which she had receiv'd from him into a Cabinet, and intrusted it into the hands of a Dutch Woman call'd *Rihove*, who hiding them in her House, they were accidentally discover'd by her Husband *John Daniel*; who reading them over, and observing some Passages in them, which might incense the Queen and endanger the Earl, caused them to be transcrib'd by a Person expert at counterfeiting Hands; and when the timorous Countess was near her time of Lying-in, he told her that unless she would give him three thousand Pounds, he would put them into the hands of her Husband's Enemies. The good Lady, to prevent that threatening Danger, immediately gave him eleven hundred and seventy Pounds, and still the Impostor only gave her the counterfeit Copies, and kept the Originals to get another Sum for them from the Earl's Enemies; for which he was sentenc'd in the Star-Chamber to perpetual Imprisonment, fined in three thousand Pounds, two of which were to be paid to the Countess, and to stand with his Ears nail'd to the Pillory, with this Inscription, A wicked Forger and Impostor.

he is a Papist and a Catholick, and drawn in by Sir *Christopher Blunt*, one of your chiefest Counsel, and that he called for a Seminary Priest upon his Convertment to absolve him.

Essex. If Sir *John Davis* were such a Man, it cannot be but strange to me to hear it; altho' I cannot search into the Secrets of his Heart to accuse him inwardly, yet I have seen him dutifully come to Prayers, and to the Service of God in my own House with me, and behaved himself very godlily; and of this I can be witness. And as for *Blunt* (God is my Witness) I have been so far from Popery, as I have so earnestly dealt with him to reform himself, insomuch that he hath told me, I have been very passionate. But whereas you say, we have committed Treason, first prove that true.

Serjeant Yelvert. Why, my Lord, if you deny the raising the Power, why should so many Men come to your House that day?

Southampton. By your favour, Mr. Serjeant *Yelvert*, a word I hope; for my coming thither, it was not strange news, and when I came that same morning to *Essex-House*, I protest I had not above ten or twelve Men attending me, which was but my usual Company, therefore far from purposing to raise a Tumult.

Attorn. Gen. Why, the reason of that was, for that you thought all *London* would have risen with you; but good my Lord, I beseech your Grace to hear the Oath of Sir *Ferdinando Gorges*: whose Evidence was read, and himself there in person did justify the same.

Sir Ferdinando Gorges his Confession.

He deposeth, That in *January* last the Earl of *Essex* wrote to him a Letter, wherein he complained grievously of his Misfortunes, and the miserable Estate he stood in, whereof he purposed shortly to free himself, and therefore prayed Sir *Ferdinando Gorges* to come up to *London* to him: who coming accordingly, the Earl told him how mightily he was crossed and discredited by his private Enemies, which he could not endure: for, saith he, I have 120 Earls, Barons, and Gentlemen, that participate in my discontented Humour, and will join with me, and I desire your Help and Counsel therein. One special Friend I have in the Court, whereby I have Intelligence from time to time: And I hold our selves indifferently affected by the Citizens of *London*, and hope to have a good Party in *Wales*. He confessed also, that they had two several Meetings at *Drury-House*, to consult of these Matters; and the Projects were, Whether it were better first to surprize the Court, or to take the Tower of *London*, or to stir in the City. But most agreed, first to surprize the Court. And then and there Sir *John Davis* took Pen, Ink, and Paper, and set down, That some should keep the Hall, some the Court-Gates, some the Guard-Chamber, and some the Presence-Chamber; saying, many of the Guard had been the Earl of *Essex's* Servants, and were preferred to the Queen by him, and will be more indifferent to deal with than others; and so my Lord shall have a way thro' his own Guards to come to the Privy-Chamber, and the Presence of the Queen. And Sir *Ferdinando Gorges* said to the Earl of *Essex*, Alas! my Lord, what is so small a number of Men able to do in so worthy an Action? and so dissuaded the Earl from surprizing the Court, and rather bade him submit himself to the Queen's Mercy, than pro-

ceed any further. And that the Earl of *Southampton* said at *Essex-House*, Is it not three months since this Plot began, and shall we resolve on nothing? Then upon a sudden they all agreed, first to stir in *London*, where they assured themselves of great Favour: And after the Council was lock'd up, this Deponent followed the Troops into *London*; and after some advice the Earl of *Essex* sent him back again with a Token to deliver to the Lord Chief Justice only, by colour of which Token he set at liberty the Lord Keeper and the rest. Lastly, he confirmed, that he told Sir *Walter Raleigh* first, upon the *Thames*, of my Lord of *Essex's* making his House a Guard, and putting his Friends into Arms, as it is delivered by Sir *Walter Raleigh*.

Queen's Counsel. We desire, that the Examination of Sir *Charles Davers* may be read, which being produced, was then read to this effect:

Sir Charles Davers's Examination.

He confesseth, That before *Christmas* last the Earl of *Essex* entred into Consideration, how he might secure himself to have access to the Queen's Presence without Resistance; and that the Resolution was agreeable to certain Articles written with the Earl of *Essex's* own Hand, and sent to the Earl of *Southampton* to surprize the Court; and that there were divers Consultations about it, and the Points were these: First, to take the Tower, for it would command *London*, then to surprize the Court; and after, the Court being taken and possessed, to have assembled the rest of their Friends, and to have presented themselves to the Queen: and that being done, and the Guards secured, Sir *Christopher Blunt* should keep the outward Gates of the Court, Sir *John Davis* the Hall and Water-gate, Sir *Charles Davers* (this Deponent) should keep the Presence and Guard-Chamber, and seize upon the Halberds and Pensioners Battle-Axes. The Intent was to surprize the Captain of the Guard at the Court, or at his own House, and some others; and then to surprize the Tower of *London*: And that the Earl of *Essex* resolved (these things being accomplished) immediately to have called a Parliament to reform Disorders and private Grievances. That this Deponent utterly disliked of these Courses; and after the Alarm was given at Court, he persuaded the Earl rather to flee into *Wales*, or other parts beyond the Seas for his Security, and avoiding the imminent Danger he was fallen into, than to trust to the City. And lastly, he protested, for his own part, what he had done in the business, was merely for the Love he bore to the Earl of *Southampton*, and not for any Malice or private Discontent otherwise.

When this was read, Mr. *Attorney General* produced the Examination of Sir *John Davis*, which contained in effect as follows:

Sir John Davis's Examination.

He saith, That the Earl's Purpose was, to possess himself of the Court, and to take the Tower of *London*; and that they had several Meetings of Consultation together with the Earl of *Southampton*, Sir *Ferdinando Gorges*, *Jo. Littleton*, Sir *Christopher Blunt*, Sir *Charles Davers*, and this Deponent. And these Matters (he confesseth) the Earl of *Essex* set down all with his own Hand, viz. Sir *Chri-*

Christopher Blunt to keep the outward Gate of the Court himself, this Deponent the Hall and Water-gate, and *Sir Charles Davers* the Presence and Guard-Chamber; then my Lord of *Essex* and his Forces would have come by Land, and so have possessed the Presence of the Queen. The question was asked the Earl of *Essex* (as this Deponent saith) how he would deal with Offenders, and such as resisted him, after he should be possessed of these things? He resolved them by way of Answer, That he meant to admit them all to an honourable Trial.

Then was produced the Confession of *Sir Christopher Blunt*, which was as follows.

Sir Christopher Blunt's Examination.

He confesseth that the Earl of *Essex* sent *Wife-man*, about the 20th of *January*, to visit his Wife with Letters of Compliment, and to require him to come up unto him to *London*, to settle his Estate according as he had written unto him before some few days.

Being demanded to what End they went to the City, to join with such strength as they hoped for there; he confesseth, it was to secure the Earl of *Essex's* Life, against such Forces as should be sent against him. And being asked, What, against the Queen's Forces? he answered, that must have been judged afterwards.

But being further asked, whether he did advise to come unto the Court over Night? he saith, no. For, *Sir Ferdinando Gorges* did assure, that the Alarm was taken of it at the Court, and the Guards doubled.

Being asked whether he thought any Prince could have endured, to have any Subject make the City his Mediator? or, to gather force to speak for him? He saith, he is not read in stories of former times; but he doth not know, but that in former times Subjects have used Force for their mediation.

Being asked, what should have been done by any of the Persons that should have been removed from the Queen? He answer'd, that he never found my Lord disposed to shed Blood; but that any that should have been found, should have had indifferent Trial.

Being asked upon his Conscience, whether the Earl of *Essex* did not give him Comfort, that if he came to Authority, there should be a Toleration for Religion? He confesseth, he should have been to blame to have denied it.

Counsel. There is another Examination of *Sir Christopher Blunt's*, I pray let that be read.

Sir Christopher Blunt's second Examination.

He saith, That four or five days before the Insurrection in *London*, the Earl of *Essex* set down divers Articles with his own Hand, with Petitions to the Earl of *Southampton*, *Sir Charles Davers*, *Sir John Davis*, *Sir Ferdinando Gorges*, *Jo. Littleton*, and this Deponent; which were to the effect before remembered. And further this Deponent remembereth, That the Earl of *Essex's* Purpose was (after these things should be over-passed and settled) to alter the State of Government: And further this Deponent confesseth himself to be reconciled to the Pope: And moreover saith, that the Earl of *Essex* said, He looked not that any should be troubled for Religion, and Liberty of Con-

science; that he received Letters from the Earl of *Essex* the 20th of *January*, to come to *London*, whereupon he came.

The Earl of Rutland's Examination.

He saith, That being in *London*, with the Earl of *Essex*, he heard him cry out in the Streets, *England* is bought and sold to the *Spaniard*: and confesseth, when they had been possessed of *London*, their Purpose was to have taken the Lord Keeper with them to the Court, with the Earl of *Essex's* Company; and that the Earl of *Southampton* and *Sir John Davis* were in special Confederacy and Trust with the Earl of *Essex* in these Causes. Lastly, That the Earl of *Essex* said; he was sure of *Sheriff Smith*: and this Deponent specially noted, the Earl of *Southampton* was very much discontented.

Lord Cromwel's Examination.

He saith, He never heard of the Matter till the same Sunday-morning, when the Earl of *Essex* coming thro' *Fleet-street*, where this Deponent lay, and being sent for by a Man of my Lord's, he came into the Street to him; where my Lord and divers of his Followers took him by the Hand, and bade him welcome, praying him to go along with him; and the Earl of *Essex* cried, It is for the good of the Queen, and of you all, my Masters. First, he went to the Mayor's House, and then to *Sheriff Smith's* House; and being in *Grace-church-street*, and hearing of the Proclamation, the Earl of *Essex* said, Where is the Sheriff? let him bring Muskets and Pistols; for I am credibly informed out of *Ireland*, that the Kingdom of *England* is sold to the *Spaniard*. And so upon the Proclamation the Deponent left him and his Company.

Lord Sandes's Examination.

He saith; He was sent for on Sunday-morning, the same day, by the Earl of *Essex*; and coming to *Essex-House*, he found then but a few there: but in a short time after, came the Earl of *Southampton* with the rest. This Deponent agreeth in divers other Circumstances with former Examinations: He confesseth, he went with the Earl into *London*, and came back with him to *Ludgate*, and there being repulsed, he heard my Lord of *Essex* cry, Charge, charge! and call for his Horse. And he saith, that *Sheriff Smith* was as far in the Matter as the best of them.

Mr. Attorney. Here *Mr. Attorney* urged, that there was a Combination; and one *Pashell* affirm'd the burning of a black Purse by the Earl of *Essex*, which my Lord confesseth; but saith, that there was nothing in it, but a Key of an Iron-Chest, which he took out, and burnt a Paper in the same Purse, which did not contain above five or six Lines of secret Matter: and, for that he would not have so much as their Names drawn into question, which were altogether ignorant of these Occurrences, did throw the Purse and Paper into the Fire. And also *Pashell* confesseth further, that when the Earl of *Essex* came out of *London* to his House, he told them, that he was beloved in the City.

Lord Montecagle's Examination.

He saith, He had no Foreknowledge of these Matters; but confesseth, he followed the Earl of

Essex down *Fleet-street*, intending to go to the Mayor, and so to his House in *Seething-Lane*. And this Deponent being with the Earl of *Essex* in *Grace-Church-Street*, confesseth he did hear the Earl (when the Lord *Burleigh* came with the Herald of Arms) command some of his Followers to bid the Herald stay, for he would not hear him abuse the Queen's Name. He saith also, he went back with the Earl to *Ludgate*, and they were repulsed.

Mr. Attorney. Now, my Lord, I beseech your Grace, and you, my Lords, that be the Peers, let the due Consideration of these several Examinations and Depositions enter into your Hearts; and do but note, they have all agreed and jumped together in each particular point, notwithstanding they were all severally examined: but I must needs think it the just Judgment of God, in his mere Mercy towards our Sovereign, to have the Truth so marvellously reveal'd; coming from them of their own accords, without Rack or Torture to any of them.

Essex. Mr. Attorney, I answer then this for that point; The self-same Fear, and the self-same Examiner, may make these several Examinations agree all in one, were they never so far distant; but good my Lord, let me intreat your Lordship to consider who they be that testify this against me: My Lord, they are Men within the Danger of the Law, and such as speak with a desire to live; but I think they have much to answer for between God and their Souls and me. I see they charge me with the surprizing of the *Tower*; but upon what ground do they speak? They had only some particular Notes of my Friends Names, but ever very scornfully dashed at me: for when my Friends persuaded me to any course, this was my purpose, to have come with eight or nine honourable Persons, who had just Cause of Discontentment (tho' not equal with mine) unto her Majesty, and so by Petition, prostrating our selves at her Majesty's feet, to have put our selves unto her Mercy. And the Effect of our Desires should have been, that she would have been pleased to have sever'd some from her Majesty, who, by reason of their Potency with her, abused her Majesty's Ears with false Informations; and they were *Cobham*, *Cecil* and *Raleigh*: For we thought my Lord *Cobham* carried himself in such factious and dangerous Courses, as he told her Majesty many Untruths; which was a principal Cause (as I think) of withdrawing her Favour from us. And to that intent, to remove such from her Highness (I confess) was the only Desire we had to present our selves in all Humility before her Majesty, but without any purpose of Hurt to her Highness: for, I protest before God, I do carry as reverent and loyal Duty to her Majesty, as any Man in the World. But now, my Lord, seeing that I have heard the Testimony of Sir *Ferdinando Gorges*, and himself here in Court to testify it, I will say no more, but that if it please her Majesty to be merciful unto him, I will be glad, and pray for it; yet whatsoever he hath said, let my Life and his Dealing testify the Truth: and Sir *Ferdinando*, speak nothing to touch thy self, and speak what thou wilt to me; for I see thou desirest to live, yet speak like a Man.

Lord Admiral. I desire, for the better Satisfaction of my self and Fellow-Peers, that *Gorges* might unfold openly what other Secrets have passed between him and my Lord of *Essex*, touching the State.

Essex. Ah! my Lord Admiral, assure your self, in faith, no Treason: But yet, I pray thee good

Sir *Ferdinando*, speak openly, whatsoever thou dost remember; and with all my heart I desire thee to speak freely.

Gorges. All that I can remember, I have deliver'd in my Examination; and further, I cannot say.

Essex. Yes, *Ferdinando*, if ever you knew any other Matter, which contained any Thought of Treason or Disloyalty, speak it; for they are things not to be forgotten.

Southampton. Good Sir *Ferdinando*, satisfy the Court what was intended among all our Conferences, and Talk of our Enemies, and Discontentments, and Consultations, and what was our best Course for our Defence against them.

Gorges. Some delivered their Minds one way, some another; but, by the Oath I have taken, I did never know or hear any Thought or Purpose of Hurt or Disloyalty intended to her Majesty's Person by my Lord of *Essex*.

Lord Admiral. I desire to know, for the better Satisfaction of my Conscience, whether my Lord of *Essex* did at any time deliver out any Articles in writing under his hand; therein laying open the Projects of his Purpose for surprizing the Court and *Tower*.

Southampton. It was a foolish Action, I must needs confess, the going thro' the Town, and that was suddenly passed over: But my Lord's purpose to have Men planted at the Court, was in regard he feared hindrance by private Enemies, that would have stopped his Passage to the Queen; which, I protest, he intended to no other end, but to prostrate himself at her Majesty's feet, and submit to her Mercy, as ye have formerly heard.

Cobham. My Lord of *Essex* (quoth the Lord *Cobham*, standing up) let me know, I intreat you, why you lay such Imputations upon me, as you have deliver'd.

Essex. My Lord, I have forgiven all the World, and therefore you shall not need to insist upon these Circumstances; for I lay not my Cause upon aught that shall do your Lordship any harm for my sake: For, I protest, my Heart bears you no Malice, but what I spake was freely, and in God's presence, hoping her Majesty would have heard us, and our Complaints being but true. And I do further assure your Lordship, that I never spake it out of fear of Death, or desire of Life.

