

with a mishapen Argument in Logicke, and you will giue mee leaue, I will make another.

*Stanforde.* The Judges sit not here to make Disputations, but to declare the Law, which hath bene sufficiently done, if you woulde consider it.

*Hare.* You haue hearde Reason and the Lawe, if you will conceyue it.

*Throckmorton.* Oh mercifull God! Oh eternall Father, which seeft all things, what maner of Proceedings are these? To what purpose serueth the Statute of Repeale the last Parliament, where I hearde some of you here present, and diuerse other of the Queenes learned Counsayle, grievously inuey against the cruell and bloudie Lawes of King *Henrie* the Eyght, and against some Lawes made in my late Sovereigne Lorde and Maisters time, King *Edwarde* the sixth? some termed them *Draco's Lawes*, whiche were written in Bloude: Some sayde they were more intolerable than any Lawes, that *Dionysus* or any other Tyraunt made. In conclusion, as many Men, so manye bitter Termes and Names those Lawes had. And moreouer, the Preface of the same Estatute doth recite, that for Wordes onely, many great Personages, and others of good Behaviour, hath bene most cruelly cast awaye by these former sanguinolent thirstie Lawes, with many other Suggestions for the Repeale of the same. And now let vs put on indifferent Eyes, and throughly consider with our selues, as you the Judges handle the Construtions of the Statute of *Edwarde* the Thirde, with your Equitie and Extensions, whether we be not in much wors Case now than we were when those cruel Lawes yoked vs. These Lawes albeit they were grievous and captious, yet they had the verie Propertie of a Lawe after *S. Pauls* Description: For those Lawes did admonish us, and discover our Sinnes plainly vnto vs; and when a Man is warned, hee is halfe armed. These Lawes, as they bee handled, be very Baytes to catch us, and onely prepared for the same, and no Lawes; for at the first sight they ascertain vs we be deliuered from our olde Bondage, and by the late Repeale the last Parliament we liue in more Securitie. But when it pleaseth the higher Powers to call any Mannes Lyfe and Sayings in question, then there be Construtions, Interpretations, and Extensions referued to the Iustices and Judges Equitie, that the Partie triable, as I am nowe, shall finde himselfe in much worse case, than before when those cruell Lawes stode in force. Thus our Amendement is from God's Blessing into the warme Sunne; but I require you honest Men, whiche are to trie my Life, consider these Opinions of my Life: Judges be rather agreeable to the Time, than to the Truth; for their Judgments be repugnant to their owne Principle, repugnant to their godly and best learned Predecessors Opinions, repugnant, I say, to the Prouiso in the Statute of Repeale made in the last Parliament.

*Attorney.* Maister *Throckmorton*, quiet your selfe, and it shall be the better for you.

*Throckmorton.* Maister *Attorney*, I am not so vnquiet as you be, and yet our Cases are not alike; but bicause I am so tedious to you, and haue long troubled this Presence, it may please my Lorde Chief Justice to repeate the Euidence, wherewith I am charged, and my Aunswers to all the Objections, if there be no other matter to laye against me.

Then the Chief Justice *Bromley* remembered par-

ticularly all the Depositions and Euidences giuen against the Prisoner, and eyther for wante of good Memorie, or good Will, the Prisoners Aunsweres were in part not recited: wherevpon the Prisoner craued Indifferencie, and did helpe the Judges olde Memorie with his owne Recital.

*Sendall.* My Maisters of the Jurie, you haue to inquire, whether Sir *Nicholas Throckmorton* Knight, here Prisoner at the Barre, be guiltie of these Treasons, or any of them, whereof he hath bene indited and this daye arreigned, yea or no: And if you finde him guiltie, you shall enquire what Landes, Tenements, Goodes, and Cattelles he had at the Day of his Treasons committed, or at anye time since; and whether he fledde for the Treasons or no, if you finde him not guiltie.

*Throckmorton.* Haue you sayde what is to be sayd?

*Sendall.* Yea, for this time.

*Throckmorton.* Then I pray you giue me leaue to speake a fewe Words to the Jurie: The Weyght and Grauitie of my Cause hath greatly occasioned me to trouble you here long, and therefore I minde not to entertain you here long with any prolix Oration: You perceyue notwithstanding this daye great Contention betwixt the Judges and the Queenes learned Counsayle on the one partie, and mee the poore and wofull Prisoner on the other partie. The Triall of our whole Controuersie, the Triall of my Innocencie, the Triall of my Lyfe, Landes, and Goodes, and the Destruction of my Posteritie for euer, doth rest in your good Judgements. And albeit many this daye haue greatly inueyghed against me, the finall Determination thereof is transferred onely to you: howe grievous and horrible the shedding of Innocents Bloude is in the sighte of Almightye God, I trust you do remember. Therefore take heede, I saye, for Christes sake, do not defile your Consciences with such heynous and notable Crimes; they bee grievously and terribly punished, as in this Worlde and Vale of Miseric vpon the Childrens Children to the thirde and fourth Generation, and in the worlde to come with euerlasting Fire and Damnation. Lift up your Minds to God, and care not too muche for the Worlde; looke not backe to the Fleshpots of *Egypte*, whiche will allure you from heauenly Respects to worldly Securitie, and can thereof neyther make you anye Suretie. Believe I pray you, the Queene and hir Magistrates be more delighted with favourable Equitie, than with rashe Crueltie; and in that you be al Citizens, I will take my leaue of you with *S. Pauls* farewell to the *Ephesians*, Citizens also you be, whome he tooke to recorde that he was pure from shedding any Bloude; a special Token, a Doctrin left for your Instruction, that euerye of you may washe his Handes of Innocents Bloude shedde, when you shall take your leaue of this wretched Worlde; the Holy Ghost be amongst you.

*Sendall.* Come hither, Sergeaunt, take the Jurye with you, and suffer no Man to come at them, but to be ordered as the Lawe appointeth, vntill they be agreed vpon their Verdit.

*Throckmorton.* It may please you my Lordes and Maisters which be Commissioners, to give order, that no Person haue Access or Conference with the Jurie, neither that any of the Queenes learned Counsayle be suffered to repayre to them, or to talke with any of them, vntil they present themselves here in open Court, to publish their Verdit.

Upon the Prisoners Suite on this behalfe, the

Benche

Benche gaue Order, that two Sergeantes were sworne to suffer no Man to repaire to the Jurie, vntill they were agreed.

Then the Prisoner was by Commandement of the Benche withdrawne from the Barre, and the Court adjourned vntill three of the Clocke at Afternoone; at whiche houre the Commissioners returned to the *Guildeball*, and there did carrie vntill the Jurie were agreed vpon the Verdit. And aboute five of the Clocke, their Agreement being aduertised to the Commissioners, the sayde Prisoner, Sir *Nicholas Throckmorton*, was again brought to the Barre, where also the Jurie did repaire; and being demaunded whether they were agreed vpon their Verdit, answered vniuersally with one Voyce, Yea. Then it was asked, who shoulde speake for them; they answered, *Whetston* the Foreman.

*Sendall*. *Nicholas Throckmorton* Knight, holde vp thy Hande.

Then the Prisoner did so vpon the Summons.

*Sendall*. You that bee of the Jurie, looke vpon the Prisoner.

The Jurie did as they were enjoyned.

*Sendall*. Howe saye you, is Maister *Throckmorton* Knight, there Prisoner at the Barre, guiltie of the Treasons whereof he hathe bin indicted and arraigned in manner and forme, yea or no?

*Whetston*. No.

*Sendall*. How say you, did he flie upon them?

*Whetston*. No, we finde no such thing.

*Throckmorton*. I hadde forgot to aunswere that Question before; but you haue founde according to Truth: And for the better Warrantie of your Dooings, vnderstande that I came to *London*, and so to the Queenes Counsell vnbroughte, when I vnderstoode they demaunded for me; and yet I was almoste an hundred miles hence, where if I had not presumed vpon my Truthe, I coulde haue withdrawen my selfe from catching.

*Bromley*. How saye you the reste of ye, is *Whetston's* Verdict all your Verdicts?

The whole Inquest answered yea.

*Bromley*. Remember youre selues better, haue you considered substantially the whole Euidence in forte as it was declared and recited? the Matter dothe touche the Queenes Highnesse, and your selues also, take good heede what you doe.

*Whetston*. My Lorde, wee haue throughly considered the Euidence laide agaynste the Prisoner, and his Aunsweres to all these Matters, and accordingly wee haue founde him not guiltie, agreeable to all our Consciences.

*Bromley*. If you haue done well, it is the better for you.

*Throckmorton*. It is better to be tried, than to liue suspected: *Blessed be the Lord God of Israel, for he hath visited and redeemed his People, and hathe raised up a mightie Saluation for vs in the House of his Seruaunte David.* And it maye please you my Lorde Chiefe Justice, forasmuche as I haue ben indicted and arraigned of sundry Treasons, and haue according to the Lawe put my Triall to God and my Countrey, that is to say, to these honest Men whiche haue founde me not gilty; I humbly besecche you to giue me such Benefite, Acquittall, and Judgement, as the Lawe in this Case doth appointe.

When the Prisoner had saide these wordes, the Commissioners consulted together.

*Throckmorton*. Maye it please you my Lorde Chiefe Justice, to pronounce Sentence for my Discharge.

*Bromley*. Where as you doe aske the Benefite that the Lawe in suche Case dothe appointe, I will giue it you, viz. That where you haue bene indicted of sundrye highe Treasons, and haue bene here this Daye before the Queenes Commissioners and Justices arraigned of the saide Treasons, wherevnto you haue pleaded not guiltye, and haue for Triall therein putte youre selfe on God and youre Countrey, and they haue founde you not guiltye, the Courte dothe award that you be clerly discharged paying your Fees. Notwithstanding, Mayster Lieutenant, take hym with you agayne, for there are other Matters to charge hym with.

*Throckmorton*. It may please you my Lords and Maisters of the Queenes Highnes Priuie Counsel, to be on my behalfe humble Sutors to hir Majestie, that like as the Lawe this daye (God be praised) hathe purged mee of the Treasons wherewith I was most dangerously charged, so it might please hir Excellent Majestie to purge me in hir priuate Judgemente, and both forgyue and forgette my ouer rashe Boldnesse, that I vsed in Talke of hir Highnesse Marriage with the Prince of *Spaine*, Matters too farre aboue my Capacitie, and I very vnable to consider the Gravitie therof; a Matter impertinent for me a private Person to talke of, which did appertain to hir Highnesse Priuy Counsel to haue in Deliberation: and if it shall please hir Highnesse of hir bountifull Liberalite, to remitte my former Ouersightes, I shall thinke my selfe happye for Triall of the Daunger that I haue this daye escaped, and may thereby admonishe mee to eschewe thinges aboue my reache, and also to instructe mee to deale with matters agreeable to my Vocation; and God saue the Queenes Majestie, and graunte the same long to raigne ouer us, and the same Lorde bee praised for you the Magistrates, before whom I haue hadde my Triall this daye indifferentlye by the Lawe, and you haue proceeded with mee accordinglye, and the Grace of God bee amongst you now and euer.

There was no Aunswere made by any of the Benche to the Prisoners Sute, but the *Attorney* did speake these wordes:

*Attorney*. And it please you, my Lordes, forasmuche as it seemeth these Men of the Jurie which haue straungely acquitte the Prisoner of his Treasons whereof hee was indicted, will forthwith departe the Courte; I praye you for the Queene, that they, and euery of them, maye bee bounde in a Recognizance of fye hundrethe Pounds apeece, to aunswere to suche Matters as they shall be charged with in the Queenes behalfe, whensoever they shall be charged or called.

*Whetston*. I praye you, my Lordes, be good vnto vs, and let us not be molested for discharging our Consciences truelye; we bee poore Marchant-men, and haue great Chardge vpon our hands, and our Lyuynges doe depende vpon our Trauailes; therefore it maye please you to ap-  
poynte vs a certaine Daye for our Appearance, bycause perhappes else some of vs maye bee in forreigne Partes aboute our Businesse. The Court being dissatisfy'd with the Verdict, committed the Jury to Prison.

*Proceedings against Sir Nicholas Throckmorton's Jury\*.*

**O**N Friday the 26th of October, those Men who had been of *Throckmorton's* Inquest, being in number eight (for the other four were delivered out of Prison, for that they submitted themselves, and said they had offended) whereof *Emanuel Lucar* and *Whetston* were chief, were call'd before the Council in the Star-Chamber, where they affirmed, that they had done all things in that matter according to their Knowledge, and with good Consciences, even as they should answer before God at the Day of Judgment; and *Lucar* said openly before all the Lords, that they had done in the matter like honest Men, and true and faithful Subjects; and therefore they humbly besought the Lord Chancellor and the other Lords to be means to the King's and Queen's Majesties, that they might be discharg'd and set at liberty, and said, that they were all contented to submit themselves to their Majesties, saving and reserving their Truth, Consciences and Honesties. The Lords taking their Words in evil part, judged them worthy to pay excessive Fines; some said they were worthy to pay a thousand Pounds apiece, others that *Lucar* and *Whetston* were worthy to pay a thousand Marks apiece, and the rest five hundred Pounds apiece. In conclusion, Sentence

was given by the Lord Chancellor, that they should pay a thousand Marks apiece the least, and that they should go to Prison again, and there remain, 'till further Order were taken for their Punishment.

Upon Saturday the 10th of November, the Sheriffs of London had commandment to take an Inventory of each one of their Goods, and to seal up their Doors, which was done the same Day.

*Whetston*, *Lucar* and *Kightlie* were adjudged to pay two thousand Pounds apiece, and the rest a thousand Marks apiece, to be paid within one Fortnight after. From this Payment were exempted those four, who had confessed their Fault, and submitted themselves, viz. *Loe*, *Pointer*, *Beswicke*, and *Cater*.

Upon Wednesday the 12th of December five of the eight Jurors, who lay in the Fleet, were discharg'd and set at Liberty upon paying their Fines, which were two hundred and twenty Pounds apiece. The other three put up a Supplication, therein declaring their Goods did not amount to the Sum of that, which they were appointed to pay; and so upon that Declaration, paying three-score Pounds apiece, they were deliver'd out of Prison on St. Thomas's Day, being the 21st of December.

## VI. *The Trial of JAMES EARL BOTHWELL, for the Murder of Henry Lord Darnley, Husband to Mary Queen of Scots, at the Senate-House of Edinburgh, April 12. 1567. the 9th of Eliz †.*

**A**T the Justice Court of our Sovereign Lady the Queen, held and begun in the Senate-House of *Edinburgh*, the 12th Day of *April*, 1567. by the noble and potent Lord *Archibald* Earl of *Argyle*, Lord *Campbel*, and Lord Justice General for our Sovereign Lady, in all the Parts of her Realm, where there's a Convention and lawful Assembly of Judges.

In this Court appear'd personally in Judgment Mr. *John Spence* of *Conde*, and *Robert Crichton* of *Choc*, Advocates for our Sovereign Lady, and in her Name; and there the said Mr. *John Spence* produc'd Letters from our said Sovereign Lady, executed and indors'd with the Summons: the Tenor of which Letters, Endorsements, and Summons hereafter follows.

*The Commission of Mary Queen of Scots, to try James Earl Bothwell, for the Murder of her Husband Henry Lord Darnley.*

**M**ART, by the Grace of God, Queen of *Scotland*. To our beloved Masters *William Purves*, *William Lawson*, *Gawin Ramsay* Messen-

gers, ours Sheriffs in that part conjunctly and severally constitute, Greeting. Whereas it has been most humbly remonstrated to us by our beloved and faithful Counsellors, Mr. *John Spence* of *Conde*, and *Robert Crichton* of *Choc*, our Advocates, that they are inform'd that our well-beloved Cousin and Counsellor *Matthew* Earl of *Lennox*, Father of our most dear Spouse, has asserted, That *James* Earl *Bothwell*, Lord *Hallis* and *Creyghton*, &c. and some others, were the Contrivers of the traitorous, cruel, detestable, and abominable Murder of his Highness, committed the 9th day of *February* last past, in the dead of the Night, in his Palace, for the time being, in our City of *Edinburgh*, near the Church in the Fields, wilfully and with premeditated Felony; and have declar'd their Suspicion of the said Earl and others, as having committed the said cruel and horrid Murder. And having therefore resolv'd that the Truth of it should be try'd, in a Course of Justice, with all possible Diligence and Brevity, we have, by Advice of the Lords of our Privy-Council, and also at the humble Request and Petition of the said Earl *Bothwell* made to us, and in our Presence, offering to submit himself to a fair Trial of what he

\* Holin. Vol 3 p. 1121, 1126.

† Buchan. Hist. of Scotl. Book 18. Appendix to Buchan Hist. p. 30.

he is charg'd with, according to the Laws of the Land, order'd a Court of Justice to meet in the Senate-House of *Edinburgh* on the 12th of *April* next ensuing, in order to do Justice upon the said Earl and others for committing the said cruel and abominable Crime and Offence, as is more at large set forth in an Act inserted in the Registers of our said Privy-Council. Therefore it is our Pleasure, and we enjoin and command you most expressly, that, incontinent these our Letters seen, you proceed, and, in our Name and Authority, summon the said *Matthew* Earl of *Lennox*, at his own House, to appear together with all others of our Subjects, having and pretending to have Interest in this Cause, by publick Proclamation made at the Mercat Crosses of our Towns of *Edinburgh, Dumbarton, Glasgow, Lanerk*, and other Places necessary, to the end that they may appear before our Judges, or their Deputies, in our Senate-House at *Edinburgh*, on the said 12th day of *April* next ensuing, and join with us in the Prosecution of this Cause, by giving them a Summons. And in case that they don't appear, we order that our Judges, or their Deputies, shall proceed and give Sentence the same day, according to the Laws and Customs of our Realm, without any farther Delay or Prolongation; and that you summon every one of them to appear the same day, under the Penalty of a Fine of 40*l.* Sterling, for which they shall answer before us as for their own Act and Deed. And for this end, we give to every one of you conjunctly and severally our full Power, by these our Letters, to the intent that you may deliver and execute them duly, and indorse them to him who shall be the Bearer thereof. Given under our Seal at *Edinburgh* the 27th day of *March*, and of our Reign the 25th, in the year 1567. Sign'd accordingly by Advice of the Queen's Council,

MARY.

What was indors'd on the back of the said Commission.

The 19th day of *March*, 1567. I *William Purves*, Messenger and Sheriff constitute for that part, according to the Command of the Letters of our Sovereign Lady, and in her Name and Authority, have summon'd *Matthew* Earl of *Lennox*, and all others of her Majesty's Subjects, having and pretending to have Interest in what is within specify'd, by publick Proclamation, made at the Mercat Cross of the City of *Edinburgh*, in order to appear before the Judges or their Deputies, in the Senate-House at *Edinburgh*, the 12th day of *April* next ensuing, and to prosecute and join with our said Sovereign Lady, in the Cause herein set forth, with the Summons as it is mention'd in the said Commission; a Copy of which I have affix'd to the Cross of the said Mercat, in presence of *John Anderson* and *David Lund*, and many others. And in further Testimony of this my Execution and Indorsement, I have herunto set my Seal. Sign'd *William Purves*.

*Another Summons.*

The last day of *March* but one, the first and second days of *April*, in the year above-mention'd, I *Gawin Ramsay* Messenger, and one of the Sheriffs constitute for that part, went according to the Command contain'd in the Letters of our Sovereign Lady, and in her Name and Authority summon'd the said *Matthew* Earl of *Lennox*, particularly at his Houses in *Glasgow* and *Dumbarton*. And whereas I sought him, but could not find him in Person,

nor her Majesty's other Subjects, pretending to have Interest in the Prosecution of the Cause herein set forth, I made a Proclamation at the Mercat Crosses of the Towns of *Glasgow, Dumbarton, and Lanerk*, in order to make them appear before the Judge or his Deputy, at the said Senate-House of *Edinburgh*, on the said 12th day of *April* next ensuing, and to join in the Prosecution with the Queen our said Sovereign Lady, in the Action within-mention'd, with the Summons, as it is there declar'd, and according to the Form and Tenour of her Letters, of which I have set up a Copy on each of the said Crosses in those Markets. I have done and executed the above before the Witnesses that follow, *viz. George Herbesoun, Nicholas Andrew, Robert Letterie* Messenger; *William Smollet, John Hamilton, Jam. Bannatine, Robert Hamilton*, and many others. And in further Testimony hereof, I have sign'd these Presents with my Sign Manual. *Gawin Ramsay*, Messenger.

*Another Summons.*

The first day of *April*, 1567. I *William Lawson*, Messenger, and Sheriff constitute for that part, went according to the Command signify'd in the Commission of our Sovereign Lady to the Mercat Cross of *Perth*, and there, by publick Proclamation made according to Law, I summon'd *Matthew* Earl of *Lennox*, and all other Subjects of our said Sovereign Lady, having and pretending to have Interests, in order to prosecute *James* Earl *Bothwell*, Lord of *Hallis* and *Creygchton*, &c. and others, for the cruel Murder committed on the King; and have affix'd a Copy on the said Cross, according to the Form and Tenour of these Presents. And this in Presence of the Witnesses hereafter named, *viz. James Mareschal, Alexander Borthwith*, and *John Anderson* Messengers, and many others. And in further Testimony of this my Execution and Indorsement, I have sign'd these Presents with my Sign Manual. Signed accordingly, *William Lawson*, Messenger, with my own hand.