Bacon. My Lord, may it please your Grace, whatsoever my Lord of *Essex* hath here denied, in my conceit it seemeth to be small. I speak not to any ordinary Jury, but to prudent, grave and wise Peers: And this I must needs say, It is evident that you, my Lord of *Essex*, had planted a Pretence in your Heart against the Government; and now, under colour of excuse, you must lay the Cause upon particular Enemies. You put me in remembrance of one *Pisistratus*, that was come into a City, and doting upon the Affections of the Citizens unto him (he having a purpose to procure the Subversion of a Kingdom, and wanting Aid for the accomplishing his Humour) thought it the surest means for the winning of the Hearts of the Citizens unto him, and so in that hope entered the City, and cut his Body over-thwart, to the end they might conjecture he had been in danger: and so by this means held the same Conceit as you and your Complices did; entering the City of *London*, persuading your selves, if they had undertaken your Cause, all would have gone well on your side. And now, my Lord, all you have said, or can say, in answer to these Matters, are but Shadows; and there-

therefore, methinks, it were your best course to confesse, and not to justify.

Effex. May it please your Lordship, I must produce Mr. Bacon for a Witness; for when the Course of private Persecution was in hand, and most assailable me, then Mr. Bacon was the Man that proffer'd me Means to the Queen, and drew a Letter in my name, and in his Brother Sir Nicholas Bacon's name; which Letter he purposed to shew the Queen, and Gosnol was the Man that brought them unto me: wherein I did see Mr. Bacon's Hand pleaded as orderly, and appointed them out that were my Enemies, as directly as might be. Which Letters I know Mr. Secretary Cecil hath seen, and by him it will appear what Conceit he held of me, and no otherwise than he here coloureth and pleadeth the contrary.

Bacon. My Lord, I spent more hours to make you a good Subject, than upon any Man in the World besides; but since you have stirred up this Point, my Lord, I dare warrant you this Letter will not blush: for I did but perform the part of an honest Man, and ever laboured to have done you good, if it might have been, and to no other end; for what I intended for your Good, was wished from the Heart, without Touch of any Man's Honour.

Effex. Well, my Lord, I do here protest before the living God, that an honourable, grave, and wise Counsellor hath lamented and grieved at the Courses he hath seen taken, and therewith hath wished himself often dead; and this I speak upon credible and honourable Information: But I can prove thus much from Sir Robert Cecil's own Mouth; that he, speaking to one of his Fellow-Counsellors, should say, that none in the World but the Infanta of Spain had Right to the Crown of England.

Here Sir Robert Cecil stepped forth into the Court (having kept himself private till then) and humbly desired leave to speak to *Effex*.

Sir R. Cecil. The Difference between you and me is great; for I speak in the Person of an honest Man, and you, my Lord, in the Person of a Traitor: so well I know, you have Wit at will. The Preheminence hath been yours, but I have Innocence, Truth of Conscience, and Honesty, to defend me against the Scandal of slanderous Tongues, and aspiring Hearts; and I protest before God, I have loved your Person, and justify'd your Virtues: and I appeal to God and the Queen, that I told her Majesty, your Afflictions would make you a fit Servant for her. And had not I seen your ambitious Affections inclined to Usurpation, I could have gone on my Knees to her Majesty to have done you good; but you have a Sheep's Garment in show, and in appearance are humble and religious; but God be thanked, we know you: for indeed your Religion appears by *Blunt*, *Davis* and *Tresham*, your chiefest Counsellors for the present: and by promising Liberty of Conscience hereafter. I stand for Loyalty, which I never lost; you stand for Treachery, wherewith your Heart is possess'd: and you charge me with high things, wherein I defy you to the uttermost. You, my good Lords, Counsellors of State, have had many Conferences, and I do confesse I have said the King of Scots is a Competitor, and the King of Spain a Competitor, and you I have said are a Competitor: you would depose the Queen, you would be King of England, and call a Parliament. Ah, my Lord, were it

but your own Case, the Loss had been the less; but you have drawn a number of noble Persons and Gentlemen of Birth and Quality into your Net of Rebellion, and their Bloods will cry vengeance against you. For my part, I vow to God, I wish my Soul was in Heaven, and my Body at rest, so this had never been.

Effex. Ah Mr. Secretary, I thank God for my Humbling; that you, in the Ruff of your Bravery, came to make your Oration against me here this day.

Cecil. My Lord, I humbly thank God that you did not take me for a fit Companion for you and your Humours; for if you had, you would have drawn me to betray my Sovereign, as you have done: but I would have you name the Counsellor you speak of; name him, name him, name him if you dare, if you dare, I defy you; name him if you dare.

Effex. Here stands an honourable Person (meaning the Earl of Southampton) that knows I speak no Fables; he heard it as well as I.

Cecil. Then my Lord of Southampton, I adjure you by the Duty you owe to God, Loyalty and Allegiance you owe to your Sovereign, by all Tokens of true Christianity, and by the antient Friendship and Acquaintance once between us, that you name the Counsellor.

Southampton. Mr. Secretary, if you will needs have me name the Counsellor, it was Mr. Comptroller.

Whereupon the Secretary falling down upon his knees, said, I thank God for this day; and upon his knee desired the Lord High Steward, that a Gentleman of the Privy-Chamber (or one that might have access to the Queen) might go, and humbly intreat her Highness to command Mr. Comptroller to come before his Grace.

Hereupon the Lord High Steward calling Mr. *Knevet* (a Gentleman of her Majesty's Privy Chamber) said unto him, go Mr. *Knevet* unto her Majesty, and let her understand Mr. Secretary's Demand.

Cecil. Mr. *Knevet*, you shall have free access unto her Majesty; tell her, that I vow before the God of Heaven, that if she refuse to send Mr. Comptroller, whereby I may clear my self of these open Scandals, I will rather die at her foot, (as her Subject and Vassal) than live to do her any more Service in this honourable degree, wherein her Highness employs me. And withal, let me adjure you, Mr. *Knevet*, that you do not acquaint Mr. Comptroller with the Cause why you come for him.

Mr. *Knevet* went, and not long after return'd with Mr. Comptroller, to whom the Lord High Steward repeated the Cause why he was sent for, and desired him to satisfy the Lords, whether Mr. Secretary did use any such Speech in his Hearing, or to his Knowledge.

Mr. Comptroller. I remember that once in Mr. Secretary's Company, there was a Book read, that treated of such matters; but I never did hear Mr. Secretary use any such words, or to that effect.

Whereupon Mr. Secretary thanked God, that tho' the Earl stood there as a Traitor, yet he was found an honest Man, and a faithful Subject: withal saying, I beseech God to forgive you for this open wrong done unto me, as I do openly pronounce I forgive you from the bottom of my Heart.

Effex. And I, Mr. Secretary, do clearly and freely forgive you with all my Soul; because I mean to die in Charity.

Bacon. My Lord, you may now perceive that my Lord of *Essex* went about to procure matter, and to give over on the instant.

South. Well, I beseech your Lordship, let me satisfy your Lordship and the rest thus much, that for my own part, I did never know the Laws. Now to shew the Causes that made me adventure so far as I did: The first occasion that made me adventure into these Courses, was the Affinity betwixt my Lord of *Essex* and me, I being of his Blood, and marrying his Kinswoman; so that for his sake I should have hazarded my Life: But what I have by my forwardness offended in Act, I am altogether ignorant, but in Thought I am assured never. And if thro' my Ignorance in the Law I have offended, yet I humbly submit myself to her Majesty, and from the bottom of my Heart do beg her gracious Pardon if it please her: and I hope that neither your Lordship nor any of the Peers will hold any of the former Resolutions spoken of by these Orators for any certainty, which depends no otherwise than one upon another. For if any foolish Speeches have passed, I protest, as I shall be saved, that they were never purposed by me, nor understood to be so purposed by me, to the hurt of her Majesty's Person.

Essex. I beseech your Lordship to understand me, and assure your self, that what I now speak, is not with any desire (I protest) to spare one drop of my Blood; and because some Honourable Persons are interested in the Cause, I would (under favour) signify, because the Point hath been so much urged by Mr. Attorney, that at our being in *London* when we were past *Pauls*, word was brought me, that the Chain was drawn at *Ludgate*, and that my Lord of *Cumberland* was there: which when I heard, I was right glad; for if there had been cause, I would have been glad to put myself into so honourable a Person's hands as his: but it was a false Report, for my Lord was not then come thither. After which I went to Sheriff *Smith's* House, and after my coming thither, I sent the Sheriff and Mr. Alderman *Watts* to my Lord Mayor, desiring him to come to us; if he would not, to send four of his Aldermen to see if we demeaned our selves loyally, with intent to put our selves into their hands to use us as they would, or to put us into any Prison; yet in regard of our private Enemies, and the fear of their Treachery, we desired them to shut their Gates: and this was the end for which we went into the City.

Attor. My Lord, if you had no other Purpose, why did you go into *Grace-Church-street* and *Fen-Church-street*, crying out all the way you went, *England* is bought and sold to the *Spaniard*!

Southamp. Mr. Attorney, I protest (as I hope to have Mercy in Heaven) I never heard my Lord speak any such Word, neither did I hear of the Proclamation you speak of, made by my Lord *Burleigh* and the Herald at Arms; neither did I see them: and I deny (my Soul and Conscience bearing me Witness) that I ever knew of any Intent and Meaning, or did ever mean or intend any Treason, Rebellion, or other Action against my Sovereign or the State; but only what I did, was to assist my Lord of *Essex* in his private Quarrel; and therefore, Mr. Attorney, you have urged the matter very far, and you wrong me therein, my Blood be upon your Head. As for my Lord of *Rutland*, whereas he inferreth against me to be a persuader and inviter of my Lord of *Essex* to these Actions, he wrongeth me exceedingly; for he was

never the Man that saw me once discontented, and therefore had small ground or reason so to say. And you, Mr. Attorney, whereas you charge me for a Papist, I protest most unfeignedly, I was never conversant with any of that sort; I only knew one *White* a Priest that went up and down the Town, yet did I never converse with him in all my Life.

Essex. My Lord, and you that be our Peers, I beseech you give me hearing thus far, not that I will speak it for the safeguard of my Life, but with this my desire, I charge the Souls of all them that be our Censurers or Triers; because out of a Form and Custom of speaking, these Orators would make them more odious that come to the Bar, that I may not be thought to have done this upon Revenge: for within these few days I purposed to have received the Communion, to be a Testimony that I was far from bearing of Malice to any, not so much as to my private Enemies. But the falling out between the Earl of *Southampton* and the Lord *Grey*, happening on a Sunday, hindered my Intent; for so soon as I knew of it, I found my Affections to stir on it exceedingly: yet I have since that time laboured, and by my Prayers to God earnestly desired, that I might be armed with Patience to endure all Afflictions. And here I protest before the ever-living God, as he may have Mercy on me, That my Conscience is clear from any disloyal Thought or Harm to her Majesty; and my desire ever hath been to be free from Bloodshed, as Mr. *Dove* can witness. But if in all my Thoughts and Purposes I did not ever desire the good Estate of my Sovereign and Country, as of my own Soul; I beseech the Lord then shew some Mark upon me and my Soul in this place, for a just Vengeance of my Untruths to all the World. And God which knoweth the Secrets of all Hearts, knoweth that I never sought the Crown of *England*, nor ever wished to be a higher degree than a Subject. I greatly endeavoured to have brought my Conscience to peace, only by seeking to secure my Access to the Presence of the Queen, that I might speedily have unfolded my Grievs unto her Majesty against my private Enemies; but not to have shed one drop of their Blood: And this, my Lord, I speak, to the end I might put off all imputation of being an Hypocrite or an Atheist; for I was never Papist, neither did I ever favour any Sectary (as my Lord of *Canterbury* knoweth, and can testify:) for my Religion, it is sound, and as I live, I mean to die in it.

Bacon. Well my Lord, may it please your Grace, you may see how weakly he hath shadowed his Purpose, and how slenderly he hath answered the Objections against him. But my Lord, doubting that too much variety of Matter may minister occasion of Forgetfulness; I will only trouble your Lordship's remembrance with this only Point, rightly comparing this Rebellion of my Lord of *Essex* to the Duke of *Guise's*, that came upon the Barricades at *Paris* in his Doublet and Hose, attended upon with 8 Men; but his Confidence in the City was such (even as my Lord's was) that when he had delivered himself so far, and that the shallowness of his own Conceit could not accomplish what he expected, the King for his defence taking Arms against him, he was glad to yield himself, thinking to colour his Pretexts, turned his Practices, and alledged the occasion thereof to be a private Quarrel.

Essex. My Lord, I must confess it was my fault to stand out, and to maintain my House with defence

fence and resisting; but I will not deny but that my Lord of *Southampton* and Sir *Charles Davers* did persuade me to parley with my Lord General: which I hope your Lordship will remember I did yield upon some indifferent Terms and Conditions; which were,

First, That I might have an honourable Trial.

Secondly, That I might deliver my Grievs my self to the Queen.

Thirdly, That I might go in Safety.

Fourthly, That I might have my Minister with me. And,

Lastly, (Which I chiefly beg of her Majesty,) That she would be pleased to redeem some that were with me in the House, and guiltless, for Knowledge, Intent or Action, of what was by me purposed. All which I thought good to remember, and so humbly submit the same to her Majesty's gracious Pleasure.

Serjeant at Arms, Then Proclamation was made, Lieutenant of the *Tower*, withdraw your Prisoners from the Bar. They being removed, the Lords and Peers went together into a private Place made of purpose, behind the Canopy and Chair of Estate; then the two Chief Judges, and the Lord Chief Baron were sent for in to them, to deliver their Opinions in Law, which they did upon two Points;

the one, * *That in case where a Subject attempteth to put himself into such Strength, as the King shall not be able to resist him, and to force and compel the King to govern otherwise than according to his own Royal Authority and Direction, it is manifest Rebellion.* The other, *That in every Rebellion the Law intendeth as a Consequent the compassing the Death and Deprivation of the King, as foreseeing that the Rebel will never suffer that King to live or reign, who might punish or take revenge of his Treason and Rebellion.*

After half an hour they came all out again, and each Man took his place; which being done, the Serjeant at Arms begun at the puny Lord, and called *Thomas Lord Howard*, who stood up bare-headed; then said the Lord High Steward,

L. Steward. My Lord *Thomas Howard*, Whether is *Robert Earl of Essex* guilty of this Treason whereupon he hath been indicted, as you take it upon your Honour, or no?

L. Tho. Howard. Whereupon the Lord *Thomas Howard* made answer, bending his Body, and laying his left Hand upon his right Side, said, Guilty, my Lord, of High-Treason. After which manner all the Peers found him guilty one after another, from the puny to the highest, and so delivered in like sort upon their Honours. Being called over a-new, they found *Henry Earl of Southampton* guilty of High-Treason also.

Serjeant at Arms. Then the Serjeant at Arms commanded the Lieutenant of the *Tower* to bring his Prisoners to the Bar again.

Clerk of the Crown. Then the Clerk of the Crown speaking first to the Earl of *Essex*, said; *Robert Earl of Essex*, you have been arraigned and indicted of High-Treason, you have pleaded not Guilty, and for your Trial you have put your self upon God and your Peers; the Peers here (who have heard the Evidence, and your Answer in your Defence) have found you Guilty: Now what can

you say for your self, why you should not have Judgment of Death?

Essex. I only say this, That since I have committed that which hath brought me within the compass of the Law, I may be counted the Law's Traitor in offending the Law, for which I am willing to die, and will as willingly go thereto as ever did any: But I beseech your Lordship and the rest of the Lords here to have Consideration of what I have formerly spoken, and do me the right as to think me a Christian, and that I have a Soul to save, and that I know it is no time to jest: Lying and Counterfeiting, my Soul abhorreth; for I am not desperate nor void of Grace, now to speak falsely. I do not speak to save my Life, for that I see were vain: I owe God a death, which shall be welcome, how soon soever it pleaseth her Majesty. And to satisfy the opinion of the World, that my Conscience is free from Atheism and Popery, howsoever I have been in this Action misled to transgress the Points of the Law, in the Course and Defence of private Matters, and whatsoever thro' the Weakness of my Wit, and Dulness of Memory, or thro' violent Courses, (if there be any violent that seek either Life or Death;) or if I have omitted or may have uttered any thing otherwise; yet I will live and die in the Faith and true Religion which here I have professed.

Clerk of the Crown. Then the Clerk of the Crown demanded of *Henry Earl of Southampton*, What he could say for himself, why Judgment of Death should not be pronounced against him?

Southampton. My Lords, I must say for my part as I have said before, That since the Ignorance of the Law hath made me incur the Danger of the Law, I humbly submit my self to her Majesty's Mercy; and therefore my Lord High Steward, and my Lord Admiral, I beseech you both; that seeing you are Witnesses I am condemned by the Letter of the Law, it would please you to let the Queen know that I crave her Mercy. I know I have offended her, yet if it please her to be merciful unto me, I may live, and by my Service deserve my Life. I have been brought up under her Majesty, I have spent the best part of my Patrimony in her Majesty's Service with danger of my Life, as your Lordships know; if there were any that could challenge me, that I have ever heretofore committed or intended Treason, or any other thing prejudicial to her Majesty or Estate, God let me never inherit his Kingdom, neither would I desire Mercy: but since the Law hath cast me, I do submit myself to Death, and yet I will not despair of her Majesty's Mercy; for that I know she is merciful, and if she please to extend it, I shall with all humility receive it.