*The Indictment.*

You *James* Earl *Bothwell*, Lord of *Hallis, Creygchton*, &c. are indicted on account of the cruel and horrid Murder of the most Excellent, most High and most Mighty Prince the King, the late most dear Spouse of the Queen's Majesty, our Sovereign Lady, committed in the Dead of the Night, at his House near the Church of the Fields in this City, as he was taking his Rest, by treasonably setting fire to a great quantity of Gunpowder in the said House, by the violence whereof the whole House was blown up into the Air, and the King himself by you kill'd traitorously and cruelly, wilfully, and by premeditated Felony. And this you did the 9th day of *February* last past, in the Dead of the Night as aforesaid, as is notorious, and you cannot deny.

Upon the producing of which Letters, so executed, indors'd, and publish'd, the said Advocate demanded an Act and Instrument in the Court, and requir'd that the Judge should proceed according to the Form of them.

These Letters being read in Judgment with the Indorsements, the Judge, by virtue thereof, order'd the said *James* Earl *Bothwell* to be call'd as Defendant of the one part, and *Matthew* Earl of *Lennox*, and all other Subjects of our said Sovereign

reign Lady, pretending to prosecute this Matter, as Plaintiffs on the other part; that they might appear in Court, and exhibit their Complaints and Defences, according to the Laws of the Realm.

And immediately appear'd in Judgment the said *James Earl Bothwell*, and enter'd the Court in Person; after which he chose Master *David Bothwick* of *Lutchill*, and Mr. *Edmund Hay* for his Advocates, who appearing also in Judgment, were admitted by the Judge for that effect.

Appear'd also Mr. *Henry Kinloch*, calling himself Proctor for his Master *Andrew Lord Errol*, Constable of *Scotland*, and alledg'd, that the Constable of the Realm had at all times been own'd to be the only Judge Competent of Men of that Quality, when accus'd of having committed Murder and Bloodshed near the Prince's Chamber, and four Miles round; and therefore his said Master being at present Constable of this Realm, ought to be Judge to *James Earl Bothwell*, and others his Accomplices, summoned to appear this day, and to be charg'd with the above-mention'd Act of the cruel Murder of *Henry King of Scotland*. And in case that *Archibald Earl of Argyle*, as Justice-General of this Realm, proceed and take cognizance of this Fact, the said Mr. *Henry*, Proctor above-mention'd, protested solemnly that this Trial should not be prejudicial to the said Constable, his Office, Right, Title, Profit, Jurisdiction, and Possession, in any manner whatever; but that he might exercise his said Jurisdiction in all such Causes for time to come, according to the Seisin of his Office, and take cognizance of them, as his Predecessors had been us'd to do in the like case. This he would make appear, by the possession which his Predecessors had of it at all times and otherwise; and he requir'd that this Protestation should be register'd in the Acts, and affirm'd that the Jurisdiction of the present Judge ought not to be allow'd in this Case.

The Judge having no regard to this Protestation, did, by Advice of his Assessor, decree, that he would take cognizance of the Fact notwithstanding, since nothing had been produc'd by the said Mr. *Henry*, to verify the Contents of what he had alledg'd and protested: Of all which the Earl *Bothwell* demanded an Act and Instrument.

The said *Matthew Earl of Lennox*, and other Subjects of our Sovereign Lady, having and pretending to have Interest in this Prosecution, being called several times to appear, and to join with the said Advocates in prosecuting the said Action, there appear'd *Robert Cunningham*, who called himself Servant to the said *Matthew Earl of Lennox*, and exhibited a Writing, sign'd with his own hand in full Court, as being authoriz'd thereunto, and made a Protestation and Requisition of the whole, agreeable to the said Writing; of which the Tenor follows.

*The Protestation of the Earl of Lennox.*

My Lords, I am come hither, being sent by my Master my Lord of *Lennox*, to declare the Cause why he is this day absent, having full Power from him for that effect, as the Truth is. The Cause then of his Absence is the shortness of the Time allowed him, and that he is hinder'd to have his Friends and Servants, who ought to accompany him for his Honour, and the Safety of his Person, considering the Strength of the opposite Party, and that he has no Assistance from any of his Friends, but must stand by himself: Therefore his Lordship has commanded me to

require another competent Day, according to the Importance of this Cause, that he may be here present; but if you will proceed now, I protest, that I may, without Offence to any Person, make use of the Authority committed to me by my said Lord and Master, of which I demand an Act.

*Item*, I protest, that if those who assist in this Judgment and Inquest upon the Persons accus'd, do undertake to acquit them of the King's Murder, that it shall be held as a voluntary Error, and not of Ignorance; since 'tis notoriously known who they are that have murder'd the King, as my said Lord and Master affirms; of which Protestation I require an Act thus sign'd, *Robert Cunningham*: of the Production of which Writing and Protestation the said *Robert* demanded an Act and Instrument.

The Judge considering the Writing and Protestation produced by the said *Robert Cunningham*, and having regard to the Letters sent to our Sovereign Lady, by *Matthew Earl of Lennox*, also produc'd and read in Judgment, the Tenor of which is hereafter insert'd; by which Letters and Writing the said Earl of *Lennox* requires, that a brief and summary Trial may be made of this Cause: And having also regard to the Act, and the Order thereupon taken by the Lords of the Privy-Council, and other such things; and to what the Advocates insist upon as to the same Fact, requiring that Justice may be done to the said Earl *Bothwell*; and taking notice likewise of the Request and Demand which he has made, that the whole may be thorowly examin'd; the Judge, by the Advice of the Lords and Barons his Assistants, found that they ought to proceed to the Decision of the said Cause the same Day, according to the Laws of the Realm, notwithstanding the Writing and Protestation produc'd by the said *Robert Cunningham*, and that in the mean time he shall be admitted to join with and assist the said Advocates, for the final Trial of the said Cause, if he thinks good.

*Copies of the Letters sent to the Queen by the Earl of Lennox.*

*Madam*, I return most humble Thanks to your Majesty for the gracious and consolatory Letters which I receiv'd the 24th of this present Month; by which I perceive that 'tis your Majesty's Pleasure to put off the Trial of this late execrable Fact, till the Parliament meets. May it please your Majesty to consider, that tho' I be assur'd that your Highness must needs think the time long till the Truth of this Fact be found out, and the Authors of it punish'd according to their Demerits; yet I most humbly beg pardon of your Majesty for troubling and importuning you so often as I am forc'd to do, the Affair being such as touches me so near; and therefore most humbly request, that your Majesty would take in good part my Advice as follows: It is, that it is too long to wait for the meeting of the Parliament; besides, this is not an Affair of that sort, which uses to be treated of in Parliament, but being such, and of so great Importance, it is evident to every one, it ought rather to be inquir'd into with all Diligence, that the Authors may suffer an exemplary Punishment. I know that your Majesty is much more able to judge of it than I; but being inform'd that certain Placarts or Writings have been affix'd to the Gate of the Senate-House of *Edinburgh*, which answer'd to your Majesty's first and second Proclamation, and nam'd some Persons as Authors of the said cruel Murder, I most humbly request

request of your Majesty, for the Honour of God; and for that of your Majesty and your Realm, and for the Welfare and Peace of it, that you would be pleased not only to cause those who are named in the said Placarts to be apprehended and put in safe Custody, but likewise to assemble your Nobility with all possible Diligence, and then to summon by Proclamation the Authors of the said Placarts to appear for the Ends therein mentioned; and if they appear not, your Majesty may, by the Advice of your Nobility and Council, set at liberty those who are therein named. Your Majesty will do an honourable Act in bringing this matter to this Issue, that according as the matter shall appear to your Majesty, you may punish and chastise the Authors of this cruel Fact; or if the said Placarts shall be found false and of no validity, those who are charged may be acquitted and set at liberty, according to your Majesty's good Pleasure. Madam, I pray God Almighty to take your Majesty into his Protection and Safeguard, and to preserve you in Health and happy Prosperity. From *Howstoun* the 26th of *February*.

*A second Letter from the Earl of Lennox.*

Madam, I beseech your Majesty to attend to what follows: Your Highness in your last Letters acquainted me, that if there were any Names in the Placarts, which were set up at the Door of the Senate-House of *Edinburgh*, of such Persons as I thought worthy of Condemnation; for the Murder of the King your Majesty's Husband, you would, according to my Advice, make it your Business to bring them to Trial, according to the Laws of this Realm, and as the Nature of the Crime required. May it therefore please your Majesty to know, that from the time I received your said Letters, I always expected that some of those bloody Murderers would be made openly known to you; but since I perceive they are not, I cannot find in my heart to conceal them from you any longer. Your Majesty therefore has here the Names of those whom I greatly suspect, *viz.* The Earl of *Bothwell*, Sir *James Balfour*, and *Gilbert Balfour* his Brother; Maister *David Chambers*; Black Maister *John Spence*; the Sieur *Franciscus Bastian*, *John de Bourdeaux*, and *Joseph*, the Brother of *Davy Rizio*: Whom I most humbly beseech your Majesty, according to my former Petition, not only to cause to be apprehended and committed to safe Custody, but also with all Diligence to assemble your Nobility and Council, and then to take such Advice about the Fact of the Persons above-mentioned, as they may be duly examined. And as I hope, so I make no doubt, but that by proceeding in this manner, the Spirit of God will assist toward bringing it to a good Conclusion. Herein your Majesty will do an Act holy and honourable for your self, who are a Party, and highly satisfy those who stand in any Relation to the Deceased, whom you loved so dearly. And not doubting that your Majesty will give proper Orders for the whole, according to the importance of the Matter (as I most humbly beseech you to do) I shall pray to Almighty God to take you into his Protection, and to give you long Life and Health with Grace, that your Reign may be both long and prosperous. *Howstoun*, *March 17*.

*The Names of the Judges or Jury deputed for the Absolution of the Earl of Bothwell.*

*Andrew Earl of Rothes, George Earl of Caithness, Gilbert Earl of Cassils, Lord John Hamilton, Com-*

*mentador of Arbroth, Son to the Duke, James Lord Ross, Robert Lord Semple, John Maxwell Lord Harris, Lawrence Lord Oliphant, John Master of Forbes, John Gourdon of Lochinvar, Robert Lord Boyde, James Cockburn of Lanton, John Sommerville of Cumbusnetban, Moubray of Barnbougall, and Ogilbye of Boyne.*

The above-named being chosen, admitted, and sworn to give Sentence according to Custom, and the Earl of *Bothwell* being accused by Indictment of the Crime above declared, and submitting and referring himself to the Sentence of the said Judges, they went out of the Senate-House to another Place; and after having long disputed together upon all the Articles of the said Accusation, they did each of them, one after another, declare the said *James Earl of Bothwell* quit and absolved of the whole, and every part of the Murder of the King, and in general of whatever depended on the said Accusation.

Afterwards the said *George Earl of Caithness*, Chancellor or President at the said Trial (*i. e.* Foreman of the Jury) as well in his own Name as that of the other Judges, demanded an Act, to the end that as well the Advocates, as the said *Robert Cunningham*, having a Proxy from the Earl of *Lennox*, and all others whomsoever, might be debarred hereafter from producing any other Writing or Proofs whatsoever, in order to support the said Indictment, and that the Judges might not be induced to give any other Opinion than they had done before; the rather because no body had proved the Truth of the Accusation, nor so much as any part of it, and that no Accuser appeared but the above-mentioned, who were presented in order to carry on the Trial: and therefore the Judges having regard to the same, declared him free as far as they could have any knowledge of the Fact, with a Protestation, that this might not be afterwards imputed to them as a Fault. Which Act and Protestation, when the said Earl of *Caithness* President and some of the Judges above-mentioned, returned to the Court in the Senate-House, and before the pronouncing of the aforesaid Sentence, was, at the request of the said Earl of *Caithness*, read publickly, and in full Court, and he demanded an Act and Instrument of it, protesting as above.

Extracted from the Registers of the Acts of our Sovereign Lady's Court of Justice, by me *John Bellenden* of *Auchnoule* Knight, and Clerk General of the said Court, under my Sign Manual.  
Signed, *John Bellenden*, Clerk of the Court.

*Note*, That at the same time Protestation was made by *George Earl of Caithness*, Chancellor of the said Assize, that the said Dictate or Indictment was not in this Point true, *viz.* alledging the Murder to be committed the 9th day of *February*, for that indeed the Murder was committed the next day, being the 10th day in the Morning, at two hours after Midnight, which in Law was and ought to be truly accounted the 10th day; and so the Acquittal that way, but cavillingly defended.

*The Proclamations and Placarts, in answer to them mentioned in the Trial, and others that happened after, were as follows.*

Incontinent after the Murder of the King, the 10th of *February*, 1566. a Proclamation was issued, setting forth, that whoever would discover the Murderers should have 2000 *l.* Sterling. This

Proclamation was answer'd by a Placart, fix'd on the door of the Senate-house of *Edinburgh*, on the 16th day of *February*, in form as follows :

Whereas publick Notice has been given, that whosoever will discover the Murderers of the King, should have 2000 *l.* Sterling ; I who have made Enquiry by those who committed the Act it self, affirm, that the Authors of the said Murder are the Earl of *Bothwell*, Sir *James Balfour*, the Curate *Flisk*, Master *David Chambers*, and black Master *John Spens*, who above all was the principal Author of this Murder ; and the Queen, who consented to it at the Persuasion of the said Earl of *Bothwell*, by the Witchcraft of the Lady *Buccleugh*.

Upon this, another Proclamation was issued the same day, requiring the Person who had set up the Placart to appear, own, and subscribe it in Person, that he might have the Sum promis'd by the former Proclamation, and more if he deserv'd it, as the Queen and her Council should think fit.

To this the following Answer was given and set up at the same Place the day following.

Forasmuch as a Proclamation has been issued since I set up my former, requiring that I should come to subscribe and own it ; for Answer I do likewise require, that the Money may be consign'd into the hands of some Man of Substance, and I will appear next Sunday, and four others with me, and then I will subscribe and maintain what I have said. Moreover, I require that the *Sieur Francis Bastein*, and *Joseph* the Queen's Goldsmith, may be apprehended ; and I will declare what each of them and their Accomplices did in particular.

To this no Answer was return'd.

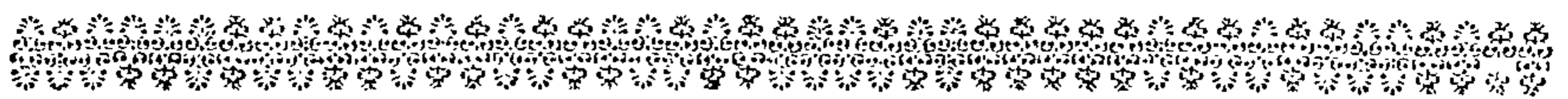
Tho' the Earl of *Bothwell* was acquitted as above-mentioned, yet knowing that the World did still esteem him guilty, he did, in order to clear himself further, set up a Paper in the Market-place, bearing, that albeit he had been acquitted by Law, yet to make his Innocence the more manifest, he was ready to try the same by single Combat, with any Man of honourable Birth and Reputation, who would accuse him of the King's Murder.

To which Answer was made by another Placart, set up immediately after in the same Place, That forasmuch as the said Earl of *Bothwell* had caus'd a

Placart to be set up, sign'd with his own Hand, whereby he challeng'd any Man of Quality, and of a fair Reputation, who would and dar'd to say that he was guilty of the Death of the King ; adding, that he who said it, or went about to support that Charge, should be forc'd to eat his Words : A Gentleman of Honour and good Renown accepted his Offer, and said, he would prove by the Law of Arms that he was the principal Author of that horrid Murder, of which the Judges had rashly acquitted him for fear of Death, after so much Inquiry had been made into it. And whereas the King of *France* and the Queen of *England* requir'd, by their Ambassadors, that the said Murder might be punished, he also intreats their Majesties to insist with the Queen, his Sovereign Lady, that by her Consent a Time and Place may be appointed in their Countries to combat the Earl, according to the Law of Arms, in their Presence, or in that of their Deputies ; at which Time and Place he promises and swears, on the word of a Gentleman, to be present and do his Duty, provided their Majesties will, by Proclamation, grant Safe-conduct to him and his Company, to pass and repass thro' their Dominions without any molestation. He refers it to the Judgment of the Readers and Hearers what just Cause he has to desire this of the King of *France* and the Queen of *England*, and by this he advertises the rest of the Murderers to prepare themselves ; for he will give each of them the like Challenge, and publish their Names in Writing, that they may be known to every body.

To this *Bothwell* made no Reply \*.

Some time afterwards, *Bothwell* was constrain'd to fly the Kingdom, and went first to the *Orcades*, and then to the Isles of *Schetland*, where being reduc'd to extreme want, he turn'd *Pirate* : But being in danger of being taken, he went to *Denmark* ; where, not being able to give a good Account of himself, he was taken into Custody, and afterwards being known by some Merchants, he was clapt up close Prisoner ; and after a loathsome Imprisonment for ten Years, that and other Miseries made him distracted ; and thus he came to a most ignominious Death, suitable to his vile and wicked Course of Life.



## VII. *The Trial of THOMAS HOWARD Duke of Norfolk, before the Lords at Westminster, for High-Treason, January 16. 1571. 14 Eliz.*

**F**IRST of all, there was prepar'd in *Westminster-Hall* a large Scaffold, about a Foot distant from the *Chancery-Court* ; and to the same Scaffold a long Passage, about six foot broad, and high built all the way as far as to the *Common-Pleas Bar*. In the middle, on the South-side of the Scaffold, was erected a Chair, somewhat higher than the rest, with a Cloth of State for the Lord High Steward of *England*, who for that day was *George Earl of Shrewsbury*. On both sides of the Lord High Steward, sat the Lords in this Order :

On the right Hand of the Ld High Steward.	On the left Hand.
<i>Reynold Earl of Kent,</i>	<i>Earl of Worcester,</i>
<i>Thomas Earl of Suffex,</i>	<i>Earl of Huntingdon,</i>

On the right Hand of  
the Ld High Steward.

*Ambrose E. of Warwick,*  
— *Earl of Pembroke,*  
*Robert Earl of Leicester,*  
*Lord Clinton, Lord High*  
*Admiral of England,*  
*William Lord Burleigh,*  
*James Lord Mountjoy,*  
*Lord Wentworth,*  
*Lewis Lord Mordant,*  
*Lord Chandois,*  
*Oliver Lord St. John of*  
*Bletshoe.*

On the left Hand.

*Francis Earl of Bedford,*  
*Edward E. of Hertford,*  
*Viscount Hereford,*  
*William Lord Howard of*  
*Effingham,*  
*Lord Grey of Wilton,*  
*Lord Sandes,*  
*Lord Burgh,*  
*Lord St. John,*  
*Lord Rich,*  
*Lord North,*  
*Thomas Lord Buckburst,*  
*Lord De La Ware.*

\* See *State-Trials*. Vol. VIII. p. 323.

On both sides of the Lord High Steward, on a lower Form, at the Lords Feet, sat the Judges, viz. on the right hand ;

Sir Robert Catlin, Lord Chief Justice of England ;  
Sir James Dyer, Lord Chief Justice of the Common Pleas ;  
Sir Edward Saunders, Lord Chief Baron of the Exchequer.

On the left hand, the rest of the Judges sat according to their Order.

At the feet of the Lord High Steward, directly before him, in a hollow Place cut in the Scaffold for that purpose, sat Mr. Miles Sands Clerk of the Crown with his Secondary. Next, beneath the Justices in the same Row, sat at the right Hand, viz. on the East-side, Sir Francis Knowles, with three of the Queen's Household, and Sir Walter Mildmay Chancellor of the Exchequer, with several others of the Queen's Privy-Council. On the left side, on the West part of the said Scaffold in the same Degree, sat next the Judges, Dr. Wilson, Master of the Requests, and several other Persons of Note.

On the North part of the Scaffold, directly before the Bar where the Prisoner came, sat Mr. Nicholas Barrham the Queen's Serjeant, Mr. Gilbert Gerard the Queen's Attorney-General, Mr. Thomas Bromley Solicitor-General, and Mr. Thomas Wibrabam the Queen's Attorney of the Court of Wards. On the right hand, by Permission, sat Mr. William Fleetwood Recorder of London ; and on their left hands were Mr. Thomas Norton, who wrote down this Trial upon the Scaffold, as also Garter King at Arms, two Gentlemen Ushers, and two Serjeants at Arms.

The Lord High Steward being set in his Chair, and all the Lords and others set in their Places, with a great Number of People in the Hall, the Hall being kept by the Knight Marshal, and the Warden of the Fleet and their Servants with Tipstaves ; about half an hour past eight in the Morning the Lord High Steward stood up at his Chair bare-headed, and Mr. Norris the Gentleman-Usher holding the white Rod before him, Littleton the Serjeant at Arms made Proclamation as follows :

*My Lord's Grace, the Queen's Majesty's Commissioner, High-Steward of England, commandeth every Man to keep silence on pain of Imprisonment, and to hear the Queen's Majesty's Commission read.* Which then was read by the Clerk of the Crown.

Then the said Lord High Steward sat down again in his Chair, and the Gentleman-Usher deliver'd him the white Rod, which he held in his hand a great while ; and after the Indictment read, re-deliver'd it to the Gentleman-Usher, who held it up before him all the time of the Arraignment. Then Littleton the Serjeant again made Oyer, and proclaim'd thus : *Thomas Edwards, Serjeant at Arms, return thy Precept ;* which being put in immediately, he deliver'd to the Clerk of the Crown the Names of the Peers summon'd for the Trial.