L. Steward. My Lord of *Essex*, the Queen's Majesty hath bestowed many Favours on your Predecessors and your self; I would wish therefore that you likewise would submit your self to her Majesty's Mercy, acknowledging your Offences, and reconciling your self inwardly to her Majesty, by laying open all Matters that were intended to prejudice her Majesty, and the Actors thereof; and thereby no doubt you shall find her Majesty merciful.

Essex. My Lord, you have made an honourable Motion; do but send to me at the time of my Death, and you shall see how penitent and humble I will be towards her Majesty, both in acknowledging her exceeding Favours to my Ancestors,

and.

and to my self: whereby I doubt not but the penitent suffering of my Death, and sprinkling of my Blood, will quench the evil-conceited Thoughts of her Majesty against me. And I do most humbly desire her Majesty, that my Death may put a period to my Offences committed, and be no more remembered by her Highness. If I had ever perceived any of my Followers to have harboured an evil thought against her Majesty, I would have been the first that should have punished the same, in being his Executioner; and therefore I beseech you, my good Lord, mistake me not, nor think me so proud, that I will not crave her Majesty's Mercy, for I protest (kneeling upon the very Knee of my Heart) I do crave her Majesty's Mercy with all Humility: yet I had rather die than live in Misery.

Then the Lord High Steward, after a few Exhortations unto the Earls to prepare themselves for God, told them, Seeing the Law had found them Guilty, it followed of course that he must proceed to Judgment.

The Earl of *Essex* replied very cheerfully, and said; Yea, my Lord, with a very good Will I pray you go on.

Then the Lord High Steward gave Judgment as followeth:

You must go to the place from whence you came, and there remain during her Majesty's Pleasure; from thence to be drawn on a Hurdle thro' *London* Streets, and so to the place of Execution, where you shall be hanged, bowelled, and quartered; your Head and Quarters to be disposed of at her Majesty's Pleasure, and so God have Mercy on your Souls.

Essex. My Lord, I am not a whit dismayed to receive this Sentence, for I protest Death is as welcome to me as Life; and I shall die as cheerful a Death upon such a Testimony, as ever did Man. And I think it fit my poor Quarters that have done her Majesty true Service in divers parts of the World, should be sacrificed and disposed of at her Majesty's Pleasure; whereunto with all willingness of Heart I have submitted my self. But one thing I beg of you, my Lords, that have free access to her Majesty's Person, humbly to beseech her Majesty to grant me, that (during the short time I shall live) I may have the same Preacher to comfort me, that hath been with me since my Troubles began: for as he that hath been long sick, is most desirous of the Physician which hath been, and is best acquainted with the Constitution of his Body; so do I most wish to have the Comfort and spiritual Physick from the Preacher which hath been and is acquainted with the inward Grievs, and secret Affections of my Soul. And my last Request shall be only this; that it will please her Highness that my Lord *Thomas Howard*, and the Lieutenant of the *Tower* may be partakers with me in receiving the Sacrament, and be a witness of it, in token of what I have protested to be true in this Life, for my Loyalty, Religion, and Peace of Conscience: and then whensoever it shall please her Majesty to call me, I shall be ready to seal the same with my Blood.

The Lords promised they would move the Queen for his Requests.

Essex. I humbly thank your Lordships.

Then the Serjeant at Arms stood up with the Mace on his Shoulder, and after Proclamation was

made, said thus: All Peers that were summoned to be here this Day, may now take their Ease; and all other Persons attending here this Service, may depart in her Majesty's Peace, for my Lord High Steward is pleased to dissolve this Commission.

As the Lords were rising, the Earl of *Essex* said, My Lord *De la Ware*, and my Lord *Morley*, I beseech your Lordships to pardon me for your two Sons that are in Trouble for my sake: I protest upon my Soul they knew not of any thing that was or should have been done, but came to me in the Morning, and I desired them to stay, and they knew not wherefore. And so farewell, my Lords.

The Earl of *Southampton* obtained a Reprieve, but the Earl of *Essex* was ordered for Execution.

ON the 25th of *February*, 1601, which was the Day appointed for his Execution, *Thomas Mountford* Camd. Eliz. 621. and *William Barlow*, Doctors of Divinity, with *Ashton*, the Minister of the Church in the Tower, were sent unto him early in the Morning to administer Christian Consolation to his Soul. In presence of these Men he gave Thanks to Almighty God from the bottom of his Heart, that his Designs, which were so dangerous to the State, succeeded not. He told them, he had now look'd thoroughly and seriously into his Sin, and was heartily sorry he had so obstinately defended an unjust Cause at the Bar. He thank'd the Queen she had granted he should not be publickly executed, lest his Mind, which was now settled and composed, might be disturb'd by the Acclamations of the People, protesting that he had now learned how vain a thing the Blast of popular Favour and Applause was. He acknowledg'd how worthy he was to be *spued out* (these were his Words) by the Common-wealth, for the Wickedness of his Enterprize, which he liken'd to a Leprosy spread far and near, and that had infected many.

The Queen in the mean time waver'd in her Mind. One while relenting, she sent her Commands by Sir *Edward Cary* that he should not be executed; but then remembering his perverse Obstinacy, that he scorn'd to ask her Pardon and had declar'd openly that his Life would be the Queen's Destruction, she soon after sent a fresh Command by *Darcy* that he should be put to death.

Then he was brought forth between the Divines to a Scaffold erected with- Moor, 622. in the Court-yard of the *Tower*: Near which sat the Earls of *Cumberland* and *Hertford*, Viscount *Howard of Bindon*, the Lord *Howard of Walden*, the Lord *Darcy of Chiche*, and the Lord *Compton*. There were present also some of the Aldermen of *London*, and Sir *Walter Raleigh*, who, if we may believe himself, came with an Intent to make Answer if any thing should be objected against him by the Earl at his Death; but others thought he came to feed his Eyes with a Sight of the Earl's Sufferings, and to satiate his Hatred with his Blood. But being admonish'd not to press upon the Earl at his Death, which is the Part rather of ignoble Brutes, he withdrew himself further off, and beheld his Execution out of the Armory.

The Earl, as soon as he was come upon the Scaffold, uncover'd his Head, and lifting up his Eyes to Heaven, acknowledg'd that many and great had been the Sins of his Youth, for which, with

with most fervent Prayer (he beg'd Pardon of the Eternal Majesty of God, thro' Christ his Mediator; especially for this last Sin, which he term'd a bloody, crying, and contagious Sin, wherewith so many had been seduc'd to sin against God, their Prince and Country. He besought the Queen and her Ministers to forgive him, praying for her long Life and prosperous Estate, protesting withal that he never intended to lay violent Hands upon her Person. He gave God Thanks that he had never been Atheist, or Papist; but had plac'd all his Hope and Confidence in the Merits of Christ. He pray'd God to strengthen his Mind against the Terrors of Death; desiring the Stan-

ders-by to join with him in a short Prayer, which with broken Sighs, and fervent Affection of inward Devotion, he presently uttered. Afterwards the Executioner asking Forgiveness, he forgave him: He recited the Apostles Creed, and then laying himself down, placed his Neck upon the Block; and having repeated the first Verses of the 51st Psalm, he said, *In Humility and Obedience I prostrate myself to my deserved Punishment: Thou, O God! have Mercy on thy prostrate Servant: Into thy Hands, O Lord! I commend my Spirit.* His Head was taken off at the third Stroke, but the first took away all Sense and Motion.



XVII. *The Trial of Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merrick, and Henry Cuffe, for High-Treason, March 5. 1600. 43 Eliz. **

The COMMISSIONERS were,

The Earl of Nottingham, Lord High Admiral.

*The Lord Hunsdon, Lord Chamberlain.
Mr. Secretary Cecil.*

The Lord Chief Justice Popham:

Sir John Fortescue, Chancellor of the Exchequer.

Mr. Secretary Herbert, and divers of the Judges.



HE Commission being read, the Court proceeded to the reading of the Indictment.

After which the Clerk asked them if they were guilty of the Indictment, or not guilty.

Sir Christoph. Blunt. My Lords, we desire to know whether we may not confess part of the Indictment, and plead guilty as to the rest.

L. C. J. Your pleading must be general to the whole, either Guilty or not Guilty.

Whereupon they all pleaded *not Guilty*, and a substantial Jury was impanel'd, which consisted of Aldermen of *London*, and other Gentlemen of good Credit.

Sir Christopher Blunt, Sir Charles Davers, and Sir John Davis, confess'd, That it was their design to come to the Queen with so strong a Force, that they might not be resisted, and to require of her divers Conditions and Alterations of Government; nevertheless they intended no personal harm to the Queen herself, and that was the reason why they could not confess the whole Indictment, because the Indictment charges *that they intended and compassed the Death and Destruction of the Queen.*

L. C. J. Wherever the Subject rebelleth, or riseth in a forcible manner to over-rule the Royal Will and Power of the King, the Wisdom and Foresight of the Laws of this Land maketh this Construction of his Actions, that he intendeth to

deprive the King both of Crown and Life; for the Law judgeth not of the Fact by the Intent; but of the Intent by the Fact.

Queen's Counsel. This Construction is no Mystery or Quiddity of Law, but an infallible Conclusion warranted by Reason and Experience: for the Crown is not a Garland, or mere outward Ornament, but consists of Pre-eminence and Power; and therefore when the Subject will take upon him to give Law to the King, and to make the Sovereign and commanding Power become subject and commanded, such Subject layeth hold of the Crown, and taketh the Sword out of the King's hand. The Crown is so fasten'd upon the King's Head, that it cannot be pulled off, but Head and Life will follow, as all Examples both at home and abroad do manifest; and therefore when their words testify one thing, and their deeds another, they are but like the Protestation used by *Manlius* Lieutenant of *Catilina*, who conspired against the State of *Rome*, and yet began his Letter, * *Deos hominesque testamur, nos* * *Sallust.* *nihil aliud, &c.* denying they intended any thing against their Country, but only to provide for their own Safety.

But admitting that the Protestation of the Prisoners was so far true, that they had not at that time in their minds a form'd and distinct Cogitation to have destroyed the Queen's Person, yet nothing is more variable and mutable than the Mind of Man; and especially, *Honores mutant mores;*

* See a fuller Account of this Trial, in State-Trials, Vol. VII. p. 47. But as Merrick and Cuffe's Speeches are at the End of this Trial, and not there; we chose not to omit this, which introduces them.

when they were once aloft, and had the Queen in their hands, and were Peers in my Lord of *Effex's* Parliament, who could promise of what mind they would then be? especially when it is considered that my Lord of *Effex* at his Arraignment defended his first Action of imprisoning the Privy Counsellors, by pretence that he was forced to it by his unruly Company: so that if themselves would not have had, or would not seem to have had that extreme and devilish wickedness of Mind, as to lay violent Hands on the Queen's sacred Person; yet what must be done to satisfy the Multitude and secure their Party, must then be the question. The Example of *Richard* the Third may be remember'd, who (tho' he were King in possession, and the rightful Inheritors but Infants) could never sleep quiet in his Bed till they were made away; much less is it to be expected, that a Catilinary Knot and Combination of Rebels (who have made an Insurrection without so much as the fume of a Title) would ever indure, that a Queen, who had been their Sovereign, and had reigned so many years in such Renown and Policy, should continue longer alive, than should make for their own turn.

After this the aforefaid Sir *Christopher Blunt*, Sir *Charles Davers*, and Sir *John Davis* said, That now they were better informed, and had entered into a deeper consideration of the matter, they were sorry they had given the Court so much trouble, and had not confessed the Indictment at first.

However, the Queen's Counsel produc'd their Evidence to the Jury, which consisted principally of their several Confessions, and the rest of the Evidence used at the Trial of the Earls of *Effex* and *Southampton*, as mentioned before in the said Trial.

Against *Henry Cuffe* was given in Evidence Sir *Charles Davers's* Confession, who charged him, when there was a debating of the several Enterprizes which they should undertake, that he did ever bind firmly and resolutely for attempting the Court.

Also the Earl of *Effex's* Accusation under his Hand avouched by him to his Face, that he was a principal Instigator of him in his Treasons. But the chief Evidence was a declaration of Sir *Henry Nevil*, which described and set out the whole manner of his practising with him.

Cuffe. If my being within *Effex-House* the day of the Rebellion be a foundation to charge me with High-Treason, you may as well charge a Lion that is within a Grate with Treason: And for the Consultation at *Drury-House*, it is no more Treason than the Child in the Mother's Belly is a Child.

* *Sol. Gen.* As to his being in *Effex-Fleming-house*, he was not there by Force and Compulsion, but freely and voluntarily: there was a distribution in the Action, some were to make good the House, and others to enter the City; and the one part held Correspondence with the other; and in Treasons there can be no Accessaries, all are Principals.

As to the Consultation at *Drury-House*, it was a perfect Treason in it self, because the compassing the Queen's Destruction, which by Judgment of Law was concluded and implied in that Consultation, was Treason in the very Thought and Cogitation, so as that Thought be proved by an overt Act: that same Consultation was an overt Act, tho' it had not been upon a list of Names and Articles in writing, much more being upon matter in writing: and again, the going into the City

was a pursuance and carrying on of the Enterprize against the Court, and not a desisting or departing from it.

L. C. J. If many do conspire to execute Treason against the Prince in one manner, and some of them do execute it in another manner, yet their Act (tho' differing in the Manner) is the Act of all of them who conspire, by reason of the general Malice of the Intent.

Against Sir *Gilly Merrick* the Evidence produc'd proved him guilty of open Rebellion; for that he was a Captain or Commander over the House, and took upon him the charge to keep it and make it good as a place of Retreat, for those who issued out into the City; and fortify'd and barricadoed the same House, making Provision of Muskets, Powder, Pellets, and other Ammunition and Weapons for the holding and defending it; and was a busy, forward and noted Actor in that defence and resistance, which was made against the Queen's Forces brought against it by her Majesty's Lieutenant. It was further proved, that some few days before the Rebellion, he had with great heat and violence displaced certain Gentlemen who were lodged in an House close by *Effex-House*, and there posted divers of my Lord *Effex's* Followers and Accomplices.

It was also proved that the Afternoon before the Rebellion, *Merrick* with a great Company of others, who were all afterwards in the Action, had procured to be play'd before them the Play of deposing King *Richard* the Second; neither was it casual, but a Play bespoke by *Merrick*: and when it was told him by one of the Players, that the Play was old, and they should have Loss in playing it, because few would come to it, there were forty Shillings extraordinary given for it, and so it was play'd.

Upon this Evidence the Jury went from the Bar, and after some time returned and brought them in all Guilty: and accordingly they received Sentence of death; and were all executed at *Tyburn*, except Sir *Christopher Blunt*, and Sir *Charles Davers*, who (being nobly descended) were beheaded upon *Tower-Hill*.

On the 13th of *March*, *Merrick* and *Cuffe* were drawn to *Tyburn*: when they were come to the Gallows, *Cuffe* spake as follows;

' I am brought hither to pay my last Debt to
' Nature, and to suffer for Crimes committed
' against God, my Prince and my Country; and
' as I cannot but discern the infinite Justice of God,
' when I reflect on the multitude of my Offences,
' so can I as little doubt but the severity of my
' Punishment will make way for my admission in-
' to the Embraces of his Mercy. We are expos'd
' here as sad Spectacles and Instances of human
' Frailty; the Death we are to undergo carries a
' frightful Aspect, (for even the best of Men desire
' Life) besides that it is as full of Ignominy as
' Terror; however, 'tis the Portion of the best of
' Saints, with whom I assuredly hope to rise again
' in Christ: not that I would be thought by any
' one to depend on my own Merits, which I ab-
' solutely discard, but I place my entire Trust
' and Dependance in the Atonement of my Savi-
' our's Blood. I am fully persuaded, that who-
' ever feels a secret Consolation within himself,
' whilst he groans under the infliction of any earth-
' ly Punishment, is chastis'd by God with a pater-
' nal Tendernefs, and not in an angry and judicial
' way. ' But

‘ But to come to the Cause of my death ; there
 ‘ is no body here can possibly be ignorant what a
 ‘ wild Commotion was rais’d on the 8th of *Fe-*
 ‘ *bruary*, by a particular great, but unadvised Earl.
 ‘ I do here call God, his Angels, and my own
 ‘ Conscience to witness, that I was not in the least
 ‘ concerned therein, but was shut up that whole
 ‘ Day within the House, where I spent the time
 ‘ in very melancholy Reflections.’

Here he was interrupted, and advised not to disguise the Truth by Distinctions, nor palliate his Crime by specious Pretences. Then he proceeded,
 ‘ I confess ’tis a Crime as black as Treason for a
 ‘ Subject who has lost his Prince’s favour, to force
 ‘ his way to the Royal Presence: for my own
 ‘ part, I never persuaded any Man to take up
 ‘ Arms against the Queen, but am most heartily
 ‘ concerned for being an Instrument in bringing
 ‘ that worthy Gentleman, Sir *Henry Nevil*, into
 ‘ danger, and do most earnestly intreat his Par-
 ‘ don. And whereas I said that one and twenty
 ‘ Aldermen out of the twenty four were devoted
 ‘ to the Earl’s Interest, I only meant that they
 ‘ were his Friends, and ready to serve him, but
 ‘ not in the way of open Rebellion.’

Here he was again interrupted, and so began to apply himself to his Devotions, which he manag’d with a great deal of fervour: and then making a solemn profession of his Creed, and asking pardon of God and the Queen, he was dispatch’d by the Executioner.

After him Sir *Giles Merrick* suffer’d in the same way, and with a most undaunted Resolution: for, as if he were weary of living longer, he once or twice interrupted *Cusse*, and advis’d him to spare a Discourse, which however rational was not very seasonable, when he was taking leave of the World. He clear’d the Lord *Mottist-joy* from having any acquaintance with the Design; and intreated those Noblemen who stood by, to intercede with the Queen, that there might not be any farther Proceedings against such, as had unwarily espoused this unhappy Cause.

Five days after, *March 18.* Sir *Christopher Blunt*, and Sir *Charles Davers* were executed on *Tower-Hill*. *Davers* bore his death with a most christian Calmness and Composure, having first craved God’s pardon and the Queen’s, to whom he wish’d all Prosperity; as also the Lord *Grey*’s, who was there present, to whom he acknowledg’d he had been ill affected, not from any Injury he had suffer’d from him, but purely on the Earl of *Southampton*’s account, to whom the Lord *Grey* profess’d an absolute Enmity.

When Sir *Christopher Blunt* came upon the Scaffold, he express’d himself in the following manner:

MY Lords, and you that be present, altho’ I must confess, that it were better fitting the little time I have to breathe, to bestow the same in asking God forgiveness for my manifold and abominable Sins, than to use any other Discourse, especially having both an Imperfection of Speech, and God knows, a weak Memory, by reason of my late grievous Wound: yet to satisfy all those that are present what Course hath been held by me in this late Enterprize, because I was said to be an Instigator, and Setter on of the late Earl, I will truly, and upon the peril of my Soul, speak the Truth.

It is true, that the first time that ever I understood of any dangerous Discontentment in my Lord of *Essex*, was about three Years ago at *Wainsted*, upon his coming one day from *Greenwich*. At that time he spake many things unto me, but descended into no Particulars, but in general Terms.

After which time he never brake with me in any matter tending to the Alteration of the State, (I protest before God) until he came into *Ireland*, other than I might conceive, that he was of an ambitious and discontented Mind. But when I lay at the Castle of *Thomas Lee*, called *Reban*, in *Ireland*, grievously hurt, and doubted of my Life; he came to visit me, and then began to acquaint me with his Intent.

As he thus spake, the Sheriff began to interrupt him, and told him the Hour was past. But my Lord *Grey*, and Sir *Walter Raleigh* Captain of the Guard, called to the Sheriff, and requir’d him not to interrupt him, but to suffer him quietly to finish his Prayers and Confessions. Sir *Christopher Blunt* said, Is Sir *Walter Raleigh* there? Those on the Scaffold answered, yea; to whom Sir *Christopher Blunt* spake on this manner:

Sir *Walter Raleigh*, I thank God that you are present; I had an infinite desire to speak with you, to ask you forgiveness ere I died, both for the wrong done you, and for my particular ill intent towards you: I beseech you forgive me. Sir *Walter Raleigh* answer’d, that he most willingly forgave him, and besought God to forgive him, and to give him his divine Comfort; protesting before the Lord, that whatsoever Sir *Christopher Blunt* meant towards him, for his part, he never had any ill intent towards him: And further said to Sir *Christopher Blunt*, I pray you without offence, let me put you in mind that you have been esteemed, not only a principal Provoker and Persuader of the Earl of *Essex* in all his undutiful Courses, but especially an Adviser in that which hath been confessed of his purpose to transport a great part of her Majesty’s Army out of *Ireland* into *England*, to land at *Milford*, and thence to turn it against her sacred Person. You shall do well to tell the Truth, and to satisfy the World. To which he answered thus:

Sir, if you will give me patience, I will deliver a Truth, speaking now my last, in the presence of God, in whose Mercy I trust. And then he directed himself to my Lord *Grey*, and my Lord *Compton*, and the rest that sat on horseback near the Scaffold.

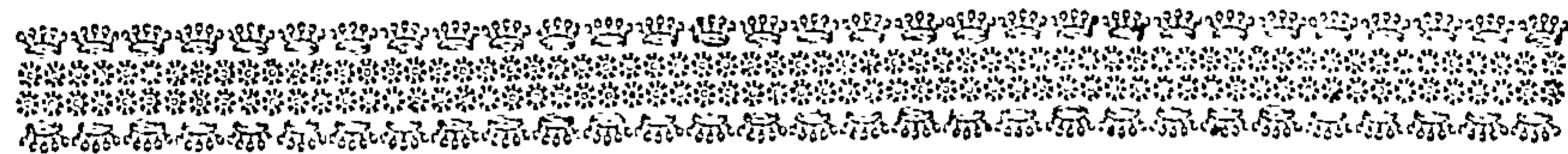
When I was brought from *Reban* to *Dublin*, and lodged in the Castle, his Lordship and the Earl of *Southampton* came to visit me; and to be short, he began thus plainly with me: *That he intended to transport a choice part of the Army of Ireland into England, and land them in Wales, at Milford, or thereabouts; and so securing his Descent thereby; would gather such other Forces, as might enable him to march to London.* To which I protest before the Lord God, I made this or the like answer; that I would that Night consider of it, which I did.

And the next Day the Earls came again; I told them that such an Enterprize, as it was most dangerous, so would it cost much Blood, and I could not like of it; besides many hazards which at this time I cannot remember unto you, neither will the time permit it. But I rather advised him to go over himself with a good Train, and make sure of the Court, and then make his own Conditions.

And altho' it be true, that (as we all protested in our Examinations and Arraignments) we never resolved of doing hurt to her Majesty's Person; (for in none of our Consultations was there set down any such purpose) yet, *I know, and must confess, if we had failed of our Ends, we should (rather than have been disappointed) even have drawn Blood from her self.* From henceforward he dealt no more with me herein, until he was discharged of his Keeper at *Essex-House*. And then he again asked my Advice, and disputed the matter with me; but resolved not. I went then into the Country, and before he sent for me (which was some ten Days before his Rebellion) I never heard more of the matter. And then he wrote unto me to come up, upon pretence of making some assurances of Land, and the like. I will leave the rest unto my Confessions, given to that honourable Lord Admiral, and worthy Mr. Secretary, (to whom I beseech you *Sir Walter Raleigh* commend me) I can requite their favourable and charitable dealing with me, with nought else but my Prayers for them. And I beseech God of his Mercy to save and preserve the Queen, who hath given Comfort to my Soul, in that I hear she hath forgiven me all but the Sentence of the Law, which I most worthily deserved, and do most willingly imbrace, and hope that

God will have Mercy and Compassion on me, who have offended him as many ways as ever sinful wretch did. I have led a Life so far from his Precepts, as no Sinner more. God forgive it me, and forgive me my wicked Thoughts, my licentious Life, and this right Arm of mine, which (I fear me) hath drawn Blood in this last Action. And I beseech you all bear witness that I die a Catholick, yet so, as I hope to be saved only by the Death and Passion of Christ, and by his Merits, not ascribing any thing to mine own Works. And I trust you are all good People, and your Prayers may profit me. Farewel my worthy Lord *Grey*, and my Lord *Compton*, and to you all, God send you both to live long in Honour. I will desire to say a few Prayers, and imbrace my Death most willingly.

With that he turned from the Rail towards the Executioner: and the Minister offering to speak with him, he came again to the Rail, and besought that his Conscience might not be troubled, for he was resolved; which he desired for God's sake. Whereupon Commandment was given, that the Minister should not interrupt him any further. After which he prepared himself to the Block, and so died very manfully and resolutely.



XVIII. *The Trial of Sir WALTER RALEIGH Kt. at Winton, for High-Treason, the 17th of November, 1603.* I Jac. I.

The COMMISSIONERS were,

The Right Honourable Henry Howard, Earl of Suffolk, Lord Chamberlain.
Charles Blunt, Earl of Devon.
Lord Henry Howard, afterward Earl of Northampton.
Robert Cecil, Earl of Salisbury.
Edward Lord Wotton of Morley.

Sir John Stanhope, Vice-Chamberlain.
Lord Chief Justice of England, Popham.
Lord Chief Justice of the Common-Pleas, Anderson.
Mr. Justice Gawdie.
Justice Warburton; and
Sir William Wade.

FIRST the Commission of Oyer and Terminer was read by the Clerk of the Crown-Office; and the Prisoner bid hold up his Hand.

And then presently the Indictment, which was in effect as followeth:

THAT he did conspire, and go about to raise up Sedition within the Realm; to alter Religion, to bring in the Roman Superstition, and to procure foreign Enemies to invade the Kingdom. That the Lord *Cobham*, the 9th of June last, did meet with the said *Sir Walter Raleigh* in *Durham-House*, in the Parish of *St. Martins in the Fields*, and then and there had Conference with him, how to advance *Arabella Stuart* to

the Crown and Royal Throne of this Kingdom; and that then and there it was agreed, that *Cobham* should treat with *Aremberg*, Ambassador from the Archduke of *Austria*, to obtain of him 600000 Crowns, to bring to pass their intended Treason. It was agreed that *Cobham* should go to the Archduke *Albert*, to procure him to advance the pretended Title of *Arabella*: from thence knowing that *Albert* had not sufficient means to maintain his own Army in the *Low-Countries*, *Cobham* should go to *Spain* to procure the King to assist and further her pretended Title.

It was agreed, the better to effect all this Conspiracy, that *Arabella* should write three Letters, one to the Archduke, another to the King of *Spain*, and a third to the Duke of *Savoy*; and promise three things:

First,

First, To establish a firm Peace between *England* and *Spain*.

Secondly, To tolerate the Popish and Roman Superstition.

Thirdly, To be ruled by them in contracting of her Marriage.

And for the effecting these traitorous Purposes, *Cobham* should return by the Isle of *Jersey*, and should find *Sir Walter Raleigh* Captain of the said Isle there, and take counsel of *Raleigh* for the distributing of the aforesaid Crowns, as the Occasion or Discontentment of the Subjects should give cause and way.

And further, That *Cobham* and his Brother *Brook* met on the 9th of *June* last, and *Cobham* told *Brook* all these Treasons: To the which Treasons *Brook* gave his Assent, and did join himself to all these. And after, on the Thursday following, *Cobham* and *Brook* did speak these words; *That there would never be a good World in England, till the King* (meaning our Sovereign Lord) *and his Cubs* (meaning his Royal Issue) *were taken away*.

And the more to disable and deprive the King of his Crown, and to confirm the said *Cobham* in his Intents, *Raleigh* did publish a Book, falsely written against the most Just and Royal Title of the King, knowing the said Book to be written against the just Title of the King; which Book *Cobham* after that received of him. Further, for the better effecting these traitorous Purposes, and to establish the said *Brook* in his Intent, the said *Cobham* did deliver the said Book unto him the 14th of *June*. And further, the said *Cobham*, on the 16th of *June*, for accomplishment of the said Conference, and by the traitorous Instigation of *Raleigh*, did move *Brook* to incite *Arabella* to write to the three forenamed Princes, to procure them to advance her Title; and that she, after she had obtained the Crown, should promise to perform three things, *viz.* 1. Peace between *England* and *Spain*. 2. To tolerate with Impunity the Popish and Roman Superstitions. 3. To be ruled by them three in the contracting of her Marriage.

To these Motions the said *Brook* gave his Assent. And for the better effecting of the said Treasons, *Cobham* on the 17th of *June*, by the Instigation of *Raleigh*, did write Letters to Count *Aremberg*, and did deliver the said Letters to one *Matthew de Lawrence*, to be delivered to the said Count, which he did deliver, for the obtaining of the 60000 Crowns; which Money by other Letters Count *Aremberg* did promise to perform the Payment of: and this Letter *Cobham* received the 18th of *June*. And then did *Cobham* promise to *Raleigh*, that when he had received the said Money, he would deliver 8000 Crowns to him, to which motion he did consent; and afterwards *Cobham* offered *Brook*, that after he should receive the said Crowns, he would give to him 10000 thereof: to which Motion, *Brook* did assent.

To the Indictment, *Sir Walter Raleigh* pleaded Not Guilty.

The JURY.

Sir Ralph Conisly,	}	Knights.
Sir Thomas Fowler,		
Sir Edward Peacock,		
Sir William Rowe,		
Henry Goodyer,	}	Esquires.
Roger Wood,		
Thomas Walker,		
Thomas Whitby,		

Thomas Highgate,	}	Gentlemen.
Robert Kempton,		
John Chawkey,		
Robert Bromley,		

Sir Walter Raleigh, Prisoner, was asked, Whether he would take exceptions to any of the Jury?

Raleigh. I know none of them; they are all Christians, and honest Gentlemen, I except against none.

E. Suffolk. You Gentlemen of the King's Learned Counsel, follow the same course as you did the other day.

Raleigh. My Lord, I pray you I may answer the Points particularly as they are delivered, by reason of the Weakness of my Memory and Sickness.

L. C. Just. Popham. After the King's Learned Counsel have delivered all the Evidence, *Sir Walter*, you may answer particularly to what you will.

Heale, the King's Serjeant at Law. You have heard of *Raleigh's* bloody attempts to kill the King and his Royal Progeny; and in place thereof, to advance one *Arabella Stuart*. The Particulars of the Indictment are these: First, That *Raleigh* met with *Cobham* the 9th of *June*, and had Conference of an Invasion, of a Rebellion, and an Insurrection, to be made by the King's Subjects, to depose the King, and to kill his Children, poor Babes that never gave Offence. Here is Blood, here is a new King and Governor. In our King consists all our Happiness, and the true Use of the Gospel; a thing which we all wished to be settled, after the Death of the Queen. Here must be Money to do this, for Money is the Sinew of War. Where should that be had? Count *Aremberg* must procure it of *Philip King of Spain*, five or six hundred thousand Crowns; and out of this Sum *Raleigh* must have eight thousand. But what is that Count *Aremberg*? Though I am no good *Frenchman*, yet it is as much as to say in *English*, Earl of *Aremberg*. Then there must be Friends to effect this: *Cobham* must go to *Albert Archduke of Austria*, for whom *Aremberg* was Embassador at that time in *England*. And what then? He must persuade the Duke to assist the pretended Title of *Arabella*. From thence *Cobham* must go to the King of *Spain*, and persuade him to assist the said Title. Since the Conquest, there was never the like Treason. But out of whose Head came it? Out of *Raleigh's*, who must also advise *Cobham* to use his Brother *Brook* to incite the Lady *Arabella* to write three several Letters, as aforesaid in the Indictment: all this was on the 9th of *June*. Then three days after, *Brook* was acquainted with it. After this, *Cobham* said to *Brook*, It will never be well in *England*, till the King and his Cubs are taken away. Afterwards, *Raleigh* delivered a Book to *Cobham*, treacherously written against the Title of the King. It appears that *Cobham* took *Raleigh* to be either a God, or an Idol. *Cobham* endeavours to set up a new King, or Governor: God forbid mine Eyes should ever see so unhappy a Change. As for the Lady *Arabella*, she, upon my Conscience, hath no more Title to the Crown than I have, which before God I utterly renounce. *Cobham*, a Man bred in *England*, hath no Experience abroad; but *Raleigh*, a Man of great Wit, Military, and a Sword-man. Now whether these things were bred in a hollow Tree, I leave to them to speak of, who can speak far better than my self. *And so sat him down again.*

Sir Ed. Coke, the King's Attorney. I must first, my Lords, before I come to the Cause, give one Caution, because we shall often mention Persons of eminent Places, some of them great Monarchs: Whatever we say of them, we shall but repeat what others have said of them; I mean the Capital Offenders in their Confessions. We professing Law, must speak reverently of Kings and Potentates. I perceive these honourable Lords, and the rest of this great Assembly, are come to hear what hath been scattered upon the Wrack of Report. We carry a just Mind, to condemn no Man, but upon plain Evidence. Here is Mischief, Mischief *in summo gradu*, exorbitant Mischief. My Speech shall chiefly touch these three Points; *Imitation, Supportation, and Defence.*

The Imitation of Evil ever exceeds the Precedent; as on the contrary, Imitation of Good ever comes short. Mischief cannot be supported but by Mischief; yea, it will so multiply, that it will bring all to Confusion. Mischief is ever underprop'd by Falshood of foul Practices: and because all these things did concur in this Treason, you shall understand the Main, as before you did the Bye.