Then Littleton the Serjeant again made Oyer, and proclaim'd thus : *All Earls, Viscounts, and Barons, summon'd to appear this day, every one answer to your Names on pain of future Peril.* Then were all the Lords call'd in order by their Names of Baptism, and Surnames of Dignity, beginning at the antientest ; and every one severally, as he was called, stood and signify'd their Appearance.

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\* See state-Trials, Vol. VIII. p. 331.

Their Order of Ancientry, as they were call'd, was thus :

Reynold Earl of Kent,	Lord Grey of Wilton,
William E. of Worcester,	James Lord Mountjoy,
Thomas Earl of Suffex,	Lord Sandes,
Henry E. of Huntingdon,	Lord Wentwor
Ambrose E. of Warwick,	Lord Burgh,
Francis E. of Bedford,	Lewis Lord Mordant,
—E. of Pembroke,	Lord St. John,
Edward E. of Hertford,	Robert Lord Rich,
Robert E. of Leicester,	Lord North,
Walter Visc. Hereford,	Lord Chandois,
—Lord Clinton,	Oliver Lord St. John of
William Lord Howard	Bletshoe,
of Effingham,	Thomas Lord Buckburst,
William Lord Burleigh,	Lord De La Ware.

Then the Serjeant again made Oyer, and proclaim'd thus : Robert Catlin Knight, Chief Justice of England, *return thy Certiorari and thy Precept ;* which was immediately deliver'd to the Clerk of the Crown, and read. The Serjeant again made Oyer, and proclaim'd thus : *Lieutenant of the Tower of London, return thy Habeas Corpus, and bring forth thy Prisoner Thomas Duke of Norfolk.*

Then was the Duke brought upon the long half Pace to the Bar, Sir Owen Hopton Lieutenant of the Tower leading him by the right hand, and Sir Peter Garowe by the left, and so he was placed at the Bar, they still holding him by the Arms ; the Chamberlain of the Tower, with the Axe of the Tower standing with the Edge towards Sir Peter : while behind the Duke stood Mr. Henry Skipwith, who after the Duke's Imprisonment, was appointed to attend on him in the Tower.

Then the Duke with a haughty Look, and oft biting his Lip, survey'd the Lords on each side him. In the mean time the Lieutenant of the Tower deliver'd in his Return ; then the Serjeant made Oyer and Proclamation of Silence, while the Clerk of the Crown said to the Duke thus : *Thomas Duke of Norfolk, late of Remming-hall in the County of Norfolk, hold up thy Hand :* Which the Duke did very lustily. Then the Clerk of the Crown read the Indictment \*, the Tenour whereof is thus :

Middlesex.

THE Jury present and say, in behalf of our Lady the Queen, That Thomas Duke of Norfolk, late of Remming-hall in the County of Norfolk, as a false Traitor against the most Illustrious and Christian Princess Elizabeth, Queen of England, France, and Ireland, Defender of the Faith, &c. and his Sovereign Lady, not having the Fear of God in his Heart, nor weighing his due Allegiance, but seduc'd by the Instigation of the Devil, contrary to that cordial Affection and bounden Duty that true and faithful Subjects of our said Lady the Queen do bear, and of right ought to bear towards our said Lady the Queen ; and intending to cut off and destroy the said Queen Elizabeth, the 22d day of September, in the 11th year of the Reign of our said Sovereign Lady Queen Elizabeth, and divers other Days and Times before and after, at the Charter-House in the County of Middlesex, hath falsely, maliciously, and traitorously conspired, imagin'd and gone about, not only to deprive, depose, and cast out the said Queen, his Sovereign Lady, from her Royal Dignity, Title, Power, and Government of her Kingdom of England ; but, also to bring about and compass the Death and final Destruction of our said Sovereign Lady the Queen,

M 2

and



and to make and raise Sedition in the said Kingdom of *England*, and to spread a miserable Civil War amongst the Subjects of our said Lady the Queen, and to procure and make an Insurrection and Rebellion against our said Lady the Queen, his supreme and natural Lady; and so to make publick War within the Realm of *England*, contrary to our said Lady the Queen, and the Government of her said Kingdom, and to endeavour a Change and Alteration of the sincere Worship of God, well and religiously establish'd in the said Kingdom; and also totally to subvert and destroy the whole Constitution of the said State, so happily instituted and ordain'd in all its Parts; with divers Aliens and Foreigners, not the Subjects of our said Lady the Queen, hostilely to invade the said Kingdom of *England*, and to make cruel War against our said Lady the Queen and her Dominions.

And for the compassing and bringing to pass all the said wicked and notorious Treasons, Imaginations, and Intentions propos'd as aforesaid, he the said *Thomas Duke of Norfolk*, well and truly knew and understood, that *Mary* late Queen of *Scots* had laid Claim, and pretended a Title and Interest to the present Possession and Dignity of the Imperial Crown of this Kingdom of *England*; well and truly knowing and understanding, that the aforesaid *Mary*, late Queen of *Scots*, had falsely, wickedly, and unjustly said and affirmed, That our aforesaid Lady, Queen *Elizabeth*, had no Right and Title to the Crown of this Realm of *England*: And also well and truly knowing and understanding, that the aforesaid *Mary*, late Queen of *Scots*, had falsely, wickedly, and unjustly usurp'd the Stile, Title, and Regal Name of this Kingdom of *England*; and that she, the aforesaid *Mary*, late Queen of *Scots*, had impaled and joined the Arms of the Kingdom of *England* with the Arms of the Kingdom of *Scotland*, as well in her Seals and Plate, as other things, without any Difference and Distinction. And furthermore, well and truly knowing and understanding, that the said *Mary*, late Queen of *Scots*, had not revok'd or renounc'd her wicked and unjust Claims and Usurpations aforesaid, the 23d day of *September*, in the 11th Year of our said Lady, now Queen of *England*, and divers other Days and Places before and after the said time, at the *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, falsely, subtly and traitorously sought and endeavour'd, without the Assent, Consent, or Agreement of the aforesaid our Lady Queen *Elizabeth*, his Supreme and Sovereign Lady, to be join'd in Marriage with the aforesaid *Mary*, late Queen of *Scots*. And for this Reason and Cause, he the said Duke aforesaid, the 23d day of *September* in the 11th Year aforesaid, and divers other Days and Places before and after, at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, falsely, subtly and traitorously writ divers Letters to the aforesaid *Mary*, late Queen of *Scots*; and as well as Letters, sent several Pledges or Tokens to the aforesaid *Mary*, late Queen of *Scots*, the 23d day of *September* aforesaid, in the year aforesaid, and divers other Days and Times before and after. And also on the said 23d day of *September*, in the 11th Year of the Reign of the said Queen *Elizabeth*, and divers other Days and Places before and after, at *Charter-house* aforesaid, in the County of *Middlesex* aforesaid, falsely, subtly, and traitorously gave to, and accommodated the said *Mary*, late Queen of *Scots*, with divers Sums of Money; which the said *Mary*,

late Queen of *Scots*, falsely and traitorously had and receiv'd of him the said *Thomas Duke of Norfolk*, the 23d day of *September* aforesaid, in the year aforesaid, at *Charter-house* aforesaid, in the County of *Middlesex* aforesaid; notwithstanding the aforesaid Duke had been distinctly and especially forbid and prohibited by the aforesaid Lady Queen *Elizabeth*, upon his Allegiance, that he should upon no account whatsoever hold Correspondence, or treat with the aforesaid *Mary* late Queen of *Scots*, concerning Marriage with her the said *Mary* late Queen of *Scots*; and notwithstanding the aforesaid Duke, by divers Letters and Instruments writ with his own hand to the said Lady Queen *Elizabeth*, his supreme Sovereign Lady, publickly deny'd and renounced the aforesaid Marriage, protesting that he the said Duke was never engag'd, or had proceeded in the said Marriage.

And also the said Jurors, upon their corporal Oaths, further present and say, That *Thomas Earl of Northumberland*, late of *Topcliffe* in the County of *York*, and *Anne* his Wife; *Charles Earl of Westmoreland*, late of *Branspeth* in the County of *Durham*; *Richard Norton*, late of *Norton Comers* in the County of *York*; *Thomas Markenfield*, late of *Markenfield* in the said County, Esqs; together with several other false Traitors, Rebels, and publick Enemies of our said Lady Queen *Elizabeth*, not having the fear of God before their Eyes, nor considering their due Allegiance, but seduced by the Instigation of the Devil, imagined, devised, and conspired to deprive and depose the said Lady Queen *Elizabeth* from her Royal Dignity, Title, and Power of her Kingdom of *England*; and also to bring about and compass the Death and final Destruction of the said Lady Queen *Elizabeth*, with the Intention and Design to compleat and fulfil all their traitorous Conspiracies and Devices, on the 16th Day of *November*, in the 11th Year of the Reign of the said Queen, at *Rippon* in the said County of *York*; by their own Consent and Appointment, they did falsely and traitorously meet and assemble themselves together, with a great Multitude of People, to the Number of four thousand Men and more, ready arm'd and prepar'd for open War against their said Queen *Elizabeth*, their Supreme and Sovereign Lady, at *Rippon* aforesaid, the 16th Day of *November* aforesaid, in the Year aforesaid, falsely and traitorously they were ready prepar'd and arm'd to execute all and singular the Treasons and Conspiracies aforesaid, of the said *Thomas E. of Northumberland* and *Anne* his Wife, *Charles E. of Westmoreland*, *Richard Norton*, and *Thomas Markenfield*, with many others of the said false Traitors and Rebels aforesaid, by due Form of Law legally indicted, and afterwards upon that legally outlaw'd and attainted, as they now stand upon Record in her said Majesty's Court of *Queen's-Bench*.

And after the Perpetration and Commission of the aforesaid wicked Treasons, in manner aforesaid by them committed, the aforesaid *Thomas Earl of Northumberland*, and *Anne* his Wife; *Charles Earl of Westmoreland*, *Richard Norton*, and *Thomas Markenfield*; with many other false Traitors and Rebels aforesaid, the 20th Day of *December*, in the 12th Year of the Reign of our said Sovereign Lady the Queen, for those Treasons fled out of this Kingdom into the Kingdom of *Scotland*; and there resided, and were receiv'd, aided and assisted by several Noblemen, and other great Men of the said Kingdom of *Scotland*, viz. by *James Duke of Chastelleroy*, the Earl of *Huntley*,  
Mr.

Mr. *Harris*, Mr. *Hume*, and Mr. *Firmberst*, and other *Scots*, then Subjects of the said Kingdom of *Scotland*, detain'd from our said Lady Queen *Elizabeth*: in and towards which Noblemen, and other great Men of the aforesaid Kingdom of *Scotland*, the said Lady Queen *Elizabeth* afterwards proclaim'd, and caus'd War to be made upon the said Rebels, as publick Enemies to her Kingdom of *England*, by *Thomas* Earl of *Suffex*, her Majesty's Lord Lieutenant, and Lieutenant-General of the *North*, with a powerful and strong Army to oppose the Enemy. Upon which account, *Charles* Earl of *Westmoreland*, *Anne* Wife of *Thomas* Earl of *Northumberland*, *Richard Norton*, and *Thomas Markenfeld*, fled from the aforesaid Kingdom of *Scotland*, and transported themselves to *Antwerp* in *Brabant*, where they resided. And there the same *Charles* Earl of *Westmoreland*, *Anne* Wife of the said *Thomas* Earl of *Northumberland*, *Richard Norton*, and *Thomas Markenfeld*, contrary to their due Allegiance, staid in manifest contempt of the said Queen and her Laws. Yet the aforesaid *Thomas* Duke of *Norfolk*, not ignorant of the Premises, but well and truly knowing all and singular the Transactions in manner and form aforesaid, the 6th Day of *August*, in the 12th Year of the Reign of the said Queen *Elizabeth*, at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, and divers other Days and Places afore and after, falsely and traitorously took care, and caused to be sent, deliver'd and distributed, several Sums of Money, to aid; assist, and support the aforesaid *Charles* Earl of *Westmoreland*, and *Anne* Wife of *Thomas* Earl of *Northumberland*.

And further, That the said *Thomas* Duke of *Norfolk*, the 16th Day of *July*, in the 13th Year of the Reign of the said Lady *Elizabeth*, Queen of *England*. at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, and divers other Days and Places afore and after, falsely and traitorously adhered to, aided and assisted *James* Duke of *Chasteleroy*, Earl of *Huntley*, Mr. *Harris*, Mr. *Hume*, Mr. *Burleigh*, and Mr. *Firmberst*, publick Enemies to our said Lady *Elizabeth*, then Queen of *England*.

And further, the Jurors aforesaid, upon their Oaths, present and say, That whereas *Pius Quintus*, sometime Bishop of *Rome*, was and is known to be a deadly and publick Enemy to our said Lady Queen *Elizabeth*, and her Kingdom of *England*; that the said *Thomas* Duke of *Norfolk* well and truly knowing and understanding this, the 10th Day of *March*, in the 13th Year of the Reign of the said Lady Queen *Elizabeth*, at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, and divers other Days and Places afore and after, with intention to produce the said traitorous Effects, falsely, subtilly, and traitorously consented, consulted, advised, and procured one *Robert Ridolph*, a foreign Merchant beyond the Seas, and out of the Kingdom of *England*, to send to the aforesaid Bishop of *Rome*, to *Philip* King of *Spain*, and to the Duke of *Alva*, to obtain of the aforesaid Bishop of *Rome* certain Sums of Money, towards the raising and maintaining of an Army to invade this Kingdom of *England*, and to make war in the said Kingdom, against the aforesaid Lady *Elizabeth*, Queen of *England*, &c. And that the said King of *Spain*, by the Mediation of the said Duke of *Alva*, did send into this Kingdom of *England* a certain Army of *Germans* to invade and make open and cruel War against the said Lady Queen *Elizabeth*.

And also that the same *Thomas* Duke of *Norfolk*, the same 10th Day of *March*, in the said 13th Year of the Reign of the said Lady Queen *Elizabeth* aforesaid, and divers other Days and Places afore and after, at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, falsely, wickedly, and traitorously conspired, consented, and agreed with the aforesaid *Robert Ridolph*, to advance, stir up, and raise within this Kingdom of *England*, all the Forces and Power that he the aforesaid *Thomas* Duke of *Norfolk* and his Confederates were by any means capable of raising; or engaging others to raise within this Kingdom of *England*, to join with the aforesaid Army, and with other Subjects of this Kingdom of *England*, whom the same Duke of *Norfolk* could gather together and join with the said Army by the said King of *Spain*, in order to make open War against our said Lady Queen *Elizabeth*, within this her Kingdom of *England*; and to take away and free *Mary*, late Queen of *Scots*, out of the custody and possession of our said Lady *Elizabeth*, Queen of *England*; and at the same time to deprive, depose, and eject the most Illustrious and Christian Princess Queen *Elizabeth*, from her Royal Dignity, Title, Power, Preheminence, and Government of this Kingdom of *England*: and at the same time, him the said *Thomas* Duke of *Norfolk*, to join himself in Marriage with the aforesaid *Mary*, late Queen of *Scots*.

And further, the Jurors upon their Oaths present and say, That the aforesaid *Robert Ridolph* had writ and compos'd three distinct and separate Letters of Credit, in the name of the aforesaid *Thomas* Duke of *Norfolk*; for him the said *Robert Ridolph*, in his false, wicked, and treasonous Messages aforesaid; viz. One of those Letters to the aforesaid Duke of *Alva*, another to the aforesaid Bishop of *Rome*, and a third to the aforesaid *Philip* King of *Spain*. That afterwards the same *Thomas* Duke of *Norfolk* falsely and traitorously intending, willing, and desiring Success and Effect from the aforesaid false and traitorous Messages; by the aforesaid *Robert Ridolph*, as appeareth by his sending one *William Baker* Gent. one of the Servants of the said *Thomas* Duke of *Norfolk*, the 20th Day of *March*, in the 13th Year of the Reign of the Queen; at *Charter-House* aforesaid, in the County of *Middlesex* aforesaid, falsely and traitorously sent to *Guerrawe Despeis*, Embassador of the said *Philip* King of *Spain*, to declare, shew, and affirm to the aforesaid Embassador of the aforesaid *Philip* King of *Spain*, that he the said *Thomas* Duke of *Norfolk* had affirm'd and would affirm the aforesaid Credential Letters to the aforesaid Duke of *Alva*, the Bishop of *Rome*; and *Philip* King of *Spain*, compos'd and writ in his Name, were as valid to all intents and purposes, as if he the said *Thomas* Duke of *Norfolk* had writ them with his own Hand.

And further, the said Jurors upon their Oaths present and say, That the aforesaid *Robert Ridolph*; the 24th Day of *March*, in the 13th Year of the Reign of the said Lady *Elizabeth* Queen of *England* aforesaid, at *Dover* in the County of *Kent*, took his Journey to several Parts beyond the Seas, in order to execute, perfect, and compleat the said treasonable Messages, with the Consent and Agreement of the aforesaid *Thomas* Duke of *Norfolk*. And afterwards the aforesaid *Robert Ridolph* convey'd, declar'd, and communicated the said wicked and traitorous Messages in foreign Countries and Parts beyond the Sea; as well to the aforesaid Duke

Duke of *Alva*, as to the aforefaid Bishop of *Rome*. And that the aforefaid *Robert Ridolph*, amongst his many other false and traitorous Messages, convey'd one Letter in unufual Characters called Cyphers, which the aforefaid Duke of *Alva* caufed to be writ and fent to *Thomas Duke of Norfolk*; which very Letter, as declared to be writ and fent; he the faid Duke of *Norfolk*, the eighteenth Day of *April*; in the thirteenth Year of the Reign of the faid Queen *Elizabeth* aforefaid, at *Charter-Houfe* aforefaid, in the County of *Middlefex* aforefaid, falſely and traitorouſly received and had; and then and there gave and delivered to the aforefaid *William Baker* his Servant feveral written Pages in known Letters, commonly to be decipher'd: And the faid Papers in common and known Ciphers or Characters he the faid Duke afterwards, on the 25th Day of *April*, in the 13th Year of the Reign of the faid Queen *Elizabeth*, at *Charter-Houfe* aforefaid, in the County of *Middlefex* aforefaid, falſely and traitorouſly received, inſpected, and read over the faid Papers, and then and there falſely and traitorouſly retained and kept them. By which Letters of the faid *Robert Ridolph* to him the faid *Thomas Duke of Norfolk*, amongst other things, are ſignify'd, and he makes known what a kind Audience and Reception he the faid *Robert* met with from the aforefaid Duke of *Alva*, in his wicked and traitorous Messages aforefaid. And that the faid Duke of *Alva* required and willed the Friends and Abettors of the faid Confederacy to be ready, whenſoever a foreign Power ſhould be ſent into this Kingdom of *England*.

And furthermore, the ſame Jurors upon their Oaths preſent and ſay, That the faid *Thomas Duke of Norfolk*, the 16th Day of *June*, in the 13th Year of the Reign of the faid Lady Queen *Elizabeth*, at *Charter-Houfe* aforefaid, in the County of *Middlefex* aforefaid, falſely and traitorouſly receiv'd a Letter directed to him the faid Duke, from *Pius Quintus* Biſhop of *Rome*; by which the faid Biſhop of *Rome* promiſed to the faid Duke of *Norfolk*, Aid, Help, and Aſſiſtance towards executing the faid wicked and traitorous Deſigns of the aforefaid *Mary*, late Queen of *Scots*, contrary to their due Allegiance, and the Peace of our Sovereign Lady *Elizabeth*, now Queen of *England*, her Crown and Dignity, and in manifeſt Contempt of the Laws of this Kingdom, as well as the worſt and moſt pernicious Example of all other Delinquents in the like caſe, and contrary to the Form of ſeveral Statutes in this caſe made and provided.

After the reading of the Indictment, the Clerk of the Crown ſaid to the Duke; How ſay'ſt thou, *Thomas Duke of Norfolk*, art thou guilty of theſe Treasons whereof thou art indicted, in manner and form as thou art thereof indicted, Yea or No?

Thereupon the Duke began, and ſaid to this effect: May it pleaſe your Grace, and you the reſt of my Lords here, The hearing of this Indictment giveth me occaſion to enter into the making of a Suit, which I meant not to have done before my coming hither: I beſeech you, if the Law will permit it, that I may have Counſel allow'd me for the answering of this Indictment.

The Lord Chief Juſtice answer'd, That in caſe of High-Treaſon he cannot have Counſel allow'd: And that he was to answer to his own Fact only, which himſelf beſt knew, and might without Counſel ſufficiently answer.

Duke. That you may underſtand that I ſpeak it

not without ſome ground, theſe be the Cauſes that move me to make this Suit: I was told before I came here, that I was indicted upon the Statute of the 25th of *Edward III*. I have had very ſhort warning to provide to answer ſo great a matter; I have not had fourteen Hours in all, both day and night, and now I neither hear the ſame Statute alledged, and yet I am put at once to the whole Herd of Laws, not knowing which Particularity to answer unto. The Indictment containeth ſundry Points and Matters to touch me by Circumſtance, and ſo to draw me into matter of Treason, which are not Treasons themſelves: Therefore with Reverence and humble Submiſſion I am led to think I may have Counſel. And this I ſhew, that you may think I move not this Suit without any ground. I am hardly handled, I have had ſhort warning, and no Books; neither Book of Statutes, nor ſo much as the Breviate of Statutes. I am brought to fight without a Weapon: yet I remember one Caſe in Law, I think it is in the Firſt Year of King *Henry VII*. It is the Caſe of one *Humphrey Stafford*, which was indicted of High-Treaſon, and had Counſel allowed him: If the Precedent in his Caſe be ſuch, as it may extend to me, I require it at your hands, that I may have it allow'd: I ſhew you my ground why I crave it, I refer me to your Opinions therein.