The Treason of the Bye consisteth in these Points: First, that the Lord Grey, Brook, Markham, and the rest, intended by Force in the Night to surprize the King's Court; which was a Rebellion in the Heart of the Realm, yea, in the Heart of the Heart, in the Court. They intended to take him that is a Sovereign, to make him subject to their Power, purposing to open the Doors with Muskets and Caliveers, and to take also the Prince and Council: then under the King's Authority to carry the King to the Tower; and to make a Stale of the Admiral. When they had the King there, to extort three things from him: First, A Pardon for all their Treasons: Secondly, a Toleration of the Roman Superstition; which their Eyes shall sooner fall out than they shall ever see; for the King hath spoken these Words in the hearing of many, *I will lose the Crown and my Life, before ever I will alter Religion.* And, thirdly To remove Counsellors. In the room of the Lord Chancellor, they would have placed one Watson a Priest, absurd in Humanity and ignorant in Divinity. Brook, of whom I will speak nothing, Lord Treasurer. The great Secretary must be Markham; *Oculus Patrie.* A Hole must be found in my Lord Chief Justice's Coat. Grey must be Earl-Marshal, and Master of the Horse, because he would have a Table in the Court; marry, he would advance the Earl of Worcester to a higher Place. All this cannot be done without a Multitude: Therefore Watson the Priest tells a resolute Man, that the King was in danger of Puritans and Jesuits; so to bring him in blindfold into the Action, saying, That the King is no King till he be crown'd; therefore every Man might right his own Wrongs: But he is *Rex natus*, his Dignity descends as well as yours, my Lords. Then Watson imposeth a blasphemous Oath, that they should swear to defend the King's Person; to keep secret what was given them in charge, and seek all Ways and Means to advance the Catholick Religion. Then they intend to send for the Lord Mayor and the Aldermen, in the King's Name, to the Tower, lest they should make any Resistance, and then to take Hostages of them; and to enjoin them to provide for them Victuals and Munition. Grey, because the King removed before *Midsummer*,

had a further Reach, to get a Company of Swordmen to assist the Action: Therefore he would stay till he had obtained a Regiment from *Ostend* or *Austria*. So you see these Treasons were like *Sampson's* Foxes, which were joined in their Tails, tho' their Heads were sever'd.

Raleigh. You Gentlemen of the Jury, I pray remember, I am not charged with the Bye, being the Treason of the Priest.

Attorney. You are not. My Lords, you shall observe three things in the Treasons: First, they had a Watch-word, (the King's Safety); their Pretence was *Bonum in se*; their Intent was *Malum in se*: Secondly, they avouched Scripture; both the Priests had *Scriptum est*; perverting and ignorantly mistaking the Scriptures: Thirdly, They avouch'd the Common Law, to prove that he was no King 'till he was crowned; alledging a Statute of 13 *Eliz.* This, by way of Imitation, hath been the course of all Traitors.

In the 20th of *Edward II.* *Isabella* the Queen, and the Lord *Mortimer*, gave out, that the King's Person was not safe, for the good of the Church and Commonwealth.

The Bishop of *Carlisle* did preach on this Text, *My Head is grieved*, meaning by the Head, the King; that when the Head began to be negligent, the People might reform what is amiss.

In the 3d of *Henry IV.* Sir *Roger Claringdon*, accompany'd with two Priests, gave out That *Richard II.* was alive, when he was dead.

Edward III. caused *Mortimer's* Head to be cut off, for giving counsel to murder the King.

The 3d of *Henry VII.* Sir *Henry Stanley* found the Crown in the Dust, and set it on the King's Head: when *Fitzwater* and *Garret* told him, that *Edward V.* was alive, he said, *If he be alive, I will assist him.* But this cost him his Head.

Edmund de la Pole, Duke of *Suffolk*, killed a Man in the Reign of King *Henry VII.* for which the King would have him hold up his Hand at the Bar, and then pardoned him: Yet he took such an Offence thereat, that he sent to the Noblemen to help to reform the Commonwealth; and then said, he would go to *France* and get Power there. Sir *Roger Compton* knew all the Treason, and discovered *Windon* and others, that were attainted.

He said, there was another thing that would be stood upon, namely, that they had but one Witness. Then he vouched one *Appleyard's* Case, a Traitor in *Norfolk*, who said, a Man must have two Accusers. *Helms* was the Man that accused him; but Mr. Justice *Catlin* said, that that Statute was not in force at that day. His Words were, *Thrust her into the Ditch.*

Then he went on speaking of Accusers, and made this difference: An Accuser is a Speaker by Report, when a Witness is he that upon his Oath shall speak his Knowledge of any Man.

A third sort of Evidence there is likewise, and this is held more forcible than either of the other two; and that is, when a Man, by his Accusation of another, shall, by the same Accusation, also condemn himself, and make himself liable to the same Fault and Punishment: This is more forcible than many Witnesses. So then so much by way of Imitation. Then he defined Treason: There is Treason in the Heart, in the Hand, in the Mouth, in Consummation: comparing that *in Corde* to the Root of a Tree; *in Ore*, to the Bud; *in Manu* to the Blossom; and that which is *in Consummatione*, to the Fruit.

Now I come to your Charge, you of the Jury : The Greatness of Treason is to be considered in these two things, *Determinatione finis*, and *Electiōne mediōrum*. This Treason excelleth in both, for that it was to destroy the King and his Progeny. These Treasons are said to be *Crimen læsæ Majestatis* ; this goeth further, and may be term'd, *Crimen extirpandæ Regiæ Majestatis*, & *totius Progenici suæ*. I shall not need, my Lords, to speak any thing concerning the King, nor of the Bounty and Sweetness of his Nature, whose Thoughts are innocent, whose Words are full of Wisdom and Learning, and whose Works are full of Honour ; although it be a true Saying, *Nunquam nimis quod nunquam satis*. But to whom do you bear Malice ? to the Children ?

Raleigh. To whom speak you this ? You tell me News I never heard of.

Attorney. Oh Sir, do I ? I will prove you the notoriousst Traitor that ever came to the Bar. After you have taken away the King, you would alter Religion : as you, Sir *Walter Raleigh*, have followed them of the Bye in Imitation ; for I will charge you with the Words.

Raleigh. Your Words cannot condemn me ; my Innocency is my Defence. Prove one of these things wherewith you have charg'd me, and I will confess the whole Indictment, and that I am the horriblest Traitor that ever lived, and worthy to be crucified with a thousand thousand Torments.

Attorney. Nay, I will prove all : Thou art a Monster ; thou hast an *English* Face, but a *Spanish* Heart. Now you must have Money : *Aremberg* was no sooner in *England* (I charge thee *Raleigh*) but thou incitedst *Cobham* to go unto him, and to deal with him for Money, to bestow on discontented Persons, to raise Rebellion on the Kingdom.

Raleigh. Let me answer for my self.

Attorney. Thou shalt not.

Raleigh. It concerneth my Life.

Ld. Ch. Just. Sir *Walter Raleigh*, Mr. *Attorney* is but yet in the General ; but when the King's Counsel have given the Evidence wholly, you shall answer every Particular ?

Attorney. Oh ! do I touch you ?

Lord Cecil. Mr. *Attorney*, when you have done with this General Charge, do you not mean to let him answer every Particular ?

Attorney. Yes, when we deliver the Proofs to be read. *Raleigh* procured *Cobham* to go to *Arcimberg* which he did by his Instigation : *Raleigh* supped with *Cobham* before he went to *Aremberg* ; after Supper, *Raleigh* conducted him to *Durham-House* ; from thence *Cobham* went with *Lawrency*, a Servant of *Aremberg's*, unto him, and went in by a back-way. *Cobham* could never be quiet until he had entertained this Motion, for he had four Letters from *Raleigh*. *Aremberg* answer'd, The Money should be performed, but knew not to whom it should be distributed. Then *Cobham* and *Lawrency* came back to *Durham-House*, where they found *Raleigh*. *Cobham* and *Raleigh* went up, and left *Lawrency* below, where they had secret Conference in a Gallery ; and after, *Cobham* and *Lawrency* departed from *Raleigh*. Your Jargon was Peace : What is that ? *Spanish* Invasion, *Scottish* Subversion. And again, you are not a fit Man to take so much Money for procuring of a lawful Peace, for Peace procured by Money is dishonourable. Then *Cobham* must go to *Spain*, and

return by *Jersey*, where you were Captain : And then, because *Cobham* had not so much Policy, or at least Wickedness, as you, he must have your Advice for the distribution of the Money. Would you have deposed so good a King, lineally descended of *Elizabeth*, eldest Daughter of *Edward IV* ? Why then must you set up another ? I think you meant to make *Arabella* a Titular Queen, of whose Title I will speak nothing ; but sure you meant to make her a Stale. Ah ! good Lady, you could mean her no Good.

Raleigh. You tell me News, Mr. *Attorney*.

Attorney. Oh Sir ! I am the more large, because I know with whom I deal : For we have to deal to-day with a Man of Wit.

Raleigh. Did I ever speak with this Lady ?

Attorney. I will track you out before I have done. *Englishmen* will not be led by persuasion of Words, but they must have Books to persuade.

Raleigh. The Book was written by a Man of your Profession, Mr. *Attorney*.

Attorney. I would not have you impatient.

Raleigh. Methinks you fall out with your self ; I say nothing.

Attorney. By this Book you would persuade Men, that he is not the lawful King. Now let us consider some Circumstances : My Lords, you know my Lord *Cobham* (for whom we all lament and rejoice ; lament in that his House, which hath stood so long unspotted, is now ruined ; rejoice, in that his Treasons are reveal'd :) he is neither Politician nor Sword-man ; *Raleigh* was both, united in the Cause with him, and therefore Cause of his Destruction. Another Circumstance is, the secret contriving of it. *Humphry Stafford* claimed Sanctuary for Treason. *Raleigh*, in his *Machiavelian* Policy, hath made a Sanctuary for Treason : He must talk with none but *Cobham* ; because, saith he, one Witness can never condemn me. For *Brook* said unto Sir *Griffith Markham*, *Take heed how you do make my Lord Cobham acquainted ; for whatsoever he knoweth, Raleigh the Witch will get it out of him*. As soon as *Raleigh* was examined on one point of Treason concerning my Lord *Cobham*, he wrote to him thus ; *I have been examined of you and confessed nothing*. Further, you sent to him by your trusty *Francis Kemish*, that one Witness could not condemn ; and therefore bad his Lordship be of good Courage. Came this out of *Cobham's* Quiver ? No : but out of *Raleigh's Machiavelian* and devilish Policy. Yea, but *Cobham* did retract it ; why then did ye urge it ? Now then see the most horrible Practices that ever came out of the bottomless Pit of the lowest Hell. After that *Raleigh* had Intelligence that *Cobham* had accused him, he endeavour'd to have Intelligence from *Cobham*, which he had gotten by young Sir *John Payton* : But I think it was the Error of his Youth.

Raleigh. The Lords told it me, or else I had not been sent to the *Tower*.

Attorney. Thus *Cobham*, by the Instigation of *Raleigh*, enter'd into these Actions : So that the question will be, Whether you are not the principal Traitor, and he would nevertheless have enter'd into it ? Why did *Cobham* retract all that fame ? First, Because *Raleigh* was so odious, he thought he should fare the worse for his sake. Secondly, he thought thus with himself, If he be free, I shall clear my self the better. After this, *Cobham* asked for a Preacher to confer with, pretending

pretending to have Dr. *Andrews*; but indeed he meant not to have him, but Mr. *Galloway*; a worthy and reverend Preacher, who can do more with the King (as he said) than any other; that he, seeing his constant Denial, might inform the King thereof. Here he plays with the Preacher. If *Raleigh* could persuade the Lords, that *Cobham* had no intent to travel, then he thought all should be well. Here is Forgery! In the *Tower Cobham* must write to Sir *Thomas Vane*, a worthy Man, that he meant not to go into *Spain*: which Letter *Raleigh* devised in *Cobham's* Name.

Raleigh. I will wash my hands of the Indictment, and die a true Man to the King.

Attorney. You are the absoluteſt Traitor that ever was.

Raleigh. Your Phraſes will not prove it, Mr. *Attorney*.

Attorney. *Cobham* writeth a Letter to my Lord *Cecil*, and doth will *Mellis's* Man to lay it in a *Spaniſh* Bible, and to make as tho' he found it by chance. This was after he had Intelligence with this Viper, that he was falſe.

Lord Cecil. You mean a Letter intended to me; I never had it.

Attorney. No, my Lord, you had it not. You, my Maſters of the Jury, reſpect not the Wickedneſs and Hatred of the Man, reſpect his Cauſe: if he be guilty, I know you will have care of it, for the Preſervation of the King, the Continuance of the Goſpal authorized, and the Good of us all.

Raleigh. I do not hear yet, that you have ſpoken one word againſt me; here is no Treason of mine done: If my Lord *Cobham* be a Traitor, what is that to me?

Attorney. All that he did was by thy Inſtigation, thou Viper; for I *thou* thee, thou Traitor.

Raleigh. It becometh not a Man of Quality and Virtue, to call me ſo: But I take comfort in it, it is all you can do.

Attorney. Have I anger'd you?

Raleigh. I am in no caſe to be angry.

C. J. Popham. Sir *Walter Raleigh*, Mr. *Attorney* ſpeaketh out of the Zeal of his Duty, for the Service of the King, and you for your Life; be valiant on both ſides.

Now they proceed to the Reading the Proofs.

The Lord Cobham's Examination read.

He confeſſeth, he had a Paſſport to go into *Spain*, intending to go to the Archduke, to confer with him about theſe Practices; and becauſe he knew the Archduke had not Money to pay his own Army, from thence he meant to go to *Spain*, to deal with the King for the 600,000 Crowns, and to return by *Jerſey*; and that nothing ſhould be done, until he had ſpoken with Sir *Walter Raleigh* for diſtribution of the Money to them which were diſcontented in *England*. At the firſt beginning, he breathed out Oaths and Exclamations againſt *Raleigh*, calling him Villain and Traitor; ſaying he had never entered into theſe Courses, but by his Inſtigation, and that he would never let him alone.

Here Mr. *Attorney* willed the Clerk of the Crown-Office to read over theſe laſt Words again (*He would never let him alone.*)

The Lord Cobham's Examination.

Beſides he ſpake of Plots and Invaſions; of the Particulars whereof he could give no Account, tho' *Raleigh* and he had conferred of them. Further he ſaid, he was afraid of *Raleigh*, that when he ſhould return by *Jerſey*, that he would have deliver'd him and the Money to the King. Being examined of Sir *Arthur Gorge*, he freed him, ſaying, They never durſt truſt him; but Sir *Arthur Savage* they intended to uſe, becauſe they thought him a fit Man.

Raleigh. Let me ſee the Accuſation: This is abſolutely all the Evidence can be brought againſt me; poor Shifts! You Gentlemen of the Jury, I pray you underſtand this. This is that which muſt either condemn, or give me Life: which muſt free me, or ſend my Wife and Children to beg their Bread about the Streets: This is that muſt prove me a notorious Traitor, or a true Subject to the King. Let me ſee my Accuſation, that I may make my Answer.

Clerk of the Council. I did read it, and ſhew you all the Examinations.

Raleigh. At my firſt Examination at *Windſor*, my Lords aſked me, what I knew of *Cobham's* Practice with *Aremberg*, I anſwer'd negatively: And as concerning *Arabella*, I proteſt before God; I never heard one word of it. If that be proved, let me be guilty of ten thouſand Treasons. It is a ſtrange thing you will impute that to me, when I never heard ſo much as the Name of *Arabella Stuart*, but only the Name of *Arabella*.

After being examin'd, I told my Lords, that I thought my Lord *Cobham* had Conference with *Aremberg*; I ſuſpected his viſiting of him: for after he departed from me at *Durham-Houſe*, I ſaw him paſs by his own Stairs, and paſſed over to *St. Mary Savours*, where I knew *Lawrency*, a Merchant, and a Follower of *Aremberg*, lay, and therefore likely to go unto him. My Lord *Cecil* aſked my Opinion concerning *Lawrency*; I ſaid, that if you do not apprehend *Lawrency*, it is dangerous, he will fly: if you do apprehend him, you ſhall give my Lord *Cobham* notice thereof. I was aſked who was the greateſt Man with my Lord *Cobham*; I anſwer'd, I knew no Man ſo great with him as young *Wyat* of *Kent*.

As ſoon as *Cobham* ſaw my Letter to have diſcover'd his Dealing with *Aremberg*, in his Fury he accuſ'd me; but before he came to the Stair-foot he repented, and ſaid he had done me wrong. When he came to the end of his Accuſation, he adced, that if he had brought this Money to *Jerſey*, he fear'd that I would have deliver'd him and the Money to the King. Mr. *Attorney*, you ſaid this never came out of *Cobham's* Quiver; he is a ſimple Man. Is he ſo ſimple? no; he hath a Diſpoſition of his own, he will not eaſily be guided by others; but when he has once taken head in a Matter, he is not eaſily drawn from it: he is no Babe. But it is ſtrange for me to deviſe with *Cobham*, that he ſhould go to *Spain*, to perſuade the King to diſburſe ſo much Money, he being a Man of no Love in *England*, and I having reſign'd my room of chiefeſt Command, the Wardſhip of the *Stannaries*. Is it not ſtrange for me to make my ſelf *Robin Hood*, or a *Kett*, or a *Cade*? I knowing *England* to be in better Eſtate to defend it ſelf than ever it was. I knew *Scotland* united; *Ireland* quieted, wherein of late our Forces were diſperſed; *Denmark* aſſured, which before was ſuſpected. I knew, that

that having lost a Lady whom Time had surpriz'd, we had now an active King, a lawful Successor, who would himself be present in all his Affairs. The State of *Spain* was not unknown to me: I had written a Discourse, which I had intended to present unto the King, against Peace with *Spain*. I knew the *Spaniards* had six Repulses; three in *Ireland*, and three at Sea, and once in 1588, at *Cales*, by my Lord Admiral. I knew he was discourag'd and dishonour'd. I knew the King of *Spain* to be the proudest Prince in Christendom; but now he cometh creeping to the King my Master for Peace. I knew, whereas before he had in his Port six or seven score Sail of Ships, he hath now but six or seven. I knew of twenty-five Millions he had from his *Indies*, he hath scarce one left. I knew him to be so poor, that the Jesuits in *Spain*, who were wont to have such large Allowance, were fain to beg at the Church-Door. Was it ever read or heard, that any Prince should disburse so much Moncy without a sufficient Pawn? I knew her own Subjects, the Citizens of *London*, would not lend her Majesty Money, without Lands in Mortgage. I knew the Queen did not lend the States Money, without *Fusbing*, *Brill*, and other Towns for a Pawn. And can it be thought, that he would let *Cobham* have so great a Sum?

I never came to the Lord *Cobham's*, but about Matters of his Profit; as the ordering of his House, paying of his Servants Board-Wages, &c. I had of his, when I was examin'd, four thousand Pounds worth of Jewels for a Purchase; a Pearl of three thousand Pound; and a Ring worth five hundred Pound. If he had had a fancy to run away, he would not have left so much to have purchas'd a Lease in Fee-Farm. I saw him buy three hundred Pounds worth of Books to send to his Library at *Canterbury*, and a Cabinet of thirty Pound, to give to Mr. Attorney, for drawing the Conveyances: and God in Heaven knoweth, not I, whether he intended to travel or no. But for that Practice with *Arabella*, or Letters to *Aremberg* framed, or any Discourse with him, or in what Language he spake unto him; if I knew any of these things, I would absolutely confess the Indictment, and acknowledge my self worthy ten thousand Deaths.

Cobham's second Examination read.

The Lord *Cobham* being requir'd to subscribe to an Examination, there was shewed a Note under Sir *Walter Raleigh's* hand; the which when he had perus'd, he paus'd, and after brake forth into these Speeches: Oh Villain! Oh Traitor! I will now tell you all the Truth; and then said, His Purpose was to go into *Flanders*, and into *Spain*, for the obtaining the aforesaid Money; and that *Raleigh* had appointed to meet him in *Jersey* as he return'd home, to be advis'd of him about the Distribution of the Money.

L. C. J. Popham. When *Cobham* answer'd to the Interrogatories, he made scruple to subscribe; and being urg'd to it, he said, if he might hear me affirm, that a Person of his Degree ought to set his hand, he would: I lying then at *Richmond* for fear of the Plague, was sent for, and I told he ought to subscribe; otherwise it were a Contempt of a high nature: then he subscribed. The Lords question'd with him further, and he shew'd them a Letter, as I thought written to me, but it was indeed written to my Lord *Cecil*: he desired to see the Letter again, and then said, Oh Wretch!

Oh Traitor! whereby I perceiv'd you had not perform'd that Trust he had reposed in you.

Raleigh. He is as passionate a Man as lives; for he hath not spared the best Friends he hath in *England* in his Passion. My Lords, I take it, he that has been examined, has ever been asked at the time of his Examination, if it be according to his meaning, and then to subscribe. Methinks, my Lords, when he accuses a Man, he should give some Account and Reason of it: It is not sufficient to say, we talked of it. If I had been the Plotter, would not I have given *Cobham* some Arguments, whereby to persuade the King of *Spain*, and answer his Objections? I knew *Westmoreland* and *Botwell*, Men of other Understandings than *Cobham*, were ready to beg their Bread.

Sir Tho. Fowler, one of the Jury. Did Sir *Walter Raleigh* write a Letter to my Lord before he was examined concerning him, or not?

Attorney. Yes.

Lord Cecil. I am in great dispute with my self to speak in the Case of this Gentleman: A former Dearness between me and him, ty'd to firm a Knot of my Conceit of his Virtues, now broken by a Discovery of his Imperfections. I protest, did I serve a King that I knew would be displeas'd with me for speaking, in this Case I would speak, whatever came of it; but seeing he is compacted of Piety and Justice, and one that will not mislike of any Man for speaking a Truth, I will answer your Question.

Sir Walter Raleigh was staid by me at *Windsor*, upon the first News of *Copley*, that the King's Person should be surpriz'd by my Lord *Grey*, and Mr. *George Brook*; when I found *Brook* was in, I suspected *Cobham*, then I doubted *Raleigh* to be a Partaker. I speak not this, that it should be thought I had greater Judgment than the rest of my Lords, in making this haste to have them examined. *Raleigh* following to *Windsor*, I met with him upon the Terras, and willed him, as from the King, to stay; saying, the Lords had something to say to him: then he was examined, but not concerning my Lord *Cobham*, but of the surprizing Treason. My Lord *Grey* was apprehended, and likewise *Brook*; by *Brook* we found, that he had given notice to *Cobham* of the surprizing Treason, as he deliver'd it to us; but with as much sparingness of a Brother, as he might. We sent for my Lord *Cobham* to *Richmond*, where he stood upon his Justification, and his Quality; sometimes being froward, he said he was not bound to subscribe, wherewith we made the King acquainted. *Cobham* said, if my Lord Chief Justice would say it were a Contempt, he would subscribe; whereof being resolv'd, he subscrib'd. There was a Light given to *Aremberg*, that *Lawrency* was examined; but that *Raleigh* knew that *Cobham* was examined, is more than I know.

Raleigh. If my Lord *Cobham* had trusted me in the Main, was not I as fit a Man to be trusted in the Bye?

Lord Cecil. *Raleigh* did by his Letters acquaint us that my Lord *Cobham* had sent *Lawrency* to *Aremberg*, when he knew not he had any Dealings with him.

Lord Hen. Howard. It made for you, if *Lawrency* had been only acquainted with *Cobham*, and not with you. But you knew his whole Estate, and were acquainted with *Cobham's* Practice with *Lawrency*; and it was known to you before, that *Lawrency* depended on *Aremberg*.

Attorney. 1. *Raleigh* protested against the surprizing Treason. 2. That he knew not of the Matter touching *Arabella*. I would not charge you, *Sir Walter*, with a Matter of Falshood: You say you suspected the Intelligence that *Cobham* had with *Aremberg* by *Lawrency*.

Raleigh. I thought it had been no other Intelligence, but such as might be warranted.

Attorney. Then it was but lawful Suspicion. But to that whereas you said, that *Cobham* had accused you in Passion, I answer three ways: 1. I observed when *Cobham* said, Let me see the Letter again, he paus'd; and when he did see that Count *Aremberg* was touch'd, he cry'd out, Oh Traitor! Oh Villain! now will I confess the whole Truth. 2. The Accusation of a Man on hearfay, is nothing: Would he accuse himself on Passion, and ruinate his Case and Posterity, out of malice to accuse you? 3. Could this be out of Passion? Mark the Manner of it; *Cobham* had told this at least two Months before to his Brother *Brook*, *You are Fools, you are on the Bye, Raleigh and I are on the Main; we mean to take away the King and his Cubs*: this he deliver'd two Months before. So mark the Manner and the Matter; he would not turn the Weapon against his own Bosom, and accuse himself to accuse you.

Raleigh. Hath *Cobham* confessed that?

Ld. Ch. Just. This is spoken by Mr. Attorney, to prove that *Cobham's* Speech came not out of Passion.

Raleigh. Let it be proved that *Cobham* said so.

Attorney. *Cobham* saith, he was a long time doubtful of *Raleigh*, that he would send him and the Money to the King. Did *Cobham* fear lest you would betray him in *Jersey*? then of necessity there must be Trust between you. No Man can betray a Man, but he that is trusted, in my understanding. This is the greatest Argument to prove that he was acquainted with *Cobham's* Proceedings.

Raleigh has a deeper Reach, than to make himself, as he said, *Robin Hood*, a *Kett*, or *Cade*; yet I never heard that *Robin Hood* was a Traitor; they say he was an Outlaw. And whereas he saith that our King is not only more wealthy and potent than his Predecessors, but also more politick and wise, so that he could have no hope to prevail; I answer, There is no King so potent, wise and active, but he may be overtaken thro' Treason. Whereas you say *Spain* is so poor, discoursing so largely thereof; it had been better for you to have kept in *Guiana*, than to have been so well acquainted with the State of *Spain*. Besides, if you could have brought *Spain* and *Scotland* to have joined, you might have hoped to prevail a great deal the better. For his six Overthrows, I answer, he hath the more Malice, because Repulses breed Desire of Revenge. Then you say you never talked with *Cobham*, but about Leases, and letting Lands, and ordering his House; I never knew you Clerk of the Kitchen, &c. If you had fallen on your Knees at first, and confessed the Treason, it had been better for you. You say, he meant to have given me a Cabinet of thirty Pound; perhaps he thought by those means to have anticipated me therewith. But you say all these are Circumstances: I answer, all this Accusation in Circumstance is true. Here now I might appeal to my Lords, that you take hold of this, that he subscribed not to the Accusation.

Lord Hen. Howard. *Cobham* was not then pressed to subscribe.

Attorney. His Accusation being testify'd by the Lords, is of as great force, as if he had subscrib'd. *Raleigh* saith again, if the Accuser be alive, he must be brought face to face to speak; and alledges 25 *Edward III.* that there must be two sufficient Witnesses, that must be brought face to face before the Accused; and alledgeth 10 and 13 *Elizabeth*.

Raleigh. You try me by the *Spanissh* Inquisition, if you proceed only by the Circumstances, without two Witnesses.

Attorney. This is a treasonable speech.

Raleigh. *Evertere Hominem justum in Causa sua injustum est.* Good my Lords, let it be proved, either by the Laws of the Land, or the Laws of God, that there ought not to be two Witnesses appointed; yet I will not stand to defend this Point in Law, if the King will have it so: it is no rare thing for a Man to be falsely accused. A Judge condemn'd a Woman in *Sarum* for killing her Husband on the Testimony of one Witness; afterwards his Man confessed the Murder, when she was executed: who after being touch'd in Conscience for the Judgment, was used to say, *Quod nunquam de hoc facto animam in vita sua purgaret.* It is also commanded by the Scripture; *Allocutus est Jehova Mosen, In Ore duorum aut trium Testium, &c.*

If Christ requireth it, as it appeareth, *Mat. 18.* if by the Canon, Civil Law, and God's Word, it be required, that there must be two Witnesses at the least; bear with me if I desire one.

I would not desire to live, if I were privy to *Cobham's* Proceedings. I have been a Slave, a Villain, a Fool, if I had endeavour'd to set up *Arabella*, and refus'd so gracious a Lord and Sovereign. But urge your Proofs.

Ld. Ch. Just. You have offer'd Questions on diverse Statutes, all which mention two Accusers in case of Indictments: you have deceiv'd your self, for the Laws of 25 *Edward III.* and 5 *Edward VI.* are repeal'd. It sufficeth now if there be Proofs made either under Hand, or by Testimony of Witnesses, or by Oaths; it needs not the Subscription of the Party, so there be Hands of credible Men to testify the Examination.

Raleigh. It may be an Error in me; and if those Laws be repeal'd, yet I hope the Equity of them remains still; but if you affirm it, it must be a Law to Posterity. The Proof of the Common Law is by Witness and Jury; let *Cobham* be here, let him speak it. Call my Accuser before my Face, and I have done.

Attorney. *Scientia Sceleris est mera Ignorantia.* You have read the Letter of the Law, but understand it not. Here was your Anchor-hold, and your Rendezvous: you trust to *Cobham*, either *Cobham* must accuse you, or no body; if he did, then it would not hurt you, because he is but one Witness; if he did not, then you are safe.

Raleigh. If ever I read a Word of the Law or Statute, before I was Prisoner in the Tower, God confound me.

Attorney. Now I come to prove the Circumstances of the Accusation to be true. *Cobham* confessed he had a Pass-port to travel, hereby intending to present Overtures to the Arch-Duke, and from thence to go to *Spain*, and there to have conference with the King for Money. You say he promised to come home by *Jersey*, to make merry with you and your Wife.

Raleigh. I said in his return from *France*, not *Spain*.

Attorney. Further, in his Examination he saith, nothing could be set down for the Distribution of the Money to the Discontented, without Conference with *Raleigh*. You said it should have been for Procurement of Peace, but it was for raising Rebellion. Further, *Cobham* saith, he would never have enter'd into these Courses, but by your Instigation, and that you would never let him alone. Your Scholar was not apt enough to tell us all the Plots, that is enough for you to do, that are his Master. You intended to trust Sir *Arthur Savage*, whom I take to be an honest and true Gentleman, but not Sir *Arthur Gorge*.

Raleigh. All this is but one Accusation of *Cobham's*, I hear no other thing; to which Accusation he never subscribed nor avouched it. I beseech you, my Lords, let *Cobham* be sent for, charge him on his Soul, on his Allegiance to the King; if he affirm it, I am guilty.

Lord Cecil. It is the Accusation of my Lord *Cobham*, it is the Evidence against you: must it not be of force without his Subscription? I desire to be resolv'd by the Judges, whether by the Law it is not a forcible Argument of Evidence.

Judges. My Lord, it is.

Raleigh. The King at his Coronation is sworn *In omnibus Judiciis suis equitatem, non rigorem Legis, observare.* By the Rigour and Cruelty of the Law it may be a forcible Evidence.

Ld. Ch. Just. That is not the Rigour of the Law, but the Justice of the Law; else when a Man hath made a plain Accusation, by Practice he might be brought to retract it again.

Raleigh. Oh my Lord, you may use Equity.

Ld. Ch. Just. That is from the King; you are to have Justice from us.

Lord Anderson. The Law is, if the Matter be proved to the Jury, they must find you guilty; for *Cobham's* Accusation is not only against you, there are other things sufficient.

Lord Cecil. Now that Sir *Walter Raleigh* is satisfied, that *Cobham's* Subscription is not necessary, I pray you, Mr. Attorney, go on.

Raleigh. Good Mr. Attorney be patient, and give me leave.

Lord Cecil. An unnecessary Patience is a Hindrance, let him go on with his Proofs, and then re-
fel them.

Raleigh. I would answer particularly.

Lord Cecil. If you would have a Table and Pen and Ink, you shall.

Then Paper and Ink was given him.

Here the Clerk of the Crown read the Letter, which the Lord *Cobham* did write in *July*, which was to the effect of his former Examination; further saying, I have disclos'd all: To accuse any one falsely, were to burden my own Conscience.

Attorney. Read *Copley's* Confession the 8th of *June*; he saith, He was offer'd 1000 Crowns to be in this Action.

Here *Watson's* Additions were read.

The great Mass of Money from the Count was impossible, &c.

Brook's Confession read.

There have Letters passed, saith he, between *Cobham* and *Aremberg*, for a great Sum of Money to assist a second Action, for the surprizing of his Majesty.

Attorney. It is not possible it was of Passion; for it was in talk before three Men, being severally examined, who agreed in the Sum to be bestow'd on discontented Persons; That *Grey* should have 12000 Crowns, and *Raleigh* should have 8000, or 10000 Crowns.

Cobham's Examination, *July* 18.

If the Money might be procur'd (saith he) then a Man may give Pensions. Being asked if a Pension should not be given to his Brother *Brook*, he deny'd it not.

Lawrency's Examination.

Within five days after *Aremberg* arrived, *Cobham* resorted unto him. That Night that *Cobham* went to *Aremberg* with *Lawrency*, *Raleigh* supped with him.

Attorn. *Raleigh* must have his part of the Money, therefore now he is a Traitor. The Crown shall never stand one Year on the Head of the King (my Master) if a Traitor may not be condemn'd by Circumstances: For if A. tells B. and B. tells C. and C. D. &c. you shall never prove Treason by two Witnesses.

Raleigh's Examination was read.

He confesseth *Cobham* offered him 8000 Crowns, which he was to have for the furtherance of the Peace between *England* and *Spain*; and that he should have it within three days. To which, he said, he gave this Answer; When I see the Money, I will tell you more: for I had thought it had been one of his ordinary idle Conceits, and therefore made no account thereof.