Then Sir *James Dyer*, Lord Chief Juſtice of the Common-Pleas, ſaid; My Lord, That Caſe of *Humphrey Stafford* in *primo* of *Henry VII*. was about pleading of Sanctuary, for that he was taken out of Sanctuary at *Culneham*, which belong'd to the Abbot of *Abingdon*: So the Queſtion, was whether he ſhould be allowed Sanctuary in that Caſe, and with that Form of Pleading, which was matter of Law: In which Caſe he had Counſel, and not upon the Point or Fact of High-Treaſon; but only for the Allowance of Sanctuary, and whether it might be allowed, being claimed by Preſcription, and without ſhewing any former Allowances in *Eier*, and ſuch like Matters; but all our Books do forbid allowing of Counſel in the Point of Treason; but only it is to be answered Guilty, or not Guilty.

Duke. *Humphrey Stafford's* Caſe was High-Treaſon, and he had Counſel. I muſt ſubmit my ſelf to your Opinions: I beſeech you, weigh what Caſe I ſtand in. I ſtand here before you for my Life, Lands and Goods, my Children and my Poſterity, and that which I eſteem moſt of all, for my Honesty; I forbear to ſpeak of my Honour. I am unlearn'd: if I aſk any thing, and not in ſuch Words as I ought, I beſeech you bear with me, and let me have that Favour that the Law allows me. If the Law do not allow me Counſel, I muſt ſubmit me to your Opinions. I beſeech you, conſider of me; my Blood will aſk Vengeance, if I be unjuſtly condemn'd: I honour your Learnings and your Gravities: I beſeech you, have Conſideration of me, and grant me what the Law will permit me. I am now to make another Suit to you, my Lords the Judges: I beſeech you, tell me, if my Indictment be perfect and ſufficient in Law; and whether in Whole, or in the Parts, and in which Parts, that I may know to what I ſhould answer.

Lord Chief Juſtice *Catlin*. The Lord Ch. Juſtice ſaid, For the Sufficiency of your Indictment, it hath been well debated and conſider'd by us all; and we have all, with one Aſſent, reſolv'd, and ſo do certify you, that if the Cauſes in the Indictment expreſſed, be true in Fact, the Indictment is wholly and in every Part ſufficient.

Duke.

*Duke.* Be all the Points Treasons ?

*L. Ch. Just. Catlin.* All be Treasons, if the Truth of the Case be so in Fact.

*Duke.* I will tell you what moveth me to ask you this : I have heard of the Case of the Lord *Scroope* ; it was in the time of *Henry the IVth* (*the Judges said Henry the Vth*) he confess'd the Indictment, and yet travers'd that the Points thereof were no Treasons.

*L. Ch. Just. Catlin.* My Lord, he had his Judgment for Treason upon that Indictment, and was executed.

Then the Clerk of the Crown said again, How sayest thou, *Thomas Duke of Norfolk*, art thou guilty of the Treasons whereof thou art here indicted, in Manner and Form as thou art indicted, Yea, or No ?

The Duke answer'd, Not Guilty.

The Clerk said, By whom wilt thou be try'd ?

The Duke said, By God and my Peers.

Then the Duke spake to the Lords, and said thus : Now I am not to use a short Speech, which I meant before to have used, but that the reading of the Indictment hath driven me to other Occasions. Altho' these heinous Treasons and outrageous Faults objected against me, do much abash me ; yet I conceive no small Comfort, to think under how gracious a Queen and Sovereign Lady I live, which well appeareth by her most gracious Proceeding with me according to the Course of Law. Her Majesty seeketh not my Blood, but giveth me the Trial which the Laws admit, and in the most favourable manner that I can require ; for which I am most bounden to her Majesty. Now I am to make two Suits : the one to your Grace, my Lord High Steward, That as your Place requireth to do justice, so it may please you to extend to me your lawful Favour, that I may have Justice, and that I may not be overlaid in Speeches : My Memory was never good, it is now much worse than it was ; sore Troubles, sore Cares, Closeness in Prison, evil Rest, have much decay'd my Memory ; so as I pray God that this day it fail me not, and another time I will forgive it : I beseech this of you, my Lord High Steward. The second Request, I thought to make to you, my Lords, my Peers : I think myself happy to have my Trial in such a Company. A much greater Matter, if I could have greater, I durst put it into your hands, and (a very few excepted) even into every one of your hands singly ; that Opinion I have of you. I know Religion beareth a stroke among you, which, I hope, so ruleth your Consciences, that for no Respect you will swerve from Justice ; you will not bring a Worm into your own Consciences ; you will not burden your Souls with condemning me wrongfully ; you will not do what God's Law and Right alloweth not : This above all things comforteth me, next unto her Majesty's most gracious Favour of my lawful Trial. If I had not made a full Account to have this for the way of my lawful Purgation, I needed not to have been here at this time, neither for Matters pass'd two Years ago, nor for that whereof I am charg'd at this present. I have chosen, my Peers, I have chosen rather to come here to be try'd by you, than with needless and cowardly running away, to have left a Gap open for my Enemies slanderously to lay to my charge in my absence what they could maliciously invent. I have this day (tho' I am sorry for any Cause to come in this Case before you) even the day that I could wish to be

tried by such Peers. I will not enter into Particularities, and discourse my whole Cause at large, but answer from Point to Point, as I shall be charged ; for my Memory was never good, and it is now worse than ever it was. Yet one Request more I beseech of you, my Peers, which I with Favour may ask, and you with Justice may grant : Unhappy Man that I am, tho' I have to this Indictment pleaded Not Guilty of the Treasons therein objected against me, nor of no Treasons ; yet I confess, as I have with all Humility, and with Tears confess'd, and as some of you, my Lords, here present can witness, that I have neglected my Duty to the Queen's most Excellent Majesty, in Cases inferiour to Treason, and that be no Parts of Treason : I have laid them at her Majesty's feet, and pour'd them forth before her in Confession, so far as my Conscience will suffer me to declare. Let, I beseech you, neither my Confession already made of inferiour Faults, that be not in compass of Treason ; nor, if I shall now in mine Answers confess them again, if they be objected against me ; lead you to judge the worse of me in the greater Case. Let each Fault have his own Pine ; I beseech you, remember the Differences and Degrees of Offences, and not to mix my smaller Faults with this great Cause : let these mean Crimes rest at her Majesty's Feet, where I with all humility have laid them. Thus I beseech you all, have consideration of me.

Then spake the Queen's Serjeant, *Mr. Barrham*, and said to this effect : It hath appear'd to your Grace and your Lordships all, that the Duke of *Norfolk* is by this Indictment charged with three principal Points of High Treason : the first is, That forgetting his Allegiance and Duty to his Sovereign Lady the Queen, he hath traitorously imagin'd, devis'd and practis'd, to deprive and depose the Queen's Majesty of and from the Crown of this Realm, and her Royal Style, Name and Dignity, and to bring her to Death and Destruction ; and so to alter the whole State of Government of this Realm. The second Point is, That he hath traitorously reliev'd and comforted the *English* Rebels that levy'd War against her Majesty within her Realm, and which since fled into *Scotland*, and from thence beyond the Sea. The third Point is, That he hath traitorously given Relief and Maintenance to the Duke of *Chastelleroy*, the Earl of *Huntley*, the Lord *Harris*, the Lord *Hume*, and other *Scots*, the Queen's Majesty's publick Enemies, Succourers and Detainers of the said Rebels. To prove these great Treasons, there is in this Indictment set forth unto you good and sufficient Matter ; first, to prove that the Duke of *Norfolk* sought, imagin'd, compass'd and practis'd to deprive and depose the Queen's Majesty of her Royal Crown, Estate and Dignity ; and consequently to bring her to Death and Destruction, are alledg'd two matters : The first is, That the Duke knowing the *Scottish* Queen falsely and unjustly to claim and pretend Title, to have and enjoy the present possession of the Crown of *England* ; and that she untruly usurp'd the Name and Style of this Realm ; and that she gave and quarter'd the Arms of *England* without Difference ; and that she continu'd in that Fact, and usurp'd Claim without Renunciation thereof, and without acknowledging her Error unto the Queen's Majesty, tho' she hath been thereto requir'd : He, I say, knowing all this, yet without the Queen's Majesty's Assent, against her Majesty's special and express Commandment

mandment upon his Allegiance; and against his own Promise and Protestation upon his Faith, hath nevertheless secretly sought and practis'd to join himself with the said *Scotish* Queen in Marriage, and to advance and maintain her said false and pretended Title to the present Possession of the Crown of this Realm; which cannot be without purpose to depose and deprive the Queen's Majesty, and consequently to bring her to Death and Destruction. The second is, that the Duke of *Norfolk* hath conspired and practis'd to procure Strangers to enter into this Realm, and invade the same, and to make open War against her Majesty, within her own Realm; and so forcibly to work her Deposing, Deprivation, Death and Destruction. Hereupon the said Duke hath pleaded Not Guilty, and for his Trial hath put himself upon his Peers; yours therefore is the Trial. And now for Evidence to prove him guilty of the Treasons contain'd in the said Indictment, it may please your Lordships to hear such a Matter as I shall for the Queen bring forth against him.

*Duke.* I am occasion'd, by the Speech of Mr. *Serjeant*, to gather what I shall find in the rest of them; a Meaning with Circumstance to draw me into Treason, with Eloquence to overlay me, and to exasperate Matters extremely against me, and to enforce things that be not Treasons indeed. I beseech you, my Masters, for God's sake do your Duty, remember Equity, consider Conscience, and what I am: I am no Stranger, I am a Christian Man, and an *English* Man. You may do your Duties to the Queen sufficiently, and yet deal conscionably with me, and heap not, unconscionably, Circumstances to cloy my Memory. Go directly to the Indictment: It is no Praise nor Glory for you to overlay me. I am unlearned, unable to speak, and worst of all to speak for myself; I have neither good Utterance, as the World well knoweth, nor Understanding: For God's sake do not overlay me with superfluous Matter. One thing I had forgotten: I know a Man suspected is half condemn'd. Now as it happen'd in my last Trouble, so at this time there want not to put abroad to the World, and heap up things which I never thought; a great number of such there be, as I see many here at this present. They have publish'd, that I took an Oath of things which afterwards prov'd contrary; blame me not that I mistrust the worse, because I have found the worst. But to take away scruple from you, true it is, that I took an Oath, but not generally, but to special Points. And now when I take an Oath to Points, to draw me to the Whole, and to take *Pars pro Toto*, is great Injury. To prove that I took that Oath to Parts, and not to the Whole, I refus'd to set my Hand without expressing of the Point; for my Hand, my Oath, and my Heart shall go all together. And for further Proof that my Oath was but to special Points, I can name good Witnesses to whom I did presently, within three hours after my Oath taken, specially report the three Points that I made mine Oath unto. This, I say, to take from you the Scruple of such Matter as I have been charg'd with, and which perhaps you have heard of me to my discredit.

Then said Mr. *Serjeant Barrham*, I have yet given no Evidence, and for that Oath you are not once yet charged withal. I have done nothing yet, but recited the Matters contain'd in the Indictment: now will I bring forth Matter for the Queen in Evidence, and will prove the things in

the Indictment to be true. There are alledg'd three great Treasons, as I have before said; the first only I will deal with, that is, to prove that the Duke of *Norfolk* imagin'd, compass'd and conspir'd, to deprive and depose the Queen's Majesty, our Sovereign Lady, of her Crown and Royal Estate and Dignity: and I will use the second Matter but for Inducement of the first, by shewing how the *Scotish* Queen falsely and unjustly claim'd the present Possession of the Crown of this Realm; and that he knowing that the *Scotish* Queen so unjustly claim'd the said Crown, that she quarter'd the Arms of *England*, that she usurp'd the Style and Royal Name; that she hath not acknowledged her Error, nor renounc'd her untrue and unjust Claim and Usurpation, tho' she hath been requir'd thereunto; and whereto himself hath been privy, and hath dealt in Treaty, as a chief Commissioner for the Queen's Majesty for that purpose: This Matter, I say, I will set out; how he knowing all this, yet without the Assent of the Queen's Majesty, against her Highness's express Commandment upon his Allegiance, against his own Faith and Promise to the contrary, practis'd to join himself in Marriage with the said Queen of *Scots*: and I mean to join thereto an Intent of his, to advance and maintain that unjust Title of the *Scotish* Queen. If then this attempting to join himself in Marriage with the *Scotish* Queen shall be prov'd unto you, and that he knew of her unjust Claim and Pretence of Title, and that thereby he join'd himself to advance and maintain the said Title, this must needs tend to a Purpose and imagining to depose and deprive the Queen's Majesty, and thereupon consequently to bring her to Death and Destruction, which is High-Treason within the Compass of the Statute of 25 of King *Edward III.* For who so shall imagine and go about to maintain a Title to the present Possession of the Queen's Crown, and to join himself in Marriage with her that so claimeth, without doubt he meaneth to aspire to the Crown himself; and so meaning, it plainly followeth, that he cannot suffer her Majesty to reign, and his Jealousy cannot suffer her to live where he desireth to reign. Now will I show you the manner of his procuring to match himself in Marriage with the *Scotish* Queen, and first the beginning thereof: First of all, to prove how secretly he dealt to that end, by Suits and Means, before he was a Commissioner, to examine Causes between the *Scotish* Queen, and the young King her Son, and other the Lords of *Scotland.* Before that time there were secret Suits and Practices between them by Motions, by Messages, by Letters and Tokens, and pleaded so far forth, as that the *Scotish* Queen took it, that she was assur'd of his Good-Will. For when Commission was directed to him, and to the Earl of *Suffex*, and to Sir *Ralph Sadler*, Counsellors of the Dutchy of *Lancaster*, the *Scotish* Queen had repos'd full Affiance in the Duke of *Norfolk*, to have at his Hands favourable hearing; and so she reported, and so indeed it follow'd. And where you speak of an Oath, and seem so loth to be disprov'd, and would so feign have it taken, that your Oath, Hand, and Heart go all together; there was an Oath specially appointed for the Commissioners, that they should deal in that matter between the *Scotish* Queen and her Son and Nobility, directly, sincerely, and uprightly, and to weigh all things that should be objected or answer'd on either part indifferently without

without all Partiality. Then after this Oath taken, the Duke being the first nam'd Commissioner, this Oath notwithstanding, dealt indirectly, deceiv'd the Queen's Majesty's Trust, and demean'd him partially against his said Oath, wherein he committed wilful Perjury: Besides that, without regard of his Oath of a sworn Counsellor to the Queen's Majesty of her Privy Council, he disclosed her Majesty's Secrets, and fell to practising for matching himself with the *Scotish* Queen in Marriage. Now shall I prove his knowledge at the same time, that the *Scotish* Queen pretended Title to the present Possession of the Crown of this Realm.

*Duke.* Then the Duke ask'd, if all the Treasons contain'd in his Indictment were upon the Statute of King *Edward III.* and it was answered by Mr. *Serjeant* and Mr. *Attorney-General*, that they were grounded upon the same Statute only. Then the Duke began thus:

Here the Matters that Mr. *Serjeant* hath prov'd against me stand in two Points; by which he chargeth me with imagining the Deprivation and Death of the Queen's Majesty, and with indirect and untrue Dealing in the *Scotish* Queen's Cause; and therein he burdeneth me with Perjury. The *Scotish* Cause hath divers Pleas, and therefore bear with me, I pray you, if I cast back again to rehearse my Doing therein, for my Memory is not good: As for my Dealing therein, God is my Witness, that I have done uprightly.

*Serj.* Then Mr. *Serjeant* urged him to confess if he had knowledge that the *Scotish* Queen pretended Title to the present Possession of the Crown of *England*; offering, if the Duke would deny it, to make proof of it.

*Duke.* The Duke said, I will make mine own Confession; I pray you to teach me not how to answer or confess, because it is the first ground that you build upon against me; and because I know not whether my Peers do all know it or no, I will make a short Declaration of my Doings in that Matter with the *Scotish* Queen.

*Serj.* First we pray your Grace (speaking to the Lord High Steward) that he may directly answer, whether he knew that the *Scotish* Queen so claim'd or no; if he say no, we will prove it.

*Duke.* Then being ruled over by the Lord High Steward, that he should answer directly to that Question, he answer'd, that indeed he knew that she had so claim'd, but with Circumstance.

*Serj.* Say plainly, Did you know it or no? for if you say nay, we can prove it.

*Duke.* You handle me hardly, you would so trap me by Circumstance, and infer upon me that she was the Queen's Enemy, and so make me a Traitor. I will answer directly to the whole Matter of my Dealing with her.

*Serj.* Answer to the parts as they fall out. Did you know that she claim'd the present Possession of the Crown? That she usurp'd the Arms and Royal Style of this Realm? and that she made no Renunciation of that usurp'd Pretence? If you say you knew it not, we will prove every part of it.

*Duke.* I did not know it in such sort as is alledg'd; I know that Renunciation of that Claim was offer'd, and upon certain Causes respited.

*Serj.* It is well known, and yourself then knew it, That the *Scotish* Queen claim'd the present Possession of the Crown of *England*, quarter'd the Arms of *England* with the Arms of *Scotland*, and usurp'd the Style of this Realm; and that there was a *French* Power sent to prosecute it by inva-

ding this Land by the way of *Scotland*: your self was made the Queen's Majesty's Lieutenant, and levy'd an Army to expulſe them. Afterward the Queen's Majesty sent her Embassadors, which met with the *French* Lords and *Scotish* Queen's Commissioners at *Edinburgh*, and agreed upon a Treaty of Peace; in which one special Article was, that the *Scotish* Queen should acknowledge her Error, and should renounce her pretended Claim to the present Possession of the Crown of this Realm. It was not done, nor yet is done. My Lord of *Norfolk* was at this Treaty; and when this last Commission went out, when the Commissioners sat at *York* about the Matter between the *Scotish* Queen, her Son, and the Nobility of *Scotland*, wherein were Commissioners the Duke of *Norfolk*, the Earl of *Suffex*, and Mr. *Chancellor* of the Dutchy; one special Instruction was for the *Scotish* Queen's Recognition of her unjust Claim, and to require that she should ratify the former Treaty of Peace. The Duke knoweth well it was not done.

*Duke.* What is this to me? I need not enter to defend her Doings, I like them not. It is not my Case, but that you make it my Case; else I would not meddle with it, answer it who would for me. Indeed I have heard, that being Covert-Baron then, marry'd to the *French* King, in her Husband's Life she made Claim to the Crown of *England*, and quarter'd the Arms of *England* with the Arms of *Scotland*. I have heard also, That Sir *Nicholas Throckmorton* made complaint thereof, and mov'd for Redress, and thereupon it was laid down. I have heard that she hath been requested to make Renunciation of that Claim when the Peace was concluded, when *Montmorancy* came over, and time was taken for it. After this there grew Amity between the Queen's Majesty and the *Scotish* Queen; the Queen took her for her Friend, sent Embassadors unto her, and christened her Child; all this excluded Enmity. And when my Lord of *Bedford* was there, and mov'd her for ratifying of the Treaty, and for the Renunciation, she refus'd not; but said, she would send to shew Causes why she did it not presently. And then it was refused not absolutely, but upon certain Words, and the treating thereof committed to my Lord *Burleigh* and Mr. *Wotton*. As for our Commission at *York*, it took no end; the Matter was brought up hither, and here was sat upon at *Westminster* in the Parliament-Chamber. And this is my understanding, that she claim'd the Crown, and I have not otherwise known it.

*Serj.* Thus have you confess'd far enough, That you knew that she did pretend Title to the present Possession of the Crown; That she quarter'd the Arms, and usurp'd the Royal Style of this Realm.

*Duke.* It was in her Husband's time, when she was Covert-Baron.

*Serj.* You knew also, how since her Husband's Time, she hath not renounced that Claim; and you had, in special, Instruction to require it when you were Commissioner.

*Duke.* A full Renunciation was offer'd when the Lord *Burleigh* was with her, and our Commission was ended, and the Matter brought up hither.

*Serj.* But what was the Cause why it took no end by your Commission? Your self was the Cause that the Commission broke up, because you dealt indirectly; you set out your own Affection and Partiality, and behav'd your self partially, without regard to the Queen's Majesty's special Commandment, without regard of your Oath, then specially

taken for that Commission, or of your Oath as a Counsellor: you utter'd your Partiality, you disclos'd to the other side aforehand the Queen's Secrets: you devis'd with the one side, and gave them Counsel how to deal for stay of the Matter: you did prevaricate the Queen's Intention; and when you were by your Commission to examine the *Scotish* Queen's Adulteries, and her Murdering of her Husband, you practis'd with those that were Dealers for the *Scotish* Queen, and you told them, by way of Advice, That if these Matters went forwards to Hearing, the Earl *Murray*, and his Side, would disclose all the foul Matter that they could, both by her Letters and other Evidences, to her Dishonour; and that the Queen's Majesty had some such Counsellors about her, as if these things were once produc'd, she would cause them to be publish'd, that all foreign Princes should understand them, to the *Scotish* Queen's great Infamy, and to move foreign Princes to proceed no further suing for her. And this was the Cause of the Breach and Dissolution of your Commission.

*Duke.* You said you would prove that I knew of the *Scotish* Queen's claiming the present Possession of the Crown.

*Serj.* Your self have confessed it; for you know there was yet no Renunciation made, and you were special Commissioner for that purpose; and tho' your Commission took no effect, yet by that, that the requiring of the Renunciation was matter of your Instructions, and the same not done, it is plain that you knew sufficiently of her former unjust claiming of the present Possession of the Crown: And now will we by good Evidence prove your partial and indirect dealing in that Commission. Here I will produce Matter of your own Conference at *York* with *Ledington* and the Bishop of *Rosse*, and how your self told them, that you understood at *Lyth*, that rigorous Matter would be set out by the Earl *Murray* and the rest of that Side, against the *Scotish* Queen, touching her Whoredom and the Murder of her Husband. You gave Advice to stay the Earl of *Murray* from so doing; you told the *Scotish* Queen's Ministers, how the Queen of *England* had some Counsellors that could cause her to publish all those Matters to the *Scotish* Queen's Infamy; you practis'd with them to devise to qualify the Matter; you told the Way that you thought best to do it; you advis'd them to deal with the Earl of *Murray*, that the Matter might be compounded, or else so to handle it, that it might take no end.

*Duke.* Here the Duke took advantage of that Mr. Serjeant had said, That the Duke understood at *Lyth*; for the Duke then protested, that at that time he had never been at *Lyth*. Whereupon the Lord *Burleigh* dissolv'd that Knot, and said on the Duke's Behalf to Mr. Serjeant:

*Burleigh.* You were best proceed with your Evidence; you may mistake: my Lord *Norfolk* had not then been at *Lyth*, otherwise than he and I were there once secretly in a Morning. The Cause of this Error rose thus: In one *Scotish* Paper produc'd for that Matter, was contain'd, how the Duke understood at *Lyth*, which in *Scotch* is as much as at *length*; which Mr. Serjeant, in perusing the Matters for Evidence deliver'd unto him, took for *Lyth*, as the Clerk of the Crown also afterwards did in reading the same Paper.

Then was produc'd an Examination of the Bishop of *Rosse*, taken at the *Tower*, Nov. 5. 1571. as followeth:

The *Scotish* Queen told the Bishop of *Rosse*, that the Conference at *York* was to make the Earl of *Murray*, and other her disobedient Subjects, to answer before the Queen's Majesty of *England's* Commissioners, for their unnatural and unjust Proceedings against her; and that after their Offences acknowledg'd for the Queen of *England's* Pleasure, they should be remitted, and receiv'd into Favour again, and so all Matters compounded.

The Bishop's Answer to this was, That he was sorry she had agreed to any Conference wherein they should be accus'd; for he was assur'd in that Case, they would utter all that they could for their Defences, altho' it were for her Dishonour, and of the whole Realm: for they would be loth to confess openly that they were evil Subjects, and she a good Princess; and therefore he wish'd that the Matter might be treated by way of Concord, before any entry to Accusations: And to that end he counsell'd her to travel with her Friends at Court to *York*. To this she reply'd, that there was no such Danger in the matter as I suppos'd; for she trusted I would find the Judges favourable, principally the Duke of *Norfolk*, who was first in Commission; and doubted not but the Earl of *Suffex* would be ruled by him as his tender Friend, and Sir *Ralph Sadler* would not gainstand their Advice; and that *Liggons* had been at *Bolton*, by whose Message, told by him to the Lord *Scroope*, he understood of the Duke's good Will towards her, and the Bruite was also spread abroad of a Marriage between the Duke and her; and besides, that she had many good Friends in the Country that did favour her, and seek to her, such as the Earl of *Northumberland* and his Lady, by whom she had many Intelligences and Messages; the *Nortons*, *Markenfield* and others, who would all be with the Duke at *York*, and would persuade him to favour her Case. In the mean time, before our Passage to *York*, *Robert Melvin* came to *Bolton* with Letters, sent by *Ledington* from *Faully Castle* to the Queen my Mistress, to advertise her, that the Earl of *Murray* was wholly bent to utter all that he could against her, and to that effect had carried with him all the Letters which he had to produce against her, for proof of the Murder, whereof he had recover'd the Copies, and had caus'd his Wife to write them, which he sent to the Queen; and that he had not come into *England* in the Earl of *Murray's* Company, unless it had been to do her Service, and to travel for mitigation of those Rigors intended; desiring to be certified by *Robert Melvin*, that she wish'd to stay those rigorous Accusations: and because he was well acquainted with the Duke of *Norfolk*, desired him to travel with the Duke in his favour, and that he would confer with the Bishop of *Rosse*, by whom he should understand his whole Mind particularly from time to time. After this, *Robert Melvin* at *York* did bring me to *Ledington's* Lodging, where we talk'd almost a whole Night; where he told, That he had conferr'd with the Duke, who seem'd to bear great Good-will to the Queen my Mistress, and had willed him to counsel the Earl of *Murray*, and others, to abstain from uttering any dishonest Matter against the Queen, but to grant to some Compositions amongst themselves: so that *Ledington* said, it appear'd to him, that the Duke had some Intention to marry with the Queen, as the Bruite was; and that he did verily believe, that if it were follow'd, the Marriage would take effect, which would be most of all other things for the Queen's Honour and

Weal:

Weal: and will'd me to speak with the Duke secretly alone, without the Commissioners, and *Ledington* should advertise the Duke to appoint the time convenient, as he did one day in the Morning by seven of the Clock, before the meeting of the Commissioners. I talk'd with the Duke alone in a Gallery, where he utter'd to me, That he bore good Will to the Queen my Mistres, and that he had talk'd with the Earl *Murray* at \*length, and had seen the Letters which they had to produce against the Queen my Mistres, and other Defences, whereby there would such Matter be proved against her, that would dishonour her for ever; and if it were once published, the Queen's Majesty of *England* would get Counsel by such as lov'd not the Queen my Mistres, to publish the same to the World, and to send Embassadors to all other Princes, to make the same known to them; so that they would make no further Suit for her Delivery, and perhaps greater Rigour might ensue to her Person: Therefore he advis'd me to confer with *Ledington*; and that betwixt him and me, we might find some means to stay the Rigour intended; and promised all that he could do to that effect, by *Ledington's* Advertisement, he would do. I reply'd, that *Ledington* would have her to ratify the Dimission made at *Lochlevin* for a time, for he had assur'd her it could hurt her no more, being kept Prisoner in *England*, than that which was done in *Lochlevin*: for so should she stay the uttering of any matter against her, and within six Months she should be restor'd to her Country with Honour; and so might revoke all done by her.

To this the Duke: What if that were done, to be quit of the present Infamy and Slander, and let him work out the rest? I told him, we were come to that Conference for to make an Agreement, and not to answer to Accusations: and therefore wish'd him to further the Agreement amongst us. He answer'd, That their Commission was only to hear the Differences amongst us; and if I would propound any thing, he would like well of it, and should advertise the Queen's Majesty, his Mistres, thereof, and get her Answer. In this Conference, the Duke did oftentimes insinuate the good Will that he did bear to the Queen my Mistres, but spoke nothing to me particularly of the Marriage at that time; but refer'd all to *Ledington*. Upon this I did confer with *Ledington* divers times, by whose Advice I rode to *Bolton*, to speak with my Mistres, in the time of my Conference; and during my remaining there, the Conference was broken up, and the whole Commissioners for our part, came to *Bolton*. And so my Lord *Harris* and I were sent to *London*. In the mean time, *Robert Melvin* came to *Bolton* to the Queen, with Messages of *Ledington's*, of such Conference as he had with the Duke at the Hunting in the Fields, where I believe *Ledington* did well encourage the Duke to attempt the Marriage, as he told me afterwards; declaring her Properties, and the Honour and Commodities that might ensue to them both thereby; and that the Duke did give good Ear thereto, wishing to the Queen to follow that Course. In the mean time, the Duke had *Liggons*, and others, going between them and the Lady *Scroope*, who did entertain the Matter betwixt them. After this, the Duke coming to *Hampton-Court*, *Ledington* made the mean with

the Duke, to cause him to send *Liggons* to deal with me upon this behalf, and to give me some favourable Advertisement of the Weal for our Cause. And likewise the Duke caused the Lord *Lumley* sometimes to speak with me, to advise me what was best to be done, and especially when the *Spanisb* Embassador had spoken to me of the Marriage of one of the House of *Austria*; the Duke, by my Lord *Lumley*, counselled me to open the matter to the Queen's Majesty, by my Lord of *Arundel*, which might be an occasion to move her to like better of the Match with him, than with any Foreigner. And then he sent me word by *Liggons*, that the Queen's Majesty was inform'd of such a like Bruite, of his Marriage with the Queen of *Scots*; but he had satisfy'd her well enough, and so still did follow the Matter, and did treat thereupon with the Earl of *Murray* and *Ledington* at *Hampton-Court*: by whose Advice *Robert Melvin* was sent to the Queen, my Mistres, at *Rippon*, to move the Matter upon the Earl of *Murray's* behalf, with a full Determination, that the Earl of *Murray* liked of it: Which Message I heard afterward that *Murray* alledg'd he did send it, for fear of some Enterprize against him at *Northallerton*, in his Return to *Scotland*. And so after this manner the Matter had been entertain'd betwixt the Queen and the Duke from time to time, as is at length declar'd in the former Examinations.

*Serj.* The Effect of all, is the Duke's partial and untrue Dealing; for that before the Bishop of *Rosse's* going to *York*, the *Scotish* Queen declar'd to the Bishop of *Rosse*, That she doubted not of the Favour of the Duke of *Norfolk*; for she told him that my Lady *Scroope* had by Motions and Means assur'd her of his good Will, and she doubted not of my Lord of *Suffes's*, for the great Friendship and tender Love he bare to the Duke; and she made account that Mr. *Sadler* would be friendly, for that he alone would not stand to them both. It appeareth also, for further proof of his partial Dealing, that tho' he were sworn, both as a Counsellor to the Queen's Majesty, and also specially for the Matter of this Commission; yet he indirectly, secretly, and underhand, dealt with *Ledington*, and told him, how that the Earl of *Murray* and his Side intended to utter sharp Matter against the *Scotish* Queen. The Duke gave his Advice how to stay it, and so dealt partially, and against the Queen's Majesty's special Trust and Commandment, and against his own Oath and Promise. Next after that, in Conference had with the Duke of *Norfolk* on the *Scotish* Queen's part, the Duke declar'd his good Will that he bare to the *Scotish* Queen: He shewed how, that if the same matter of Evidence against her, were once utter'd by the Earl of *Murray*, some of the Queen's Majesty's Counsellors of *England* would procure her Majesty to publish them. He advised that the matter should be compounded with the Earl of *Murray*; and that he should not stick, being here in *England*, and not at her own liberty, for the present time, to be content to ratify the Dimission of the Crown of *Scotland*, which she made at *Lochlevin*; and so she might be restor'd into her own Country, and then she might undo all again at her pleasure: and upon pretence of Constraint and Fear, as well revoke that which she should do in *England*, as she before revoked that which she had done at *Lochlevin* in *Scotland*. Also



the Duke at that time was privy to the Device, that *Ledington* accompany'd the Earl *Murray* only to understand his Secrets, and to betray him; and that *Ledington* stole away the Letters, and kept them one Night, and caused his Wife to write them out. Howbeit, the same were but Copies translated out of *French* into *Scotch*; which, when *Ledington's* Wife had written out, he caused them to be sent to the *Scotish* Queen: She laboured to translate them again into *French*, as near as she could to the Originals wherein she wrote them; but that was not possible to do, but there was some Variance in the Phrase; by which Variance, as God would, the Subtilty of that Practice came to light.

*Duke.* What if all this be true? What is this to the matter? Any dealing of mine with the *Scotish* Queen by my Sister *Scroope's* Means, I utterly deny. As for *Ledington*, and the Bishop of *Rosse*, what their Speeches were to me, I care not; I am to answer but for mine own Speeches.

*Serj.* The Bishop of *Rosse* accuseth you of your own Speeches, and this he doth, being examined freely, and without any Compulsion.

*Duke.* He is a *Scot*.

*Serj.* A *Scot* is a Christian Man.

*Duke.* At my being at *York* in Commission, *Ledington* broke with me himself to have the Matter compounded between the *Scotish* Queen and the Earl of *Murray*. I told him that our Commission was only to hear indifferently what should be alledged on both parts, and thereof truly to make report. What hurt is this? The Bishop of *Rosse* afterwards sent for me, that he might speak with me: when we met, he moved me for the compounding of the Matter, as *Ledington* had done. I told him, that our Commission was but to hear and report, as I had told *Ledington* before; and therefore if they would fall to compounding, I willed them to devise the Means themselves, and to make Offers; and thereupon we would advertise the Queen's Majesty thereof, as we would of all the Matters alledged. If it be otherwise, and as you say, let my Letters be looked on, and see if they contain any such Matter. If the Bishop of *Rosse*, for Fear or for Malice, have said untruly; if being a *Scot*, he care not how many *English* Men, by his false Testimony, he bring to destruction; I beseech you let not that hurt me.

*Serj.* You made the first Motion of compounding the Matter to *Ledington* your self; and another time to the Bishop of *Rosse*, you offered to further it all that you could.

*Duke.* I never saw the Bishop of *Rosse* before I came to *York*; and would I, think you, deal so dangerously with a *Scot* that I never saw before? Also, I did by my Letters signify to the Queen's Majesty our Proceeding, and my misliking of the *Scotish* Queen's part: Let that Letter be seen; which Letter was written after my Talk with *Ledington*. I wrote it when I went from *York*, and I never saw the Bishop of *Rosse* afterward, till I came to *London*.

*Serj.* The writing of your Letters to the Queen's Majesty, wherein you advertised against the *Scotish* Queen, and though the same were written after your Conference with *Ledington* and the Bishop of *Rosse*, is no proof but that you dealt partially for the *Scotish* Queen; for those Letters were written by others, as well as your self, namely, by my Lord of *Suffex*, and Mr. Chancellor of the Dutchy:

and you could not otherwise do, but so signify, notwithstanding your partial secret Dealing; for else you should have too openly bewrayed your Intention.

*Duke.* When *Ledington* moved me of the Marriage of the *Scotish* Queen, I utterly refused it.

*Serj.* That is not so: And for proof, as well of your partial Dealing in the Commission as for the Marriage, there shall be brought forth sufficient Evidence.

Here was alledged how a Letter had been written to the Earl of *Murray*, requiring to be advertised by him of so much as he knew concerning the Doings of the Duke of *Norfolk*, both for the Matter of the Commission, and the Practice of his Marriage with the *Scotish* Queen: And the Earl *Murray's* Answer to the same Letter was produced, and read, as followeth.

*Note.* That the beginning and ending of this Letter was not read; but so much only as pertained to the matter, *viz.*

‘ **I**N *York*, at the meeting of all the Commis-  
 ‘ sioners, I found very honourable and neutral  
 ‘ Dealing with the Duke and others her High-  
 ‘ ness's Commissioners, in the beginning of the  
 ‘ Cause, as in the making of the Oaths to pro-  
 ‘ ceed sincerely, &c. During which time, I only  
 ‘ entered into general Speech, sticking at our  
 ‘ just Defence in the Matters that were objected  
 ‘ against us by the said Queen's Commissioners;  
 ‘ looking certainly for none other thing but a sum-  
 ‘ mary Cognition in the Causes of Controversy,  
 ‘ with a small Declaratory to have followed. Upon  
 ‘ a certain Day, the Lord *Ledington's* Secretary  
 ‘ rid with the Duke to *Carwood*; what purpose  
 ‘ they held, I cannot say: but that night, *Le-*  
 ‘ *dington* returning, and entering in Conference  
 ‘ with me upon the State of our Action, I was  
 ‘ advised by him to pass to the Duke, and to  
 ‘ require familiar Conference; by the which I  
 ‘ might have some feeling to what Issue our Mat-  
 ‘ ters would tend. According to which Advice,  
 ‘ having gotten Time and Place convenient in the  
 ‘ Gallery of the House where the Duke was  
 ‘ lodged; after renewing of our first Acquaintance  
 ‘ made at *Berwick*, the time before the Siege  
 ‘ of *Lyth*, and some Speeches passed betwixt us,  
 ‘ he began to say to me how he in *England* had  
 ‘ Favour and Credit, and I in *Scotland* Good-will  
 ‘ and Friendship of many. It was thought there  
 ‘ could be none more fit Instruments to travel for  
 ‘ the Continuance of the Amity betwixt the two  
 ‘ Realms, than we two. And from that Discourse  
 ‘ upon the State of both, and how I was entered  
 ‘ in that Action tending so far to the Queen's dis-  
 ‘ honour, I was willed by him to consider how  
 ‘ Matters stood in this Isle, what Honour I had  
 ‘ received of the Queen, and what Inconveniences  
 ‘ her Defamation in the matters laid to her  
 ‘ charge, might breed to her Posterity, whose  
 ‘ Respect was not little to the Crown of *England*.  
 ‘ There was but one Babe, the *Hamilton's*, my Un-  
 ‘ friend, had the next Respect; and if I should,  
 ‘ the Issue of her Body would be the more af-  
 ‘ fectionate to me and mine, than any other that  
 ‘ could attain to that Room: and so it should be  
 ‘ meetest that she affirmed her Dismission made  
 ‘ in *Lochlevin*, and we to abstract the Letters of  
 ‘ her Hand writ, that she should not be defamed  
 ‘ in

in *England*. My Reply to that was, how the matter had pass'd in Parliament, and the Letters seen to many; so that the abstracting of the same, could not then serve her to any purpose: and yet should we in that Doing bring the Ignominy upon us, affirming it could not be sure for us that way to proceed, seeing the Queen's Majesty of *England* was not made privy to the matter, as she behoved to be, in respect we were purposely come into *England* for that End, and for the justifying of the Grounds of our Cause. The Duke's Answer was, he would take in hand to handle matters well enough at the Court. After this, at the Occasion of certain Articles that were required to be resolved in, before we entered directly in the Declaration of the very Ground of our Action, we came up to the Court; where some new Commissioners were adjoind to the former, and the hearing of the Matter ordain'd to be in the *Parliament-House* at *Westminster*. In presence of which Commissioners for the said Queen, and partly thro' the sharp rebuking of the Queen's Majesty of *England's* Commissioners, we utter'd the Grounds of the Action, and produc'd such Evidences, Letters, and Probations as we had, which might move the Queen's Majesty to think well of our Cause. Whereupon expecting her Highness's Declaration, and seeing no likelihood of the same to be suddenly given, but daily Motions made to come to an accord with the said Queen, our Matters at home in *Scotland* in the mean season standing in hazard and danger; we were put to the uttermost Point of our Wit to imagine whereunto the Matters would tend: for albeit we had left nothing undone for the Justification of our Cause, it appeared yet no End, but continual Motions made, to come to some accord with the Queen, and restore her to whole or half Reign. I had no other Answer to give them, but that I could neither do against Conscience nor Honour in that matter. Notwithstanding, seeing this my plain Answer wrought no End or Dispatch to us, and that I was informed that the Duke began to dislike of me, and to speak of me as that I had reported of the said Queen irreverently, calling her Whore and Murderer; I was advised to pass to him, and to give him good Words, and to purge myself of the things objected to me; that I should not upon the sudden enter in his evil Grace, nor have him to our Enemy, considering his Greatness: it being therewithal whisper'd and shew'd to me, that if I departed, he standing discontented and not satisfy'd, I might peradventure find such trouble in my way, as my Throat might be cut before I came to *Berwick*. And therefore since it might well enough appear that he aspired to her Marriage, I should not put him in utter despair that my Good-will cannot be had therein. So, few days before my departing, I came to the Park at *Hampton-Court*, where the Duke and I met together; and there I declared, that it was come to my ears how some Misreport should be made of me to him, as that I should speak irreverently and rashly of the said Queen, my Sovereign's Mother, such words as before express'd, that he might perceive my Affection to be so alienated from her, as I could not love her, nor be content of her Preferment. Howbeit, he might persuade

himself of the contrary; for as she once was the Creature in the Earth that I loved best, having that Honour to be so near unto me, and having received such Advancement and Honour by her, I was not so unnatural ever to wish her Body harm, or to speak of her as was untruly reported of me, howsoever the Truth were in itself. And as the Preservation of her Son, now my Sovereign, had moved me to enter in this Cause, and that her own pressing was the occasion of that which was uttered to her Infamy; so whensoever God shall move her Heart to repent of her by-past Behaviour and Life, and after her known Repentance, that she should be separate from that ungodly and unlawful Marriage that she was entered in, and then after were join'd with such a godly and honourable Personage, as were affectioned to the true Religion, and whom we might trust; I could find in my heart to love her, and to shew her as great Pleasure, Favour, and Good-will, as ever I did in my Life. And in case he should be that Personage, there was none whom I should better like of, the Queen's Majesty of *England* being made privy to the matter, and she allowing thereof; which being done, I should labour in all things that I could, to her Honour and Pleasure, that were not prejudicial to the King my Sovereign's Estate: and pray'd him not to think otherwise of me, for my Affection was rather bury'd and hid within me, waiting until God should direct her to know herself, than utterly alienate and abstracted from her. Which he seem'd to accept in very good part, saying, Earl of *Murray*, thou knowest of me that thing whereunto I will make none in *England* nor *Scotland* privy, and thou hast *Norfolk's* Life in thy hands. So departing, I came to my Lodging, &c.