Raleigh. The Attorney hath made a long Narration of *Copley*, and the Priests, which concerns me nothing, neither know I how *Cobham* was alter'd. For he told me, if I would agree to further the Peace, he would get me 8000 Crowns. I asked him, Who shall have the rest of the Money? He said, I will offer such a Nobleman (who was not named) some of the Money. I said, he will not be persuaded by you, and he will extremely hate you for such a Motion. Let me be pinch'd to death with hot Irons, if ever I knew there was any Intention to bestow the Money on discontented Persons. I had made a Discourse against the Peace, and would have printed it: If *Cobham* changed his mind, if the Priests, if *Brook* had any such Intent, what is that to me? They must answer for it. He offered me the Money before *Aremberg* came, that is difference of time.

Serj. Philips. *Raleigh* confesseth the matter, but avoideth it by distinguishing of Times. You said it was offer'd you before the coming of *Aremberg*, which is false. For you being examined whether you should have such Money of *Cobham*, or not; you said, yea, and that you should have it within two or three days. *Nemo moriturus presumitur mentiri.*

Ld. Henry Howard. Alledge me any Ground or Cause, wherefore you gave ear to my Lord *Cobham* for receiving Pensions, in Matters you had not to deal with.

Raleigh. Could I stop my Lord *Cobham's* Mouth?

Ld. Cecil. Sir *Walter Raleigh* presseth, that my Lord *Cobham* should be brought Face to Face. If he ask things of Favour and Grace, they must come only from him that can give them. If we sit here as Commissioners, how shall we be satisfied whether he ought to be brought, unless we hear the Judges speak?

Ld. Ch. Just. This thing cannot be granted, for then a number of Treasons should flourish: The Accuser may be drawn by Practice, whilst he is in Person.

Judge Garwy. The Statute you speak of, concerning two Witnesses in Case of Treason, is found to be inconvenient, therefore by another Law it was taken away.

Raleigh. The common Trial of *England* is by Jury and Witnesses.

Ld. Ch. Just. No, by Examination: If three conspire a Treason, and they all confess it; here is never a Witness, yet they are condemned.

Judge Warburton. I marvel, *Sir Walter*, that you being of such Experience and Wit, should stand on this Point; for so many Horse-stealers may escape, if they may not be condemned without Witnesses. If one should rush into the King's Privy-Chamber, whilst he is alone, and kill the King (which God forbid) and this Man be met coming with his Sword drawn all bloody; shall not he be condemned to death? My Lord *Cobham* hath, perhaps, been laboured withal; and to save you, his old Friend, it may be that he will deny all that which he hath said.

Raleigh. I know not how you conceive the Law.

Ld. Ch. Just. Nay, we do not conceive the Law, but we know the Law.

Raleigh. The Wisdom of the Law of God is absolute and perfect, *Hæc fac, & vives, &c.* But now by the Wisdom of the State, the Wisdom of the Law is uncertain. Indeed where the Accuser is not to be had conveniently, I agree with you; but here my Accuser may, he is alive, and in the House. *Szfanna* had been condemned, if *Daniel* had not cried out, *Will you condemn an innocent Israelite, without Examination or Knowledge of the Truth?* Remember, it is absolutely the Commandment of God: If a false Witness rise up, you shall cause him to be brought before the Judges; if he be found false, he shall have the Punishment which the Accused should have had. It is very sure for my Lord to accuse me is my certain Danger, and it may be a means to excuse himself.

Ld. Ch. Just. There must not such a Gap be opened for the Destruction of the King, as would be if we should grant this. You plead hard for your self, but the Laws plead as hard for the King. I did never hear that Course to be taken in a Case of Treason, as to write one to another, or speak one to another, during the time of their Imprisonment. There hath been Intelligence between you: and what under-hand Practices there may be, I know not. If the Circumstances agree not with the Evidence, we will not condemn you.

Raleigh. The King desires nothing but the knowledge of the Truth, and would have no advantage taken by Severity of the Law. If ever we had a gracious King, now we have; I hope, as he is, such are his Ministers. If there be but a Trial of five Marks at common Law, a Witness must be deposed: Good my Lords, let my Accuser come Face to Face, and be deposed.

Ld. Ch. Just. You have no Law for it: God forbid any Man should accuse himself upon his Oath.

Attorn. The Law presumes, a Man will not accuse himself to accuse another. You are an odious Man: For *Cobham* thinks his Cause the worse that you are in it. Now you shall hear of some Stirs to be raised in *Scotland*.

Part of Copley's Examination.

' Also *Watson* told me, that a special Person told him, that *Aremberg* offer'd to him 1000 Crowns to be in that Action; and that *Brook* said, the Stirs in *Scotland* came out of *Raleigh's* Head.'

Raleigh. *Brook* hath been taught his Lesson.

Ld. Hen. Howard. This Examination was taken before; did I teach him his Lesson?

Raleigh. I protest before God, I meant it not by any Privy-Counsellor; but because Money is scant, he will juggle on both sides.

Raleigh's Examination.

' The way to invade *England*, were to begin with Stirs in *Scotland*.'

Raleigh. I think so still: I have spoken it to divers of the Lords of the Council, by way of Discourse and Opinion.

Attorn. Now let us come to those words, of *destroying the King and his Cubs*.

Raleigh. O barbarous! if they, like unnatural Villains, should use those words, shall I be charged with them? I will not hear it, I was never any Plotter with them against my Country, I was never false to the Crown of *England*. I have spent 4000 Pounds of my own against the *Spanish* Faction, for the Good of my Country. Do you bring the words of these hellish Spiders, *Clark, Watson*, and others, against me?

Attorn. Thou hast a *Spanish* Heart, and thy self art a Spider of Hell; for thou confessest the King to be a most sweet and gracious Prince, and yet hast conspired against him.

Watson's Examination read.

' He said, that *George Brook* told him twice, That his Brother, the Lord *Cobham*, said to him, that you are but on the Bye, but *Raleigh* and I are on the Main.'

Brook's Examination read.

' Being ask'd what was meant by this Jargon, the Bye and the Main? he said, That the Lord *Cobham* told him, that *Grey* and others were in the Bye, he and *Raleigh* were on the Main. Being asked, what Exposition his Brother made of these Words? he said, he is loth to repeat it. And after faith, by the Main was meant the taking away of the King and his Issue; and thinks on his Conscience, it was infused into his Brother's Head by *Raleigh*.'

Cobham's Examination read.

' Being ask'd, if ever he had said, *It will never be well in England, till the King and his Cubs were taken away*; he said, he had answered before, and that he would answer no more to that Point.'

Raleigh. I am not named in all this: There is a Law of two sorts of Accusers, one of his own Knowledge, another by Hear-say.

E. of Suffolk. See the Case of *Arnold*.

Ld. Ch. Just. It is the Case of *Sir Will. Thomas*, and *Sir Nicholas Arnold*.

Raleigh. If this may be, you will have any Man's Life in a Week.

Attorn. *Raleigh* faith, that *Cobham* was in a Passion when he said so. Would he tell his Brother

any thing of Malice against *Raleigh*, whom he lov'd as his Life?

Raleigh. *Brook* never loved me; until his Brother had accused me, he said nothing.

Ld. Cecil. We have heard nothing that might lead us to think that *Brook* accused you, he was only in the surprizing Treason; for by accusing you he should accuse his Brother.

Raleigh. He doth not much care for that.

Ld. Cecil. I must judge the best. The Accusation of his Brother was not voluntary; he pared every thing as much as he could to save his Brother.

Cobham's Examination read.

' He saith he had a Book written against the
' Title of the King, which he had of *Raleigh*, and
' that he gave it to his Brother *Brook*: and *Raleigh*
' said it was foolishly written.'

Attorn. After the King came within twelve Miles of *London*, *Cobham* never came to see him; and intended to travel without seeing the Queen and the Prince. Now in this Discontentment you gave him the Book, and he gave it his Brother.

Raleigh. I never gave it him, he took it off my Table. For I well remember a little before that time I received a Challenge from *Sir Amias Preston*, and for that I did intend to answer it; I resolved to leave my Estate settled, therefore laid out all my loose Papers, amongst which was this Book.

Ld. Howard. Where had you this Book?

Raleigh. In the old Lord Treasurer's Study, after his Death.

Ld. Cecil. Did you ever shew or make known the Book to me?

Raleigh. No, my Lord.

Ld. Cecil. Was it one of the Books which was left to me or my Brother?

Raleigh. I took it out of the Study in my Lord Treasurer's House in the *Strand*.

Ld. Cecil. After my Father's decease, *Sir Walter Raleigh* desired to search for some Cosmographical Descriptions of the *Indies*, which he thought were in his Study, and were not to be had in Print; which I granted, and would have trusted *Sir Walter Raleigh* as soon as any Man: tho' since for some Infirmities, the Bands of my Affection to him have been broken; and yet reserving my Duty to the King my Master, which I can by no means dispense with, by God I love him, and have a great Conflict within my self: But I must needs say, *Sir Walter* used me a little unkindly to take the Book away without my knowledge; nevertheless, I need make no Apology in behalf of my Father, considering how useful and necessary it is for Privy Counsellors and those in his Place to intercept and keep such kind of Writings; for whosoever should then search his Study, may in all likelihood find all the notorious Libels that were writ against the late Queen; and whosoever should rummage my Study, or at least my Cabinet, may find several against the King, our Sovereign Lord, since his Accession to the Throne.

Raleigh. The Book was in Manuscript, and the late Lord Treasurer had wrote in the beginning of it with his own Hand, these Words, *This is the Book of Robert Snagg*. And I do own, as my Lord *Cecil* has said, that I believe they may

also find in my House, almost all the Libels that have been writ against the late Queen.

Attorn. You were no Privy-Counsellor; and I hope never shall be.

Ld. Cecil. He was not a sworn Counsellor of State, but he has been called to Consultations.

Raleigh. I think it a very severe Interpretation of the Law, to bring me within Compass of Treason for this Book, writ so long ago, of which nobody had read any more than the Heads of the Chapters, and which was burnt by *G. Brook* without my privity; admitting I had delivered the same to the Lord *Cobham*, without allowing or approving, but discommending it, according to *Cobham's* first Accusation: and put the Case, I should come to my Lord *Cecil*, as I have often done, and find a Stranger with him, with a Packet of Libels, and my Lord should let me have one or two of them to peruse: This I hope is no Treason.

Attorn. I observe there was Intelligence between you and *Cobham* in the *Tower*; for after he said, it was against the King's Title, he denied it again.

Sir Will. Wade. First my Lord *Cobham* confesseth it, and after he had subscribed it, he revoked it again: To me he always said, that the Drift of it was against the King's Title.

Raleigh. I protest before God, and all his Works, I gave him not the Book.

Note, *Sir Robert Wroth* speaketh, or whispereth something secretly.

Attorn. My Lords, I must complain of *Sir Robert Wroth*, he says this Evidence is not material.

Sir Rob. Wroth. I never spake the words.

Attorn. Let Mr. Serjeant *Philips* testify whether he heard him say the words or no.

Ld. Cecil. I will give my Word for *Sir Robert Wroth*.

Sir Rob. Wroth. I will speak as truly as you, Mr. Attorney, for by God I never spake it.

Ld. Ch. Just. Wherefore should this Book be burnt?

Raleigh. I burned it not.

Serjeant Philips. You presented your Friend with it when he was discontented. If it had been before the Queen's Death, it had been a less Matter; but you gave it him presently when he came from the King, which was the time of his Discontentment.

Raleigh. Here is a Book supposed to be treasonable; I never read it, commended it; or delivered it, nor urged it.

Attorn. Why this is cunning.

Raleigh. Every thing that doth make for me is cunning, and every thing that maketh against me is probable.

Attorn. Lord *Cobham* saith, that *Kemish* came to him with a Letter torn, and did wish him not to be dismay'd, for one Witness could not hurt him.

Raleigh. This poor Man hath been close Prisoner these eighteen Weeks; he was offered the Rack to make him confess. I never sent any such Message by him, I only writ to him, to tell him what I had done with Mr. Attorney; having of his at that time a great Pearl and a Diamond.

Ld. H. Howard. No Circumstance moveth me more than this. *Kemish* was never on the Rack, the King gave charge that no Rigour should be used.

Commissioners. We protest before God, there was no such matter intended to our knowledges.

Raleigh.

Raleigh. Was not the Keeper of the Rack sent for, and he threatned with it?

Sir W. Wade. When Mr. Solicitor and my self examined *Kemish*, we told him he deserved the Rack, but did not threaten him with it.

Commissioners. It was more than we knew.

Cobham's Examination read.

He saith, *Kemish* brought him a Letter from *Raleigh*, and that part which was concerning the Lords of the Council was rent out; the Letter contained that he was examined, and cleared himself of all; and that the Lord *H. Howard* said, because he was discontent, he was fit to be in the Action. And further, that *Kemish* said to him from *Raleigh* that he should be of good Comfort, for one Witness could not condemn a Man for Treason.

Ld. Cecil. *Cobham* was ask'd, whether, and when, he heard from you? he said, every day.

Raleigh. *Kemish* added more, I never bade him speak those Words.

Note, Mr. Attorney here offered to interrupt him.

Ld. Cecil. It is his last Discourse; give him leave, Mr. Attorney.

Raleigh. I am accused concerning *Arabella*, concerning Money out of *Spain*. My Lord Chief Justice saith, a Man may be condemned with one Witness, yea, without any Witnesses. *Cobham* is guilty of many things, *Conscientia mille Testes*; he hath accused himself, what can he hope for but Mercy? My Lords, vouchsafe me this Grace: Let him be brought, being alive, and in the House; let him avouch any of these things, I will confess the whole Indictment, and renounce the King's Mercy.

Ld. Cecil. Here hath been a touch of the Lady *Arabella Stuart*, a near Kinswoman of the King's. Let us not scandal the innocent by Confusion of Speech: She is as innocent of all these things as I, or any Man here; only she received a Letter from my Lord *Cobham*, to prepare her; which she laugh'd at, and immediately sent it to the King. So far was she from Discontentment, that she laugh'd him to scorn. But you see how far the Count of *Aremberg* did consent.

The Lord Admiral (*Nottingham*) being by in a Standing, with the Lady *Arabella*, spake to the Court.

The Lady doth here protest upon her Salvation, that she never dealt in any of these things; and so she willed me to tell the Court.

Ld. Cecil. The Lord *Cobham* wrote to my Lady *Arabella*, to know if he might come to speak with her, and gave her to understand, that there were some about the King that laboured to disgrace her; she doubted it was but a Trick. But *Brook* saith, his Brother moved him to procure *Arabella* to write Letters to the King of *Spain*; but he saith, he never did it.

Raleigh. The Lord *Cobham* hath accused me, you see in what manner he hath forsworn it. Were it not for his Accusation, all this were nothing. Let him be asked, if I knew of the Letter which *Lawrency* brought to him from *Aremberg*. Let me speak for my Life, it can be no hurt for him to be brought; he dares not accuse me. If you grant

me not this Favour, I am strangely used, *Campion* was not denied to have his Accusers face to face.

Ld. Ch. Just. Since he must needs have Justice, the acquitting of his old Friend may move him to speak otherwise than the Truth.

Raleigh. If I had been the Infuser of all these Treasons into him; you Gentlemen of the Jury, mark this, he said I have been the Cause of all his Miseries, and the Destruction of his House, and that all Evil hath happened unto him by my wicked Counsel: If this be true, whom hath he cause to accuse, and to be revenged on, but on me? And I know him to be as revengeful as any Man on Earth.

Attorn. He is a Party, and may not come; the Law is against it.

Raleigh. It is a Toy to tell me of Law; I defy such Law, I stand on the Fact.

Ld. Cecil. I am afraid my often speaking (who am inferior to my Lords here present) will make the World think I delight to hear my self talk. My Affection to you, Sir *Walter Raleigh*, was not extinguished, but slaked, in regard of your Deserts. You know the Law of the Realm (to which your Mind doth not contest) that my Lord *Cobham* cannot be brought.

Raleigh. He may be, my Lord.

Ld. Cecil. But dare you challenge it?

Raleigh. No.

Ld. Cecil. You say that my Lord *Cobham*, your main Accuser, must come to accuse you. You say he hath retracted: I say, many Particulars are not retracted. What the Validity of all this is, is merely left to the Jury. Let me ask you this, If my Lord *Cobham* will say you were the only Instigator of him to proceed in the Treasons, dare you put your self on this?

Raleigh. If he will speak it before God and the King, that ever I knew of *Arabella's* Matter, or the Money out of *Spain*, or of the surprising Treason; I put my self on it, God's Will and the King's be done with me.

Ld. H. Howard. How! if he speak things equivalent to that you have said?

Raleigh. Yes, in the main Point.

Ld. Cecil. If he say, you have been the Instigator of him to deal with the *Spanish* King, had not the Council cause to draw you hither?

Raleigh. I put my self on it.

Ld. Cecil. Then, Sir *Walter Raleigh*, call upon God, and prepare your self; for I do verily believe my Lords will prove this. Excepting your faults (I call them no worse) by God I am your Friend. The Heat and Passion in you, and the Attorney's Zeal in the King's Service, makes me speak this.