Thus have I plainly declared how I have been dealt withal for this Marriage, and how just Necessity moved me not to repugn directly that which the Duke appear'd so bent unto. And for my Threatnings to assent to the same, I have express'd the manner. The Persons that laid the Terror before me, were of mine own Company, and the Duke since hath spoken, that it was his writing which saved my Life at that time. In conclusion, I pray you persuade her Majesty, that she let no Speeches, nor any other thing pass'd and objected to my prejudice, move her Majesty to alter her Favour towards me, or any ways to doubt of my assured Constancy towards her Highness: for in any thing that may tend to her Honour and Surety, I will, while I live, bestow my self, and all that will do for me, notwithstanding any Hazard or Danger; as proof shall declare, when her Majesty finds time to employ me.

*Serj.* Thus appeareth it, That the Duke of *Norfolk* first travell'd with *Ledington* for stay and compounding the matter, and afterward likewise with the Bishop of *Roffe*, and at both times first moved it of himself: so now the Earl of *Murray* also by his Letters doth testify, that in Conference with him, it came first of the Duke to move the stay of the Contention, and to what end the Duke did it, namely, for that he aspired to the Marriage of the *Scottish* Queen, and therein made account of her Respect to the Crown of *England*; and that without the Queen's Majesty's Assent or Knowledge. Now shall you also see, for further proof

poof thereof, the Bishop of *Roffe's* Letter to the *Scotish* Queen: For the Bishop of *Roffe* went from *York* to *Bolton*, as you have before heard in his Examination. On the way, before he came to *Bolton* to the *Scotish* Queen, from his Lodging he wrote a Letter to her, which Letter was lost by his Servant; but as good hap was, he reserv'd a Copy thereof, and negligently left it behind him in his Lodging at *Newcastle*, where the Earl of *Murray* half a year after being lodg'd in the same Chamber, found it, and sent it to the Queen's Majesty's Council; and here it is all written with the Bishop's own Hand, as himself, being examin'd thereof, hath confess'd. Here he setteth out the Conference between the Duke of *Norfolk* and *Ledington*, and himself. He sheweth the Duke of *Norfolk's* Advice to the *Scotish* Queen, for a Letter by her to be written to the Queen's Majesty; and also he openeth the Duke's Advice, how to work for the *Scotish* Queen, with disclosing the Queen's Majesty's Secrets.

Here was the said Letter produced, and read as followeth.

*Copy of the Letter sent from York by the Bishop of Roffe to the Queen-Mother, to the Queen our Sovereign Lady, then remaining at Bolton.*

*A. Ledington.*      ' Please your Majesty, I confer'd  
' at great length with *A.* one  
' great part of the Night; who as-  
' sured me he had reason'd with *B.*  
' this Saturday, as yesterday on  
' the Fields who *C.* determin'd  
' to him, that it was *D's* determi-  
' nate Purpose not to end your Cause  
' at this time, but to hold the same  
' in suspense; and did what was in her  
' power to cause us: *E.* pursued ex-  
' tremely, to the effect *F.* and his  
' Adherents might utter all that they  
' could to your dishonour; to the  
' effect, as was suppos'd, to cause you  
' come in disdain with the whole Subjects of this  
' Realm, that you may be the more unable to  
' attempt any thing to her disadvantage; and to  
' this effect is all her Intention. And when they  
' have produced all they can against you, the  
' Queen will not appoint the matter instantly, but  
' transport you up in the Country, and reserve  
' you there till she think time to shew you Favour;  
' which is not able to be hastily, because of your  
' Uncles in *France*, and the fear she hath of your  
' self to be her Unfriend. And therefore their  
' Counsel is, that you write a Writing to the  
' Queen, meaning that you are informed con-  
' cerning your Subjects, which have offended  
' you, this in effect; That your Majesty hearing  
' the Estate of your Affairs, as they proceed in  
' *York*, was inform'd that her Majesty was in-  
' form'd of you, that you could not godly remit  
' your Subjects in such sort, as they might credit  
' you hereafter: which was one great cause of  
' the stay of this Controversy to be ended. And  
' therefore persuading her Grace effectuously not  
' to trust any who made such Narration; but like  
' as you had rendred you in her hands, as most  
' tender you of any living, so pray'd her Grace  
' to take no Opinion of you: but you would use  
' her Counsel in all your Affairs, and would pre-  
' fer her Friendship to all others, as well Uncles  
' as others, and assure her to keep that thing you

' would promise to your Subjects by her Advice.  
' And if her Grace discredit you, you would be  
' glad to satisfy her in that point, to be removed  
' within her Realm in secret and quiet manner,  
' where her Grace pleas'd, unto the time her  
' Grace were fully satisfy'd, and all occasion of  
' Discredit removed from her; so that in the  
' mean time your Realm were holden in quietness,  
' and your true Subjects restored and maintained  
' in your own Estate, and such other things tend-  
' ing to this effect. And affirms, that they be-  
' lieve that this may be occasion to cause her cre-  
' dit you better, that you offer safer, and may  
' come, that within two or three Months she may  
' become better minded toward your Grace; for  
' now-while she is not well minded, and will not  
' shew you any pleasure, for the causes aforesaid.'

*Duke.* Here be many things and many parts very hard for me to remember; and here be produced three Witnesses against me, *Ledington*, the Bishop of *Roffe*, and the Earl of *Murray*. Hereunto I will answer as my Memory will serve me: *Ledington*, because he and I were acquainted at *Lyth*, came to me and practis'd to search at my hands, and to feel how the Queen's Majesty was satisfy'd. I told him, that 'till I heard what the Queen's Majesty would resolve, I could tell him nothing: And so time spent away. And in the mean season, upon a *Saturday*, I being at Dinner with the Lord of *Suffes*, *Ledington* came in; and after Dinner talking with me, he brake more earnestly for me with the *Scotish* Queen, and for a Marriage between her and me, which I utterly refused, as by my Letters from *York* to the Queen's Majesty it may appear; wherein I signify'd my Opinion of the *Scotish* Queen, or else she must be maintain'd by the Queen of *England*. I said to him again, that the Queen's Majesty sought the Quietness of that Realm; but for any Advice of restoring the *Scotish* Queen into her Country, I could not see how it might be consider'd: and so I advis'd him to submit the whole Matter to the Queen's Majesty's Judgment. Otherwise he and I never talk'd. Of those other doings, between *Ledington* and the *Scotish* Queen, I know nothing. The Bishop of *Roffe* shortly after said to me, and intreated to have my help for compounding of the Matter, as you know well he can speak fair. I told him I could do nothing without my Fellows, and only in such manner as was prescrib'd by our Commission. I told him also, that we were but to hear and certify; and for the Matter of compounding, they were best to make Offers themselves; for we were but to receive such Devices as they should chuse, and to give advertisement of the same. To what end should I need to utter the Matters of the Earl of *Murray's* part to the other side, when *Ledington* himself was present, and privy to all? I spake not with the Bishop of *Roffe*, but at that time only. And as for that Advice, to avoid the discovering of those rigorous Matters by the Earl, and the publishing thereof to the Queen's Majesty, to the *Scotish* Queen's Infamy; I never disclosed any such Secrets, nor gave any such Advice: Only I did advise the Bishop of *Roffe*, that he and that side should hold themselves contented with the Queen's Majesty's dealing, and with the Determination taken at *Hampton-Court*, which was such as might content them, and such as my Lord *Burleigh* then mislik'd. As for the Earl *Murray*,  
he

he began with me, and not I with him: He came to me at *Carwood*, and prayed me to tell him what end would come of the Matter. I said, I knew not; for it must come from the Queen's Majesty: We knew not of the differing of the Commission at that time, nor till such time as Mr. *Sadler* was sent for. How could I tell him, and knew it not my self? I never yielded to the Marriage between the *Scotish* Queen and me: I cannot gather such Matter of Looks alone, I never dealt more therein, but only that *Ledington* broke it. Have I not answered all these Matters? If I have not, put me in any thing I have omitted, and I will answer it.

*Serj.* Your Answer is but only Denial; *Ledington* and the rest write otherwise, that you made the first Motion to them: and therefore *Ledington*, by Practice between you and him, sent the Earl of *Murray* to you, under pretence of searching to learn the State of their own Cause, to be moved by you for the Marriage; upon your Answer, it is but yea and nay between you. If you meant directly, then needed you not to have dealt so secretly in Conference with *Ledington*, without the rest of the Commissioners; and besides *Ledington's* Conference with you, both the Bishop of *Rosse* and the Earl *Murray* affirm your practising with them to the same intent: which is sufficient Proof against your own bare denial.

*Duke.* The Earl *Murray* sought my Life, the other are not of Credit; yet all these prove not that I dealt in the matter of the Marriage with the *Scotish* Queen, in any respect of her Claim to the Crown of *England*. If the Bishop of *Rosse*, or any other, can say otherwise, let them be brought before me face to face. I have often so desired it, but I could not obtain it.

*Serj.* The Bishop of *Rosse* confesseth it; this is his own hand; and here you shall have, by Witnesses, proved the Duke's Assent to the Marriage with the *Scotish* Queen: and to practise the furtherance thereof, you shall see how that afterwards he was privy to a Device, that the Earl *Murray* should have been murdered at *Northallerton*, in his way homeward, by the *Nortons*, *Markenfield*, and other Rebels; and afterwards, being satisfy'd at the Earl *Murray's* hands, a Letter was written to stay that Device: containing also a Device of compounding the Matter, and how the Earl *Murray* had assented to the Marriage.

Here was contained the Bishop of *Rosse's* Confession, in Article the ninth; wherein appeareth,

That the Earl *Murray* should have been murdered by the way, going home into *Scotland*; and that the Bishop of *Rosse* wrote to the *Scotish* Queen, that the Duke of *Norfolk* advised her to stay that Murder, because the Earl *Murray* had yielded his good Will to the Marriage as followeth:

*Out of the Bishop of Rosse's Examination, taken the 6th of November, 1571.*

To the 9th he saith, That the Earl of *Murray* was in fear to have been murdered by the way, in his Return to *Scotland*; whereupon this Examinee, by the Duke's Advice, did write to the Queen of *Scots*, that the Attempt might be staid, for that *Murray* had yielded to the Duke to be favourable; and the Murder should have been executed about *Northallerton*, by the *Nortons*, *Markenfield*, and others, as this Examinee was advertised by the *Scotish* Queen's Servants that came from *Bolton*.

*Serj.* Thus it appeareth, that the Duke so far

assented to the Marriage, that rather than it should not have taken effect, he was contented that the Earl of *Murray* should have been murdered.

*Duke.* The Unkindness between the Earl *Murray* and me, was not about this Matter of his Mistress the *Scotish* Queen, but for another cause; it was because the Earl *Murray* had reported that I sought the Marriage of the *Scotish* Queen. I charg'd him therewith by Message, he excused himself thereof, and laid it upon the Earl *Moreton* and the Bishop of *Orkney*; and for the Device of murdering him, I was never privy to it. And where the Article saith, that I heard it by the *Scotish* Queen's Servants that came from *Bolton*, it is not true. I never heard of it till *Whitsuntide* after, when *John Wood* came, and then I heard it not but by the Bishop of *Rosse*; neither did I hear that it should have been done by the *Nortons*, but by my Brother of *Westmoreland* being an hunting, when the Earl *Murray* espying a great Company on the Hill-side, imagin'd that he should have been slain.

*Serj.* You shall also understand, that the Duke himself wrote to the Earl of *Murray*, wherein is plainly declared his Practice and Assent to the Marriage: which very Letter we have not, but the Copy thereof, under the Regent's own hand, which the Regent sent to the Queen's Majesty, whereby the Matter most plainly appeareth.

*My good Lord,*

I Have received your courteous Letter, whereby I do not only perceive you well affected for the Advancement of your common Weal, and the uniting of this Island, but also your good Mind towards me; which two Points I cannot but note to your special Commendation, and my great Comfort. As you shall prove me industrious to assist you with all my Power in the one, so shall you not find me ungrateful in the other, but really to requite you to my uttermost for your Friendship so frankly offered; the rather I shall have occasion to imploy my self for the just Reward of your Deserts, the sooner I shall think my self in Nature, Friendship, and Conscience discharged of my Obligation. In the mean time, good my Lord, assure your self, that you have not only purchas'd a faithful Friend, but also a natural Brother, who is not, nor will not be less careful for your Weal and Surety, than his own Honour and Credit; whereof I am fully persuaded you doubt not: and therefore in that Point I need not to be over-tedious, but briefly to return to that you desire to be satisfy'd of, which is, for my Marriage with all Sincerity with your Sister; wherein I must deal plainly with your Lordship, as my only Friend, that I have so far proceeded herein, as I, with Conscience, can neither revoke that that I have done, nor never do mean, while I do live, to go back from this that is done, nor with Honour proceed further, until such time as you there shall remove such Stumbling-blocks, as be Impeachment to our more apparent Proceeding; which when by me it shall be finished, upon mine Honour the rest shall follow to your Contentment and Comfort. Wherefore my earnest Request, at this present, to my good Lord, is, that you will proceed herein with such Expedition, as the Enemies of this good Purpose, which will be no small number, against the uniting of this Land into one Kingdom in time coming, and the Maintenance of God's true Religion, may not

' not have Opportunity, thro' the Delay given  
 ' them, to hinder our intended Determination;  
 ' against the which, I am of opinion, there will  
 ' be no Practices by foreign Princes omitted.  
 ' This I hope will be sufficient to resolve you,  
 ' my Lord, of your Desire touching the Mar-  
 ' riage; referring my self wholly, for your more  
 ' ample Instruction and Satisfaction in all Points,  
 ' to my Lord *Boid*, who hath Commission both by  
 ' the Queen of *Scotland*, your Sister, and also by  
 ' me, to resolve you of all Doubts, whom I wish  
 ' you to credit as my self. You shall not want the  
 ' furtherance in this Enterprize of the most part  
 ' of the Noblemen of this Realm; whose faithful  
 ' Friendship in this Case, and all other my Ac-  
 ' tions, I have to my Contentment sufficiently  
 ' proved. Thus being persuaded that your Lord-  
 ' ship's Endeavour is for the Maintenance of God's  
 ' Glory, and the Advancement of the common  
 ' Weal of this Island, I have adventured to impart  
 ' my secret Determination, as to one whom I  
 ' make account to be assured of, and unto whom I  
 ' wish long Life and prosperous Health, to his  
 ' Heart's Desire. So with my hearty Commenda-  
 ' tions at this present, without further Molesta-  
 ' tion, I am,

From my House in      My good Lord,  
 London, July 1.

Your faithful and most assured Friend.

' I have heard you have been in the *North* of  
 ' *Scotland*, and doubt not but you have satisfy'd the  
 ' Request I made for the Bishop of *Rosse*, and have  
 ' caused his Servants to be obeyed of his Benefices;  
 ' and what is left undone, I pray you cause it to  
 ' be effectually furthered. He hath the Queen of  
 ' *Scots* Letter, directed to you for that effect; but  
 ' trusting that my Request shall make him to be  
 ' obeyed, ere the other come to your hands, where-  
 ' in you shall do me singular Pleasure.

*Norfolk.*

*Duke.* All these are Letters, and answer'd two  
 years ago, when Mr. *Sadler* and Mr. *Attorney* were  
 sent to examine me upon Interrogatories. Indeed  
 I must confess my Folly; it is an ill Cook that can-  
 not lick his own Fingers. The Bishop of *Rosse*  
 wrote the Letter, and he lick'd his own Fingers.  
 The Earl of *Murray* wrote to me very humbly,  
 and that he was at my Commandment, with such  
 like words. I having no leisure to write Answer  
 to him, drew Articles to give him thanks: but  
 that the Noblemen liked of that Marriage, and  
 that I wished no Man's Friendship more than his  
 in it, the Bishop of *Rosse* added of his own, and  
 put it in Cipher in this Form, which Cipher I  
 had not then.

*Serj.* This is the very Copy of your own Letter.

*Duke.* See my Answer made in my first Trou-  
 bles, two years past.

*Serj.* The Queen's Majesty understanding the  
 Duke's Intention to marry with the *Scottish* Queen,  
 the Duke himself, by way of Prevention, com-  
 plained to her Majesty of the Rumour that was  
 spread against him, that he sought the *Scottish*  
 Queen's Marriage, and prayed it might be exa-  
 mined. In which her complaint, as I have heard  
 her Majesty her self declare it, and some here of  
 my Lords have likewise heard it, he said, among  
 other things, To what end should I seek to marry  
 her, being so wicked a Woman, such a notorious  
 Adulterers and Murderer? I love to sleep upon a

safe Pillow: I account my self, to your Majesty's  
 good Favour, as good a Prince at home in my  
 Bowling-Alley at *Norwick*, as she is, tho' she were  
 in the middle of her Kingdom. The Revenues of  
 the Crown of *Scotland* (all the ordinary Charges  
 deducted) about the necessary Affairs of the  
 Realm, are not comparable to mine own that I  
 enjoy by your Goodness, as I have heard of the  
 chief Officers of that Realm; considering also  
 that her Kingdom is not in her hand, but pos-  
 sess'd by another; if I should seek to match with  
 her, knowing, as I do know, that she pretendeth  
 a Title to the present possession of your Crown,  
 your Majesty might justly charge me with seek-  
 ing your own Crown from your Head. This the  
 Duke spake to the Queen's Majesty, in his Excuse,  
 when the Fame went of his Marriage with the  
*Scottish* Queen, when yet, beside that time, he  
 had dealt earnestly in it.

*Duke.* I may not nor will not stand against her  
 Majesty's Testimony, I must give place unto it;  
 but hereof I was examined two years ago, and  
 then I declared, as I now do, that at that time I  
 intended not the Marriage. And true it is, that  
 I have at sundry times, some at one time, and  
 some at another, used some of those kinds of  
 Speeches; but at that time I dealt not with that  
 Marriage, nor minded it.

*Serj.* Your own Confession is otherwise; for your  
 self have since confessed, that you concealed from  
 the Queen your Conferences with *Ledington* and  
*Rosse* about the Marriage, both the Conferences  
 had at *York* and at *Hampton-Court*.

*Duke.* I never consented to the Marriage at those  
 times of their Conferences, and so I might well  
 use their Speeches.

Then was produced his own Examination the  
 6th of *November*, 1571. and it was read, and  
 he confessed his Concealment of those Speeches  
 and Conferences before used about the Mar-  
 riage, and that it had indeed been moved, but  
 not concluded on: He remembreth that the Queen  
 charged him straightly not to proceed in that Mar-  
 riage; but he remembreth not that she charged  
 him upon his Allegiance.

*The Duke of Norfolk, the 6th of November,*  
 1571.

To the first and second, he saith, That he  
 remembreth that at *Hampton-Court*, upon a  
 Report made by *Robert Melvin*, so declared by  
*Woolcock*, that this Examinant had gone about a  
 matter of Marriage with the *Scottish* Queen for  
 himself, wherein he took himself to be much  
 wronged, and desired to have the Matter exa-  
 mined; for that he had not dealt in that Mat-  
 ter, and doth not remember what the Queen's  
 Majesty said unto him at that time: at which  
 time he said for himself, That he intended no  
 such thing, nor meant any such thing; and yet  
 he confesseth, That he did not declare to the  
 Queen's Majesty, at that time, of any Speech  
 that had been used unto him by *Ledington* at  
*York*, and the Earl of *Murray* at *Hampton-Court*,  
 touching the said Marriage. Being at *Titchfield*,  
 the Queen's Majesty called him to her Gallery,  
 asking of him, Whether he had dealt any wise  
 for the Marriage of the Queen of *Scots*, as it  
 was reported? Whereunto he answered, He  
 thought her Majesty had heard by others. But  
 she willed him to declare the Truth, because  
 she had rather hear it of himself: And so he  
 declared,

declar'd, That he had received Letters from her; that the matter had been mov'd and written unto her; but he had not made any Conclusion in that Matter with her. Whereupon her Majesty shewing her self to mislike thereof, commanded and charged him that he should not deal any further therein with the Queen of Scots, nor any other Person in that Matter: But that he was charg'd upon his Allegiance, he doth not certainly remember; but that he was straitly commanded, he doth well remember.

At length he confess'd, that he was charg'd upon his Allegiance.

*Serj.* At *Titchfield* the Queen's Majesty expressly commanded the Duke of *Norfolk* upon his Allegiance, as himself hath now confess'd, not to proceed in that Marriage with the *Scottish* Queen: Now, if we prove that this Commandment notwithstanding, and against his own Promise, he afterward still proceeded, and that much more earnestly than before; and yet nevertheless, that he had all the while conceived an evil Opinion against the *Scottish* Queen, and upon the sight of her Letters, and other Evidences, shewed he thought her plainly guilty of abominable Whoredom, of the Murder of her Husband, and signify'd it by Letters, and declar'd the same his Opinion to *Bannister*: And also, That he made no account of her Kingdom of *Scotland*, which she had not in Possession; or if she would have it, yet he counted it not comparable to his own Dukedom. He (I say) so doing, and so conceiving and so declaring, and yet still more and more prosecuting the Marriage, cannot be said to have prosecuted it, in respect of her Person but of some other thing (forsooth the Crown of *England*) which he hoped to attain under her pretended Title. You never saw her, you could not then be carried with Love of her Person; you conceiv'd ill Opinion of her, so could you not be led with Love of her Conditions; the Fame of her good Qualities and virtuous Conditions you never heard much of, except it were by her self, or the Bishop of *Rosse*, or some of her Ministers; her Kingdom of *Scotland* you esteem'd not, both because she had it not in Possession, but it was in Possession of her Son, by her own Dimissie ratify'd by Parliament, and for that it was not of so good value as your own Possessions were. To what end then pursued you the Marriage? To no other End surely, but to advance and maintain the false and pretended Title to the present Possession of the Crown of *England*; and for the attaining thereof, to practise the Deprivation, Death and Destruction of the Queen's Majesty. If further, we shall plainly prove that after your departing from the Court, you meant not only to prosecute the Marriage, but also to prosecute it with Force, against the Queen in her own Realm; then it must needs be with intent of her Majesty's Deprivation and Destruction, and so High-Treason, within compass of the Statute of 25 of *Edward* the Third. For who-so shall take upon him to prosecute and maintain a Title to the Crown by force against the Queen, and within her own Realm, must needs make account that the Queen must and will resist that Force; if then that Force may overcome the Prince's Force, what is the likelihood then to ensue? There must needs follow Deprivation of

the Queen, and thereupon her Death and Destruction; for the Jealousy of an Usurper by Force, can in no wise suffer a rightful Prince to live. Now to prove your Intention to pursue the Marriage with Force against the Queen: In your Journey towards *London*, you entered into Conference and Device between another and you, for taking the *Tower of London*, with all the Queen's Ordnance, Ammunition and Treasure therein, and to have kept the *Tower* by Force against the Queen, and so to have brought the Marriage to pass by Force, whether the Queen would or no. But it took not effect: for the Queen's Majesty having understanding thereof before, provided for enforcing the Place with new Supply; and Mr. *Pelham*, Lieutenant of the Ordnance, was, for that purpose, put in with sufficient Power. Afterward being at your own House, the *Charter-House*, the Queen's Majesty understanding of these Attempts, sent for you; whereunto you make a feigned Excuse of doubt of Sickness, and that you had taken Physick, so that for four or five Days you could not journey; promising after those four or five Days, to wait on her Majesty, according to your Duty. And immediately after this Excuse sent, without tarrying four or five Days, or any more Days, the same Night, you by and by stole away into *Norfolk*, and there intended to have levied Force; but that the Queen's Majesty and her Council suspecting your Purpose, had secretly sent into those Parts before, and taken Order for impeaching of your Intention. If this then be prov'd true, That you still prosecuted the Marriage, without liking of her Person, without Estimation of her Possessions, with only respect to her false Title to the Crown of *England*, and with Force; and sithence it cannot be pursued with Force against the Queen, nor Force levied against her Majesty, without Purpose to suppress her Majesty's Force, and to depose her from her Crown and Dignity; and he that so seeketh to depose her must needs be thought that he will not suffer her to live: All these Matters consider'd, the seeking of this Marriage in this Form, must needs be High-Treason, within Compass of the Statute of 25 of *Edward* the Third.

Here was produced the Duke's own Letter, and the other Commissioners, from *York* to the Queen's Majesty; wherein is signified the great Abomination of the *Scottish* Queen, appearing in her own Letters, and the Certainty of the Truth of those Letters, both by offer of Oath of those that exhibited them, and by Discourses of some Matters there; which could not be written but by herself, being known to none other. The Commissioners Letter is as followeth.

“ Afterwards they shew'd unto us an horrible  
 “ and long Letter of her own Hand (as they  
 “ say) containing foul Matter, and abominable to  
 “ be either thought of, or to be written by a Prin-  
 “ cess, with divers fond Ballads of her own Hand;  
 “ which Letters, Ballads, and other Writings be-  
 “ fore specify'd, were clos'd in a little Coffer of  
 “ Silver, and gilt, heretofore given to her by  
 “ *Botwell*. The said Letters and Ballads did dis-  
 “ cover such inordinate and filthy Love, between  
 “ her and *Botwell*, her Loathsomness and Abhor-  
 “ ring of her Husband that was murdered, and the  
 “ Conspiracy of his Death, in such sort as every  
 “ good and godly Man cannot but detest and  
 “ abhor

“ abhor the same. And those Men here do constantly affirm the said Letters and other Writings, which they produce of her own Hand, to be her own Hand indeed, and do offer to swear and to take their Oath thereupon; as indeed the Matter contain’d in them being such as could hardly be invented or devis’d by any other than by herself; for that the Discourse of some things, which were unknown to any other than to herself and *Botwell*, doth rather persuade us to believe that they be indeed of her own Hand-writing. And as it is hard to counterfeit so many and so long Letters; so the Matters of them, and the Manner how these Men came by them is such, as it seemeth that God, in whose sight the Murder and Blood of the Innocent is abominable, would not permit the same to be hid or conceal’d. In a Paper herein inclos’d, we have noted to your Majesty the chief and principal Points of their Letters, written (as they say) with her own Hand, to the intent it may please your Majesty to consider of them, and so to judge whether the same be sufficient to convince her of the detestable Crime of the Murder of her Husband; which in our Opinion and Consciences, if the said Letters be written with her own Hand (as we believe they be) is very hard to be avoided.”

*Duke.* This maketh for me; for this proveth that I so much misliking her, and signifying by my Letter so much against her, dealt not on that side when I was at *York*, where this Letter was written.

*Serj.* There were others join’d with you in the Letter, so that you could not otherwise write, however you otherwise dealt: but this maketh much against you, for it prov’d you had an evil Opinion of her, and so could not seek the Marriage in respect of her Person, but only in respect of her false Title; and that not to the Kingdom of *Scotland*, which she had not, and which you despis’d, but to the Crown of *England*. Now you shall, to the same end, hear your own Report against her to *Bannister*.

*Duke.* *Bannister* was shrewdly cramp’d when he told that Tale. I beseech you let me have him brought Face to Face.

*Serj.* No more than you were.

Then was read *Bannister’s* Confession, in *October*, 12 *Eliz.*

This sheweth that you had an evil Opinion of her, and so no Affection to the Person; therefore your seeking of that Marriage was for another Respect; and therefore *Ledington*, *Rosse*, and you practis’d the Matter at *York*.

*Duke.* They broke it to me. What is this to me? Did I consent?

*Serj.* You consented.

*Duke.* No.

*Serj.* They say plainly, that you practis’d to withdraw the things that might charge her.

*Wilbrabam.* You have said, that the Bishop of *Rosse* hath accus’d you of Malice; but you answer nothing to that which the Bishop of *Rosse* wrote to his Mistress, the *Scottish* Queen, in Secrecy, wherein could be no Malice.

*Duke.* *Ledington* broke it to me, and the Earl *Murray* broke it to me. I pray you, let them be brought face to face to me: I have often requir’d it, and the Law I trust is so.

*Serj.* The Law was so for a time, in some Cases of Treason: but, since, the Law hath been found too hard and dangerous for the Prince, and it hath been repeal’d. You intended to have proceeded with the Marriage by Force; and for proof thereof, you have heard of the Device for taking of the *Tower*. Now to prove further your Purpose to pursue your Enterprize by Force, let be read the Confession of the Bishop of *Rosse* to the second Article.

*The Bishop of Rosse’s Confession the 3d of November, 1571.*

*To the second Article.* The Duke being after conferr’d with by the Bishop of *Rosse*, from his Mistress, to know what he would do in the Matter of the Marriage, if the Queen would not assent, said, he knew she would, tho’ not at the first; because most of the Council and Noblemen thought it meet; and that he had known the Minds of most of the Noblemen. And after, when the Queen was offended with him coming from *Southampton*, he told the Bishop he would depart into his own Country, and so was resolv’d, by the Earls of *Arundel* and *Pembroke*, who would do the like; and there would take purpose, by the Advice of his Countrymen and Friends, and do that was likeliest for the Advancement of the Cause. The Bishop said, The Queen’s Majesty would by Force fetch him out of his Country. He answer’d, That no Nobleman in *England* would accept that Charge at her Commandment; for he knew their Minds, specially for those in the *North*, who would assist. And if that he might once have that open Quarrel against her, that she would first pursue him, he would have Friends enough to assist him, and that the *Scottish* Queen should be safely enough provided for; for that was the principal Mark he shot at, and would do what he could to have her in his hands. And the Earls of *Arundel* and *Pembroke* had promised to do as he did; and they in the *North* had promis’d the like. *Item*, *Liggons* told the Bishop, that the Duke was resolv’d to go thro’ with the Matter by Force, if the Queen would not assent to it. At this time common Messages pass between the *Scottish* Queen and the Duke, and them of the *North*.

*Duke.* All is false, saving that the Bishop of *Rosse* once spake with me; and then understanding him to be a suspected Man, I desir’d him to forbear to come to me; nevertheless, by his great Earnestness and Importunity, that I would but once admit him to come to me, at length he came, and then he mov’d me for certain Money of the *Scottish* Queen’s, about 2000 *l.* remaining in my keeping: One Letter he brought me, and no more Letters, ’till after my first Trouble. As for my going into *Norfolk*, I can bring good Witness, that I meant not to go into *Norfolk*, four Hours before I went, and that I spake not with him in two days before. It is of good ground that I have prayed to have the Bishop of *Rosse* brought to me in private Examination face to face, whereby I might have put him in remembrance of Truth; but I have not had him face to face, nor have been suffer’d to bring forth Witnesses, Proofs, and Arguments, as might have made for my Purgation. As for sending of Letters to my Lord of *Northumberland*, or my Brother of *Westmoreland*, all is false; I never received Letters from them in all my time. If ever I sent to them, or receiv’d from them any

Letters in three Quarters of a Year before, let me never be credited.

*Serj.* You shall have Proofs that the Bishop of *Rosse* hath said it. You stand much upon your own Credit: Now therefore to your Credit, I will say somewhat against your Oath specially taken, when you were appointed Commission for the Matter at *York*; and against your Oath of a Counsellor to the Queen's Majesty, you dealt indirectly and partially; you deceived the Queen's Majesty's Trust, and disclosed her Secrets.

*Duke.* I deny it.

*Serj.* It is well proved that at *Hampton-Court*, being examined of the Matter by the Queen's Majesty, you dissembled it: Being examined of Money lent by you to the *Scotish* Queen, you denied it: Being charged upon your Allegiance, you promised not to proceed further in the Matter. Notwithstanding that express Commandment of her Majesty; yet, against your Duty, against your Promise and Faith, you still proceeded.

*Duke.* I confess this was mine Error; but I have already made humble Petition to my Peers, not to confound my Faults together, nor to mingle my inferior Offences with this great Cause.

*Serj.* Sithence the Commandment given to you at *Titchfield*, not to proceed in Dealing with the *Scotish* Queen in any wise, you have continually dealt with her: You have lent her Money; you have maintained *Liggons*, your Man and your Solicitor, continually to advertise you, from the Bishop of *Glasgow*, and the Pope's Nuncio; and you have advertised him from hence. He hath had Money of you, and you have received Letters from him four times in Coffers.

*Duke.* *Liggons* is not my Solicitor.

*Serj.* He is your Solicitor, and so your self have expounded him; for where the *Scotish* Queen, in her Letters, speaketh of your Solicitor, being asked whom she meant thereby, you have answered, *Liggons*.

*Duke.* At the first indeed she so called him; but Solicitor is no Name of use. He hath not been so since my first Trouble; and so for her calling, it is no matter, she once called me *Legista*.

*Serj.* He is your Solicitor; for she so taketh him, and your self do so expound it.

Then was read his own Confession, of Money lent 2000 *l.* and received, &c.

The Duke confessed this Receiving and Lending of Money.

Then was read the Bishop of *Rosse's* Confession, concerning Money sent by *Barthwick* and of Money delivered to *Francis Bishop*.

*Duke.* This I deny not.

*Serj.* *Francis Bishop* was a Traitor.

*Duke.* I knew him not.

*Serj.* Now for the matter of taking the *Tower*.

*Duke.* I deny it.

*Serj.* Was it not mentioned unto you in the way, when you came from *Titchfield*, by one that came to you, and moved you a Device between you and another, for taking the *Tower*?

*Duke.* I have confessed that such a Motion was made to me, but I never assented to it.

*Serj.* You concealed it: And to what end should you have taken the *Tower*, but to have kept it against the Queen by Force? But you say you liked not the Motion, you asked advice of it.

*Duke.* Indeed I told one of it: *Owen* met me by the way from *Titchfield*, and told me how we were all in danger; and said, That some of our

Friends thought it was best to take the *Tower*. I refused to do it, and said, Take the *Tower!* that were a proper Device indeed! And thence I went to my Lord of *Pembroke's*, and there din'd; and then I told my Lord of *Pembroke* of that Device; whereunto he answered, We are well, and safe enough: Let them that be faulty take the *Tower*, if they will. And to what end should I have taken the *Tower*?

*Serj.* To maintain by Force that which you had practised against the Queen's Majesty's Commandment, which was the Marriage with the *Scotish* Queen.

*Duke.* I had not then dealt with it.

*Serj.* It is well proved that you had; and afterward, at your House at *Charter-House*, you receiv'd Letters, Messages, and Tokens from the *Scotish* Queen; you received from her a Brooch, with a Hand cutting down a Vine, and this Poesy upon it, *Virescit vulnere Virtus*. But my Lord, do green Vines grow when they be cut? And a green Vine it was.

*Wilbrabam.* My Lord, you still say you dealt not at this time, or that time, against her Majesty's Commandment; I pray you at what time, since her Majesty's Commandment upon your Allegiance, did you forbear to deal with the *Scotish* Queen?

*Serj.* Beside this you have given advice as a Counsellor to the *Scotish* Queen, against the Queen's Majesty: namely, when in Treaty between the Queen's Majesty and her, there were three Articles propounded on the Queen's Majesty's part; the one for the Delivery of her Son into the Queen's Majesty's Custody; the other for delivering the *English* Rebels that were fled into *Scotland*; the third for delivering of certain Holds in *Scotland* into *English* Men's Possession: He gave Advice herein as a Counsellor, against the Queen his Sovereign Lady. The Articles were expressly sent to the Duke to have his Advice, before that the *Scotish* Queen would resolve of any Answer; and she respited her Answer to be made according to his Direction. He gave Advice, that she should in no wise deliver her Son, for it was against her own Safety, not knowing whether she delivered him into her Friends hands or no. As for the Rebels, she should in no wise deliver them, for it were against her Honour: And as for the Holds, she should not deliver any; for it were against the Safety of her Friends in *Scotland*.

*Duke.* For advising not to deliver the Rebels, I deny that ever I gave any such Advice. As for Delivery of her Son, I advised her no otherwise but thus, that I wished her to bestow him there, where she might have sure Friends.

*Serj.* Thus, contrary to your Oath, Allegiance, and Fidelity, and against the Credit that you would fain be thought of, you became, by your own Confession, a Counsellor to a foreign Prince against your own Sovereign Lady.

*Burleigh.* My Lord, did you ever desire to have any Proofs or Witnesses produced for your part, to prove any thing that might make for you? And were you denied?

*Duke.* I have divers times prayed, that if any thing were denied to be true which I said, I might be driven to my Proof of it.

*Burleigh.* I ask it, because I have not heard it reported to her Majesty that you made any such Request, to have any special Witnesses examined, or Proofs heard, on your part.



Here was produc'd and read the Confession of *Hickford* to the 3d Article.

*Duke.* I advis'd her, touching her Son, that she should first be well assur'd that he should be bestow'd among her Friends. For her Castles, I advis'd her, that she should in any wise take heed, that they might not after come into the hands of her Enemies; for so if she deliver'd *Edinburgh-Castle*, she should not be safe in *Holyrood-House*.

*Serj.* How standeth this with the Duty and Oath of a Counsellor, to give Advice to a foreign Prince against the Queen's Majesty?

*Duke.* I excuse it not, herein I confess my Error; I beseech you call not these my inferior Faults, which I have confess'd, among the greater wherewith I am charg'd.

*Serj.* Thus appeareth how he hath given Advice against the Queen to the *Scottish* Queen. Now it shall be further prov'd unto you, that where the *Scottish* Queen is here in Custody as the Queen's Prisoner, he hath also been privy to Devices for conveying her away.

Here was produc'd the Confession of *Barker*, *October 5. 1571.* Article 13.

*Duke.* This is not true, saving that indeed Advice was broken to me of conveying her away at a Window, at a Gallery's-end, in one of my Lord of *Shrewsbury's* Houses, of the which Window the Bishop of *Rosse* had taken a measure; but this Device was overthrow'n at such time as it was told me. As for that which *Barker* hath here confess'd, it is utterly false.

*Serj.* Now shall you hear the Duke's own Confession.

Here was read the Duke's Examination, *13 Octobris.*

*Serj.* Besides this, the Duke being in Prison in the *Tower*, made a Submission to the Queen's Majesty, confess'd his Error in dealing with the *Scottish* Queen, and promis'd, upon his Faith and Allegiance, never to deal with that Marriage, nor with any other Matter touching the *Scottish* Queen.

*Duke.* I confess I did so.

*Serj.* Before his subscribing his said Submission, he first made the *Scottish* Queen privy to it, and sent her a Double of it.

*Duke.* I sent it to the Bishop of *Rosse*.

*Serj.* All is one.

*Duke.* I confess it.

*Serj.* What should move my Lord of *Norfolk* now so earnestly still to pursue this Marriage? You see he lik'd not the Person, she was not of good Fame, he so signify'd to the Queen, he so reported to *Bannister*. The Kingdom of *Scotland* he esteem'd not, and also it was out of her Possession, in the hands of the King her Son, by her own Dismission ratify'd by Parliament. Forsooth he had an old blind Prophecy lying by him: *In exaltatione Lunæ Leo succumbet, & Leo cum Leone conjungetur, & catuli eorum regnabunt*; which belike is thus to be expounded, *At the Exaltation of the Moon* (which was the Rising of the Earl of *Northumberland*, that giveth the Moon) the *Lion* (which is the Queen's Majesty) shall be overthrow'n; then shall the *Lion* be join'd with a *Lion* (which is the Duke of *Norfolk* with the *Scottish* Queen, for they both bear Lions in their Arms) and their *Whelps* shall reign, (that is, their Posterity shall have the Kingdom.)

*Duke.* I do not remember any such Prophecy.

*Serj.* It was in your own keeping.

*Duke.* What should I do with it?

*Serj.* Such blind Prophecies have oft deceiv'd Noblemen.

*Duke.* This is nothing to the purpose; I kept it not to any such end.

*Serj.* You utter'd it to your Servant *Hickford*.

Here was produc'd and read *Hickford's* Testimony.

*Duke.* A Toy! You see I call it a foolish Prophecy.

*Serj.* Where had you it?

*Duke.* I remember it not.

*Serj.* Hitherto have you heard the Evidence to prove the Duke's Imagination, Compassing, and Conspiracy, to deprive the Queen's Majesty of the Crown and her Royal Estate, and so to bring her Highness to Death and Destruction. For proving this his Intent, you have heard those Matters prov'd, his Practice to join himself in Marriage with the *Scottish* Queen, whom he then well knew falsely to claim and pretend Title to the present possession of the Crown of *England*: also his prosecuting the same Marriage without the Queen's Majesty's Knowledge, against her Highness's express Commandment upon his Allegiance, against his Faith, Promise, and Submission; yea, and to pursue that with force, and to use the Advice and Strength of his Friends, to maintain the same force against the Queen; his hearkening to blind Prophecies, Money by him lent to the *Scottish* Queen, and against the Queen his Sovereign Lady. If then his Purpose so were to pursue it with force, it must needs follow, that the same must be of Intent, Imagination, and Compassing, to deprive and depose the Queen's Majesty from her Crown, Royal Estate, and Dignity, and to advance and maintain that false and usurp'd Title of the *Scottish* Queen unto the present possession of the Crown of *England*, and so consequently, for maintenance of his Imagination and Purpose, to compass the Queen's Majesty's Death and Destruction. Now shall you further hear Proof of his own words, declaring the same intent to pursue the Marriage by force, and rather to lose his Life than to give it over.

*Cavendish's Deposition.*

That at his several Journies unto the Places of the Queen of *Scots* Abode, the Duke procur'd him to labour the Cause of his Marriage with her with all diligence. *Item*, That her Majesty being at *Southampton*, *Richard Candish*, a certain Night walking in his Chamber, and persuading him by all means to labour for the Queen's Favour concerning that Marriage; the Duke affirm'd, that before he lost that Marriage he would lose his Life: and said moreover, that if ever he handled thing wisely or cunningly, I would say it was the Matter of that Marriage, if I knew it from the beginning. *Item*, That the Monday at night, after the Duke's Departure from *Southampton*, *Richard Candish* being at *Hayward-House* with him, in the Company of the Lord *Lumley*, the Duke and the said Lord *Lumley* talking secretly together, suddenly the Duke brake out into this Speech: *Candish*, quoth he, *is able to accuse me of no distoyal Practices*. Whereat the Lord *Lumley*, as it were wondering, *Can he not indeed*, quoth he? *No indeed*, quoth the Duke; and turning to *Candish*, said, *Candish*, *In this Case defy thee, say thy worst*. To which *Candish* answer'd, *Besides the Practice of this Marriage, I truly can accuse you of none*. *Item*, The Duke, at another time, in the said House, ask'd *Candish*, *If God take*

*away*

away the Queen's Majesty, whether he could assure him of his Brother Candish, and procure his said Brother to promise unto him Sir Robert Ningfield? Item, At his last being at Remming-Hall, among many others talking, he had this Speech; Candish (quoth he) nothing will undo us but the Rising of the Northern Lords. To whom I answered, God forbid that any such thing should be, for it will undo us all; whereat he replying, said, I fear they will rise.