Raleigh. Whosoever is the Workman, it is reason he should give an account of his Work to the Work-master. But let it be proved that he acquainted me with any of his Conferences with *Aremberg*: he would surely have given me some Account.

Ld. Cecil. That follows not: If I set you on work, and you giue me no account, am I therefore innocent?

Attorn. For the Lady *Arabella*, I said she was never acquainted with the matter. Now that *Raleigh* had Conference in all these Treasons, it is manifest: The Jury hath heard the matter. There is one *Dyer*, a Pilot, that being in *Lisbon*, met with

a *Portugal* Gentleman who ask'd him if the King of *England* was crown'd yet? To whom he answered, *I think not yet, but he shall be shortly.* Nay, saith the *Portugal*, that shall never be, for his Throat will be cut by *Don Raleigh* and *Don Cobham* before he be crowned.

Dyer was called and sworn, and deliver'd this Evidence.

Dyer. I came to a Merchant's House in *Lisbon*, to see a Boy that I had there; there came a Gentleman into the House, and enquiring what Countryman I was, I said, an *Englishman*. Whereupon he asked me, if the King was crowned? And I answered, No, but that I hoped he should be so shortly. Nay, saith he, he shall never be crowned; for *Don Raleigh* and *Don Cobham* will cut his Throat ere that Day come.

Raleigh. What infer you upon this?

Attorn. That your Treason hath Wings.

Raleigh. If *Cobham* did practise with *Aremberg*, how could it not but be known in *Spain*? Why did they name the Duke of *Buckingham* with *Jack Straw's* Treason, and the Duke of *York* with *Jack Cade*, but that it was to countenance his Treason?

Consider you Gentlemen of the Jury, there is no Cause so doubtful which the King's Counsel cannot make good against the Law. Consider my Disability, and their Ability: They prove nothing against me, only they bring the Accusation of my Lord *Cobham*, which he hath lamented and repented as heartily, as if it had been for an horrible Murder: for he knew that all this Sorrow which should come to me, is by his means. Presumptions must proceed from precedent or subsequent Facts. I have spent 40000 Crowns against the *Spaniard*. I had not purchased 40 Pound a Year. If I had died in *Guiana*, I had not left 300 Marks a Year to my Wife and Son. I that have always condemned the *Spanish* Faction, methinks it is a strange thing that now I should affect it! Remember what *St. Austin* says, *Sic judicate tanquam ab alio mox judicandi; unus judex, unum Tribunal.* If you would be contented on Presumptions to be delivered up to be slaughtered, to have your Wives and Children turned into the Streets to beg their Bread; if you would be contented to be so judged, judge so of me.

Serj. Philips. I hope to make this so clear, as that the Wit of Man shall have no Colour to answer it. The Matter is Treason in the highest Degree, the End to deprive the King of his Crown. The particular Treasons are these: First, to raise up Rebellion, and to effect that, to procure Money; to raise up Tumults in *Scotland*, by divulging a treasonable Book against the King's Right to the Crown; the purpose, to take away the Life of his Majesty and his Issue. My Lord *Cobham* confesseth *Sir Walter Raleigh* to be guilty of all these Treasons. The Question is, whether he be guilty as joining with him, or instigating of him? The Course to prove this, was by my Lord *Cobham's* Accusation. If that be true, he is guilty; if not, he is clear. So whether *Cobham* say true, or *Raleigh*, that is the Question. *Raleigh* hath no Answer. but the Shadow of as much Wit, as the Wit of Man can devise. He useth his bare Denial; the Denial of a Defendant must not move the Jury. In the Star-Chamber, or in the Chancery,

for matter of Title, if the Defendant be called in question, his Denial on his Oath is no Evidence to the Court to clear him, he doth it *in propria causa*; therefore much less in Matters of Treason. *Cobham's* Testification against him before then, and since, hath been largely discoursed.

Raleigh. If Truth be constant, and Constancy be in Truth, why hath he forsworn that that he hath said? You have not proved any one thing against me by direct Proofs, but all by Circumstances.

Attorn. Have you done? The King must have the last.

Raleigh. Nay, Mr. Attorney, he which speaketh for his Life, must speak last. False Repetitions and Mistakings must not mar my Cause. You should speak *secundum allegata & probata*. I appeal to God and the King in this Point, whether *Cobham's* Accusation be sufficient to condemn me?

Attorn. The King's Safety and your Clearing cannot agree. I protest before God, I never knew a clearer Treason.

Raleigh. I never had intelligence with *Cobham* since I came to the *Tower*.

Attorn. Go to, I will lay thee upon thy Back, for the confidentest Traitor that ever came at a Bar. Why should you take 8000 Crowns for a Peace?

Ld. Cecil. Be not so impatient, good Mr. Attorney, give him leave to speak.

Attorney. If I may not be patiently heard, you will encourage Traitors, and discourage us. I am the King's sworn Servant, and must speak: If he be Guilty, he is a Traitor; if not, deliver him.

Note. Here Mr. Attorney sat down in a Chafe, and would speak no more, until the Commissioners urged and intreated him. After much ado, he went on, and made a long Repetition of all the Evidence, for the Direction of the Jury; and at the repeating of some things, *Sir Walter Raleigh* interrupted him, and said, he did him wrong.

Attorney. Thou art the most vile and execrable Traitor that ever lived.

Raleigh. You speak indiscreetly, barbarously and uncivilly.

Attorney. I want Words sufficient to express thy viperous Treasons.

Raleigh. I think you want Words indeed, for you have spoken one thing half a dozen times.

Attorney. Thou art an odious Fellow, thy Name is hateful to all the Realm of *England* for thy Pride.

Raleigh. It will go near to prove a measuring Cast between you and me, Mr. Attorney.

Attorney. Well, I will now make it appear to the World, that there never lived a viler Viper upon the face of the Earth than thou. And therewithal he drew a Letter out of his Pocket, saying further, My Lords, you shall see, this is an Agent that hath writ a Treatise against the *Spaniard*, and hath ever so detested him; this is he that hath spent so much Money against him in Service; and yet you shall all see whether his Heart be not wholly *Spanish*. The Lord *Cobham*, who of his own Nature was a good and honourable Gentleman, till overtaken by this Wretch, now finding his Conscience heavily burdened with some Courses which the Subtilty of this Traitor had drawn him into; my Lords, he could be at no rest with

with himself, nor quiet in his thoughts, until he was eased of that heavy Weight: out of which Passion of his Mind, and Discharge of his Duty to his Prince, and his Conscience to God, taking it upon his Salvation that he wrote nothing but the Truth, with his own Hands he wrote this Letter. Now, Sir, you shall see whether you had Intelligence with *Cobham*, within four days before he came to the *Tower*. If he be wholly *Spanish*, that desired a Pension of 1500l. a Year from *Spain*, that *Spain* by him might have Intelligence, then *Raleigh* is a Traitor: He hath taken an Apple, and pinned a Letter unto it, and threw it into my Lord *Cobham's* Window; the Contents whereof were this, *It is doubtful whether we shall be proceeded with or no, perhaps you shall not be tried.* This was to get a Retraction. Oh! it was *Adam's* Apple, whereby the Devil did deceive him. Further, he wrote thus. *Do not as my Lord of Essex did; take heed of a Preacher; for by his Persuasion he confessed, and made himself guilty.* I doubt not but this day God shall have as great a Conquest by this Traitor, and the Son of God shall be as much glorified, as when it was said, *Viciisti Galilee*; you know my Meaning. What tho' *Cobham* retracted, yet he could not rest nor sleep till he confirmed it again. If this be not enough to prove him a Traitor, the King my Master shall not live three years to an end.

Nota, Here Mr. Attorney produced the Lord *Cobham's* Letter, and as he read it, inserted some Speeches.

I Have thought fit to set down this to my Lords, wherein I protest on my Soul to write nothing but the Truth. I am now come near the period of my time, therefore I confess the whole Truth before God and his Angels. *Raleigh*, four days before I came from the *Tower*, caused an Apple (*Et Apple*) to be thrown in at my Chamber-Window; the effect of it was, to intimate to right the Wrong that I had done him, in saying, *that I should have come home by sea*; which under my hand to him I have retracted. His first Letter I answered not, which was thrown in the same manner; wherein he prayed me to write him a Letter, which I did. He kept me word, that the Judges met at Mr. Attorney's House, and that there was good hope the Proceedings against us should be stayed: He sent me another time a little Tobacco. At *Armenberg's* coming, *Raleigh* was to have procured a Pension of fifteen hundred Pounds a Year, for which he promised, that no Action should be against *Spain*, the *Low-Countries*, or the *Indies*; but he would give knowledge beforehand. He told me, the States had Audience with the King. (*Attorney, Ab! is not this a Spanish Heart in an English Body?*) He hath been the original Cause of my Ruin; for I had no dealing with *Armenberg*, but by his Instigation. He hath also been the cause of my Discontentment; he advised me, not to be overtaken with Preachers, as *Essex* was; and that the King would better allow of a constant Denial, than to accuse any.

Attorney. Oh damnable Atheist! He hath learned some Text of Scripture to serve his own purpose, but falsely alledg'd. He counsels him not to

be counselled by Preachers, as *Essex* was: He died the Child of God, God honoured him at his Death; thou wast by when he died: *Et Lupus & turpes insiant morientibus Urse.* He died indeed for his Offence. The King himself spake these Words; *He that shall say, Essex died not for Treason, is punishable.*

Raleigh. You have heard a strange Tale of a strange Man. Now he thinks, he hath Matter enough to destroy me; but the King and all of you shall witness, by our Deaths, which of us was the Ruin of the other. I bid a poor Fellow throw in the Letter at his Window, written to this purpose; *You know you have undone me, now write three Lines to justify me.* In this I will die, that he hath done me wrong: Why did not he acquaint him with my Dispositions?

Ld. Ch. Just. But what say you now of the Letter, and the Pension of 1500l. *per annum*?

Raleigh. I say, that *Cobham* is a base, dishonourable, poor Soul.

Attorney. Is he base? I return it into thy Throat on his behalf: But for thee, he had been a good Subject.

Ld. Ch. Just. I perceive you are not so clear a Man, as you have protested all this while; for you should have discovered these Matters to the King.

Nota, Here *Raleigh* pulled a Letter out of his Pocket, which the Lord *Cobham* had written to him, and desired my Lord *Cecil* to read it, because he only knew his Hand; the effect of it was as follows:

Cobham's Letter of Justification to Raleigh.

Seeing my self so near my End, for the discharge of my own Conscience, and freeing my self from your Blood, which else will cry Vengeance against me; I protest upon my Salvation I never practised with *Spain* by your Procurement; God so comfort me in this my Affliction, as you are a true Subject, for any thing that I know. I will say as *Daniel*, *Purus sum a sanguine bujus.* So God have mercy upon my Soul, as I know no Treason by you.

Raleigh. Now I wonder how many Souls this Man hath! He damns one in this Letter, and another in that

Here was much ado: Mr. Attorney alledged, that his last Letter was politickly and cunningly urged from the Lord *Cobham*, and that the first was simply the Truth; and that lest it should seem doubtful that the first Letter was drawn from my Lord *Cobham* by promise of Mercy, or hope of Favour, the Lord Chief Justice willed that the Jury might herein be satisfied.

Whereupon the Earl of *Devonshire* delivered, that the same was meer voluntary, and not extracted from the Lord *Cobham* upon any Hopes or Promise of Pardon.

Nota, This was the last Evidence: whereupon a Marshal was sworn to keep the Jury private. The Jury departed, and staid not a quarter of an hour, but returned, and gave their Verdict, Guilty.

Serj.

Serj. Heale demanded Judgment against the Prisoner.

Clerk of the Crown. Sir *Walter Raleigh*, Thou hast been indicted, arraigned, and pleaded Not Guilty, for all these several Treasons; and for Trial thereof, hast put thy self upon thy Country; which Country are these, who have found thee Guilty. What canst thou say for thy self, why Judgment and Execution of Death should not pass against thee?

Raleigh. My Lords, the Jury have found me Guilty: They must do as they are directed. I can say nothing why Judgment should not proceed. You see whereof *Cobham* hath accused me: You remember his Protestations, that I was never Guilty. I desire the King should know of the Wrongs done unto me since I came hither.

Ld. Chief Just. You have had no Wrong, Sir *Walter*.

Raleigh. Yes, of Mr. Attorney. I desire my Lords to remember three things to the King. 1. I was accused to be a Practiser with *Spain*: I never knew that my Lord *Cobham* meant to go thither; I will ask no Mercy at the King's hands, if he will affirm it. 2. I never knew of the Practice with *Arabella*. 3. I never knew of my Lord *Cobham's* Practice with *Aremberg*, nor of the surprising Treason.

Ld. Ch. Just. In my Conscience, I am persuaded that *Cobham* hath accused you truly. You cannot deny, but that you were dealt with to have a Pension to be a Spy for *Spain*; therefore you are not so true to the King as you have protested your self to be.

Raleigh. I submit my self to the King's Mercy; I know his Mercy is greater than my Offence. I recommend my Wife, and Son of tender years, unbrought up, to his Compassion.

Ld. Ch. Just. I thought I should never have seen this Day, to have stood in this Place to give Sentence of Death against you; because I thought it impossible, that one of so great Parts should have fallen so grievously. God hath bestowed on you many Benefits. You had been a Man fit and able to have served the King in good Place. You had brought your self into a good State of Living; if you had enter'd into a good Consideration of your Estate, and not suffered your own Wit to have intrapped your self, you might have lived in good Comfort. It is best for Man not to seek to climb too high, lest he fall: nor yet to creep too low, lest he be trodden on. It was the Poesy of the wisest and greatest Counsellor of our time in *England*, *In medio spatio mediocria firma locantur*. You might have lived well with 3000 l. a Year, for so I have heard your Revenues to be. I know nothing might move you to be discontented; but if you had been down, you know Fortune's Wheel, when it is turned about, riseth again. I never heard that the King took away any thing from you, but the Captainship of the Guard, which he did with very good reason, to have one of his own Knowledge, whom he might trust, in that Place. You have been taken for a wise Man, and so have shewed Wit enough this day. Again, for Monopolies for Wine, &c. if the King had said, It is a Matter that offends my People, should I burden them for your private Good? I think you could not well take it hardly, that his Subjects were eased thro' by your private Hindrance. Two Vices have lodged chiefly in you; one is an eager Ambition, the other corrupt Covetousness. Ambition, in

desiring to be advanced to equal Grace and Favour, as you have been before-time; that Grace you had then, you got not in a Day or Year. For your Covetousness, I am sorry to hear that a Gentleman of your Wealth should become a base Spy for the Enemy, which is the vilest of all other; wherein on my Conscience *Cobham* hath said true: by it you would have increased your Living 1500 l. a Year. This Covetousness is like a Canker, that eats the Iron Place where it lives. Your Case being thus, let it not grieve you, if I speak a little out of Zeal, and Love to your Good. You have been taxed by the World, with the Defence of the most heathenish and blasphemous Opinions, which I list not to repeat, because Christian Ears cannot endure to hear them, nor the Authors and Maintainers of them be suffered to live in any Christian Commonwealth. You know what Men said of *Harpool*. You shall do well, before you go out of the World, to give Satisfaction therein, and not to die with these Imputations on you. Let not any Devil persuade you to think there is no Eternity in Heaven: for if you think thus, you shall find Eternity in Hell-Fire. In the first Accusation of my Lord *Cobham*, I observed his Manner of speaking; I protest before the Living God, I am persuaded he spoke nothing but the Truth. You wrote, that he should not in any case confess any thing to a Preacher, telling him an Example of my Lord of *Essex*, that noble Earl that is gone; who, if he had not been carried away with others, had lived in Honour to this Day among us: He confessed his Offences, and obtained Mercy of the Lord, for I am verily persuaded in my Heart, he died a worthy Servant of God. Your Conceit of not confessing any thing, is very inhuman and wicked. In this World is the time of confessing, that we may be absolv'd at the Day of Judgment. You have shewed a fearful Sign of denying God, in advising a Man not to confess the Truth. It now comes in my mind, why you may not have your Accuser come face to face: for such an one is easily brought to retract, when he seeth there is no hope of his own Life. It is dangerous that any Traitors should have Access to, or Conference with one another; when they see themselves must die, they will think it best to have their Fellow live, that he may commit the like Treason again, and so in some sort seek Revenge.

Now it resteth to pronounce the Judgment, which I wish you had not been this day to have received of me: For if the Fear of God in you had been answerable to your other great Parts; you might have lived to have been a singular good Subject. I never saw the like Trial, and hope I shall never see the like again.

The Judgment.

But since you have been found guilty of these horrible Treasons, the Judgment of this Court is, That you shall be had from hence to the Place whence you came, there to remain until the day of Execution; and from thence you shall be drawn upon a Hurdle thro' the open Streets to the Place of Execution, there to be hanged and cut down alive, and your Body shall be opened, your Heart and Bowels pluck'd out, and your Privy Members cut off, and thrown into the Fire before your Eyes; then your Head to be stricken off from your Body, and your Body shall be divided