Duke. The Duke looking upon Cavendish with a scornful and smiling Countenance, said, You are an honest Man! That which he saith of the Talk between him and me at Southampton, is utterly false: At that time you were most earnest on my part, and came to me as for Succour, for that as you said your Cousin Christmas was fallen out with you. When we rode to my Lord of Pembroke's, you came to me and told me, my Lord Burleigh findeth me well, I will ride with him and find his Humour, and I will face that Fellow thorowly; so from Salisbury you said you would ride to Leicester, and so home with my Lord Burleigh, and you doubted not to bring me such word from him as should satisfy me. You told me how my Lord of Leicester was firm, and Sir Nicholas Throckmorton my sure Friend, and that they would both join to deal with the Queen for me; and how Sir Nicholas Throckmorton lent me word, That he doubted not the Queen would take order to my Contentation at her next Coming to a staid House. Then came you to London, and tho' I had no great Liking of you, yet because you were loth to lie at Arundel's, and were somewhat ill at ease, I let you lie in my House. I never made great account of you; my Lord of Leicester made us first acquainted, your Brother you know was not my Friend, I then took you as I now find you. While you could hold on, you shew'd your Letters that you did write on my behalf; then you came to me and said, you had need, and borrowed Money of me; I had none at that time, but I sent it you by Bowes. I was warned by divers of my Friends to take heed of you; you dealt with Dier and with Straunge very maliciously. As for the Speech at Remming-Hall, that you speak of me, it is untrue; I dealt not with you there about any such matter; I left you at London, I looked not for you; when you came, I was glad to be rid of you; you said you were going to Norwich, and I was glad you were going, and willed you to look at my House at Norwich and tell me how you liked it: Out of the North I heard nothing in six Weeks before. You suddenly slipped away from me, and then came I up to London ward; you are an honest Man indeed, it is all false that he hath said.

Then Cavendish began to report and justify what he had said, and to put the Duke in remembrance, when the Duke gave him reproachful words of Discredit.

Serj. He is sworn, there needeth no more proving; you sent Havers to the Earl of Westmorland.

Then was alledged the Examination of one Haveling touching Havers, whom the Duke sent to the Earl of Northumberland, with this Message, That if the two Earls should rise, he were undone.

Duke. This may be seen of two years old, and by me fully declared and answered.

Then was read the Confession of Havers.

Then was alledged a Letter of the Scottish Queen's in Cipher to the Duke, containing, that the Lord of Shrewsbury had told her, that the Earl of Northumberland was deliver'd to the Earl of

Suffex; for which she was very sorrowful three days together, for fear of cumbring of Friends if he were taken.

Serj. What Friends was she so careful for, that she wrote to the Duke, unless she thought it should light upon the Duke himself?

Duke. That Letter never came to my hands.

Serj. It was found in the Bag which you willed to be burned.

Then the said Letter was read.

Duke. All this is nothing to me.

Serj. This proveth in you a Practice to the Rebellion; for all her Sorrow of the yielding of the Earl of Northumberland was, for fear he should bewray and cumber her Friends.

Duke. That toucheth not me; for I am sure the Earl of Northumberland hath been sought for me, and yet he cannot accuse me.

Serj. Had it not concerned you, it had not been written to you.

Duke. Some Letters never came to my hands: sometime they came to the Bishop of Ross, sometime to Bannister, sometime not all deciphered; as Straunge and Bowes, and other that have been Messengers for me, can tell.

Here Mr. Attorney began to prosecute the second part, and spake first to this effect.

Attorney. Now you have heard enough of the first matter. In this Indictment are contained three principal Treasons, whereof the first is imagining and conspiring the Deprivation, Death, and Destruction of the Queen's Majesty: for proof hereof, it hath been truly said, That to imagine, compass, or procure the Deposing or Death of the Prince, is High-Treason by the Statute of 25 Edward III. and at the Common Law; for the Statute is but a Declaration what was Treason at Common Law: which Imagination, when it appeareth by Overt-fact, must needs be judged Treason; for Overt-fact is but a shewing of a Man's mind, which when a Man by outward Speech or Deed hath uttered, it must needs be judged that so was his meaning; which must be gathered by such means, as it may be made to appear. For no Traitor is so bold, to say expressly, he will depose or kill the King; but often it hath been seen, that they go about indirectly, and by means that tend to that End: and therefore he that goeth about to stir the People to Rebellion, or to levy War within the Realm, to assail or withstand the Prince by Force, is taken to seek the Death of the Prince. Now therefore to prove that the Duke of Norfolk hath imagined and compassed the Deposing and Death of the Queen's Majesty, this hath been shewed you: first, by secret and indirect means, he sought to join himself in Marriage with the Scottish Queen, who pretendeth Title to the Queen's Crown. This he did without the Queen's Majesty's privity, against her Highness's express Commandment upon his Allegiance, against his own Promise and Submission. First, being at York, a Commissioner appointed by the Queen, contrary to his Oath and Charge, he dealt indirectly and partially, and play'd an untrue part with the Queen; he secretly practised for the Marriage. This being objected against him, he hath denied it: you have heard it testified by three Witnessses, the Earl of Murray, Ledington, and the Bishop of Ross. So it appeareth, that all that Practice and indirect Dealing was to this end, to compass the Deprivation and Death of the Queen's Majesty; for he well knew that the Scottish Queen

Queen made Title to the present Possession of the Crown of *England*; that she denied the Queen's Majesty to be lawful Queen of this Realm; that she usurped the Royal Style; that she quartered the Arms of *England* without any difference: all this he knew, he was of the Queen's Majesty's Privy Council at the same time; he knew that she made no Renunciation of her unjust Claim, tho' it were required of her. It was also one Article in the Commission where he himself was Commissioner, To require the Recognition of her Error, and of the Queen's Majesty's present Right: he knew well it was not done. If the *Scottish* Queen claimed such present Title, then was she no Friend to the Queen's Majesty, but a Seeker of her Highness's Overthrow and Destruction: and yet the Duke of *Norfolk* knowing this, practised to compass this Marriage. Wherefore, I pray you, sought he that Marriage? yea, and sought it as he meant to achieve it with Force? It was not in respect of her Person, for he knew her not; it could not be for any good Report of her virtuous Conditions, for he had an evil Opinion of her: he did by his writing certify against her, he declared to *Bannister* that he thought very ill of her. It was not for her Title to the Kingdom of *Scotland*, for neither was she possessed of it, neither did he esteem it though she had it. Wherefore sought he her then? Surely in respect of that unjust Claim and Title that she pretended to the present Possession of the Crown of *England*; which Title cannot be maintained without evident purpose to depose the Queen's Majesty, and to bring her to Death and Destruction, which is plain Treason by the Statute of 25 *Edward* III. for no more can *England* bear two Queens, than the World can bear two Suns. And how should we have maintained it, but with Force? And how could that have been, without depriving of the Queen's Majesty from the Royal Estate? And how could that have been done, without compassing her Highness's Death and Destruction? for the Jealousy of an Usurper cannot suffer the just Prince to live. This your Honours are to search and consider, and to your Judgments we refer it. Now my Lord of *Norfolk's* chief and only Answer is but his bare Denial, which is no sufficient Answer; specially sith he himself hath fallen into so great discredit, by doing against his Word, his Hand, his Oath. He promised, being commanded upon his Allegiance, never to deal in that matter; he promised, by his Submission under his own Hand, utterly to forsake it, and to deal no more with the *Scottish* Queen for that Marriage, nor any other matter: He promised by Oath specially taken when he was Commissioner for hearing the matter at *York*, to do therein directly and indifferently without partiality. All these Oaths and Promises he hath broken, beside the Oath of a Counsellor which he hath also broken, in disclosing the Queen's Secrets, and in secret practising against her express Commandment. Now also, since he was last apprehended and committed, he hath denied certain things, which he hath afterward, being constrained with strength of proof, confessed; yea, he hath denied those things upon his Oath, which he hath afterward granted to be true: so is he not to be believed upon his Word, if his own Word discredit him, how great soever he be in Degree.

*Duke.* Upon the Statute of 25 *Edward* III. he inferreth, that it is Treason to imagine or compass

the Deprivation and Death of the Queen's Majesty; as the Lord forbid, and I pray God I may sooner be buried in the Earth, than I should seek or attempt any thing to the Destruction of her Majesty's Person. There is a Maxim in Law, that penal Statutes must be construed strictly, and no penal Statute ought to be extended further than the very words: Now in all that my Accusers have deposed or said against me, how false soever it be, there is not one of them that say I went about any hurt to her Majesty's Person, or that I levied or practised to levy any Power against her, or to do any of those things that are contained for Treasons within the words of the Statute. Is the Bishop of *Rosse* a sufficient Witness against me? There be Points enough in the Law to prove him no sufficient Witness: He is a Stranger and a *Scot*; a Stranger can be no sufficient Witness, much less a *Scot*: for whereas when there is Peace between the Queen's Majesty and a foreign Realm, the People of that foreign Realm may freely come and traffick in this Realm; yet tho' there be a Peace between *England* and *Scotland*, if a *Scot* come into *England* without a Passport, he may be a lawful Prisoner. Again, I cannot tell what he may for fear. *Bracton* saith, That Witnesses must be *Liberi Homines*, Free Men, full Age, Honest, and of Good Report: the Bishop of *Rosse* is none such. So is nothing proved of any Overt-fact against me, neither am I accused by any but the Bishop of *Rosse*, who can be no sufficient Witness against me. What care I what *Hamlin* says? it toucheth me not. As for *Havers*, I never sent him with any such Message: indeed I asked him what Company he found with my Brother of *Westmoreland*. He told me, he found none but my Brother *Westmoreland*. But as for my Lord of *Northumberland*, I sent not to him. If I might have brought forth my Proofs, I could have brought forth Proofs of good fame, that I sent no such Message; I could have proved it by Confessions, and not by Hearsay. So is only the Bishop of *Rosse* Witness against me, and what he is, all you perceive. I never heard of the Rebellion, till Sir *Henry Nevill* told me of it. If I had had such a mind when I was in *Norfolk*, I needed not to have come hither; I could have made a shift well enough. If I had intended any such Rebellion or Treason, I would not have put my Lord of *Northumberland* in trust withal, nor yet my Brother of *Westmoreland*, nor would have come hither to put my Head in the Halter in the *Tower*: but being, as I was, in such place where I might have shifted, I would have kept me from coming here well enough. If Fear had moved me, and that I doubted of mine own Case, I could easily have avoided. So, I say, to prove me guilty of Treason, you must shew some Overt-fact that I have done against her Majesty's Person: And to the Witnesses, I think I have said sufficiently. As touching my dealing with the *Scottish* Queen, so far as I dealt without compass of Treason, this I say for my meaner Faults, inferiour to Treason, I have with all Repentance and Humility submitted my self to the Queen's Majesty, I beseech you confound not those with this Case: but in my dealing with her about Marriage, I pray you draw it not to such Intention, to advance her Title against the Queen; because, tho' she once made such Claim, yet considering what Amity hath since been between the Queen and her, to make her now an Enemy, is hard; and surely to marry her, tho' I treated

of it, I never concluded, minded, nor intended. Where it's said I was privy to the Device of her taking away, I utterly deny it. If I had been so, I would not have been against her, nor would have certified against her; I ever advised her to submit her self to the Queen's Majesty: but when no Overt-fact of Treason can be proved against me, to bring me in thus by Arguments and Circumstances, I think it very hard. If I should have stolen her away, I could not do it alone: was I so destitute of Friends, that I could not make any Man privy to it? And who is there that accuseth me of it, that may spend five Marks a year? Now sith nothing is proved against me by any Witness sufficient, I beseech you consider favourably of me. Indeed my Brother of *Westmoreland* sent me his Man with Recommendations; and I sent him, by his Man, a Ring which my Sister had sent me before; and also *Flavers* with this Message, *Commend me to my Brother of Westmoreland, and tell him that I am well, mine Innocency shall deliver me:* but nothing touching any Rising at all. If ever I were privy to that Rebellion, then condemn me of all the Treasons that you lay against me.

*Attorney.* My Lord and I are now at issue upon this point; I affirm it with Proofs, and his Lordship barely denieth it. If his Intent were to compass the Marriage, knowing her to pretend Title to the present Possession of the Crown; then must this grow to an Imagining to depose the Queen, and then it is Treason.\* An Overt-fact is a Declaration of the Mind; Letters, Tokens, Speeches, Messages, and such like, be Overt-facts. Now if you had married her, you must have maintained her pretended Title, which you could not have done without manifest Purpose and Compassing to depose the Queen, and to bring her to Death, which is High-Treason. Now beside, there is one other Fact, which I will give you in evidence; which most evidently proveth the Duke of *Norfolk's* Imagination and Compassing to depose and destroy the Queen. It is well known that *Pius V.* the Bishop of *Rome*, is the Queen's Majesty's notorious Enemy, he hath been so published; he hath so shewed himself in his Proceedings; he hath shewed it in his Bulls, they have been brought into this Realm, and some have suffered for them. The Duke of *Norfolk* knowing it to be so, hath practised with his Factor, hath sent unto the Pope for Aid and Force against the Queen: he conferred with one *Rodolph* a Merchant Stranger, to go over Sea to the Duke of *Alva*, and to the Pope, in the name of the *Scottish* Queen and the Duke of *Norfolk*, to procure Power to invade this Realm, for the Advancement of the *Scottish* Queen's false Title to the Crown of this Realm of *England*; and in the mean time, the Duke promised to move her Friends to levy such Power as they were able, to assist the Strangers when they came in. If this be proved unto you, then is it flat Treason. To use Force against her Majesty in her own Realm, must needs be done with intent to depose her, which Force she must needs resist; which if she be not able to do, then followeth her Death and Destruction. My Lords, here goeth still all to one manner of purpose, his own bare denial, and allowing of no sufficient Witness; but here God himself shall be Witness: this is a matter opened by God himself. It was known, that a Treason was in hand; many Searches were made to understand it, no Man

could by any Travel find it out, till God himself opened it; so as the Saying is fulfilled, *What is done in secret shall be made open.* The Treasons my Lords of the Council knew of; it appeared in *April* last, that such a Treason was; but whom it toucheth was not known to them, no not to him that opened it. So as God hath opened it, to affirm these mean Men to be of credit. The Treason being known to the Privy-Council half a year together, yet could they not understand the Party, till God disclosed it by marvellous chance. In *August* last, there was six hundred Pound of Money prepared to be sent with Letters into *Scotland* to the Queen's Enemies, for their Relief and Maintenance, and by the Duke of *Norfolk's* appointment to be conveyed to his Man *Bannister*, and so into *Scotland*. This Money was delivered to one *Browne* of *Shrewsbury*, by one of the Duke's Servants, one *Hickford*; who said to *Browne*, *Here is 50 l. I pray you help that it be conveyed to Mr. Bannister's Dwelling near Shrewsbury.* *Browne* having received the Money, tho' the Bulk was somewhat like the proportion of 50 l. in Silver, yet the Weight, by reason it was Gold, made him suspect it: whereupon he went to one of the Queen's Privy-Council, and disclosed his Suspicion, that so he might learn what he carried. This Bag being opened, there was found 600 l. in Gold, and certain Letters withal, to the Queen's Enemies, and to *Bannister*: Whereupon, the Duke's Man, that sent the Money, was apprehended; and then, by God's good Providence, was it found that this Treason touched the Duke of *Norfolk*, under the Name and Cipher of *Quarante 40*, and another Nobleman was signified by the Cipher of *3 Trente*. Then fell out new Matters: Certain of the Duke's Servants examined, whether they knew of any Cipher used to any Man by the Name *Quarante*, they confessed that *Quarante* was the Duke of *Norfolk*; they were kept in several Places, the Bishop also a Prisoner in a place several from them all, and yet they all agreed in one. So God's Work hath enforced their Credit by their Agreement, being severally kept. Thus came it to light by God's own Work. Now see what the Cause was: The great Treason was contained in Letters written in Cipher, to one signified by the Number *Quarante*; this *Quarante* was for the Duke, and so the Duke confesseth. What Cause had they to suspect him? Letters from *Rodolph* made mention of great Treason, and of Provision of Men from beyond the Seas, to invade this Realm, according to his Order and Request, who was meant by *Quarante*. If then we shall prove unto you that *Rodolph* had this Message and Commission from the *Scottish* Queen and the Duke of *Norfolk*, to treat with the Pope, King *Philip*, and the Duke of *Alva*, for the bringing in of ten thousand Men to invade *England*, and to make War against the Queen in her own Realm; there must needs be compassing to depose the Queen, and to bring her to Death, and so High-Treason: For he that will levy Force to invade or make War in a Prince's Realm, and that in Maintenance of a Title to the present enjoying of the Crown, doth what he can to depose the Prince, and consequently also doth what he can to destroy the Prince. Now to prove that the Duke of *Norfolk* dealt in this manner, sent this Message, and practised to bring in this Force of Strangers, and to levy War against the Queen within

\* See *Hale's Hist. P. C. 1571* p. 120.

within the Realm, it shall be good first to shew what manner of Man this *Rodolph* was: He was one that lived divers Years here in this Realm, a notable Traitor and Enemy to the Queen and Realm of *England*, and of long time the Pope's Factor. In the Duke's first Trouble, this *Rodolph* was suspected of such Practices, and therefore by the Council committed to the Custody of Mr. *Walsingham* till *October* was Twelve-month; and for that no evident Matter appeared, he was delivered again in the *November* following: So soon as he was delivered, he by and by opened to the Bishop of *Rosse*, That he was Factor for the Pope; he shewed him his Commission, and sundry Letters written to him by the Pope's Nuncio in *France*, about Matters of the Practice a long time. This *Rodolph* was well known to the *Scotish* Queen, the Pope himself and his Nuncio recommending him to the *Scotish* Queen: The Duke was made privy of it, and made him privy to his Dealings, and kept it secret from the Queen and her Council. When the Bull was brought over, that *Felton* died for, this *Rodolph* had six Copies of it, and dispersed them; whereof he gave one to the Bishop of *Rosse*, one other to the *Spanish* Embassador, and the third to the *French* Embassador, and the rest we know not what he did with them. Now the Duke knowing him to be such a one, he was a fit Man to deal with. That he was such a one, and that the Duke well knew it, and sent him in Message to the Duke of *Alva*, and to the Pope, you shall see plainly proved. Then what his Message was, you shall see also disclosed, and how things hidden will, by God's Providence, come to light. The Letters were written in Cipher, and decipher'd, and the Cipher hid in the Tiles, and found by chance; so as it may appear God's own Work to open these Treasons.

Here the Duke took exception to his saying, that the Cipher was found in the Tiles; and said, it was not the Cipher that was found there, but the Alphabet: so the Duke always in his Speech called the Letters or Matter written in strange Characters, the Cipher; and the Paper of the Characters themselves he called the Alphabet, which Mr. Attorney usually called the Cipher.

Then was read the Bishop of *Rosse's* Confession the 3d of *November*, to the 5th Article.

Also *Rosse's* Confession ad 7 Artic. litera 6.

Also his Confession the last of *October*, Article 23.

All this the Duke denied, and said, I never saw any Letters from the Pope, but one, which I will speak of anon.

Then was read the Bishop of *Rosse* to the 6th, 7th, and 8th, making mention of a Pacquet, wherein was one Letter to the Duke, by the Title of *Quarante*.

Then was read the Bishop of *Rosse's* Confession, 26th of *October*, Fo. 2. concerning *Andrew Beaton's* coming.

*Attorney*. The Duke had these deciphered, and read them.

Then was read *Barker's* Confession, 6th of *November*, Article 3.

*Attorney*. Thus plainly appeareth, that the Duke was privy to these Messages to the Pope, and Conference with his Factor: Now it resteth to understand what followeth of this Course begun with *Rodolph* the Pope's Factor; what Messages

were sent; what Practices devised; and what ensued. Upon this Letter, the *Scotish* Queen wrote a Letter to the Bishop of *Rosse*, wherein she wrote back a Discourse of her Estate and Device, what she thought best to be done, referring all to the Direction of the Duke of *Norfolk*. Here is the Letter itself to be seen.

This Letter came to the Bishop of *Rosse*; he sent it over to the Duke, with a Letter from the *Scotish* Queen to the Duke. This Letter was deciphered, and found hidden in the Duke's House under the Mats in an Entry, in the Way as the Duke went to his Bed-chamber; the Cipher it self was found in the Tiles of the House. This plainly declareth, how the Duke in dealing with the *Scotish* Queen and the Pope, pursued his Purpose of advancing the *Scotish* Queen to the Crown of *England*: That the *Scotish* Queen was in practice for it with the Pope, and referred the Dispatch of *Rodolph* to the Duke; and the Receipt of those Letters is confessed by *Hickford*, and by the Duke himself.

Here was read the Letter of the *Scotish* Queen to the Bishop of *Rosse*.

*Attorney*. By this Letter appeareth, how the *Scotish* Queen hath set out the whole Plot of the Treason: A Message should be sent for Aid from foreign parts; *Rodolph* the fittest Man to be the Messenger; and that *Rodolph* should be dispatched to go about it, when the Duke of *Norfolk* would. The Device was to move King *Philip* for Aid, upon a Consideration of her State here, to enter into Deliberation of the Time and Opportunities to set her Friends to Field, and to seize themselves of her. This is confessed by *Hickford*; and this Letter is also confessed by the Duke himself, that he received it about *January* was Twelve-month, and it was hid under the Mats.

*Duke*. I bid that the Letter should be burnt.

*Attorney*. God would not have it so; but that it should remain for disclosing the Matter.

*Duke*. As touching *Rodolph*, what manner of Man he was, is no matter to me: I know of no more, nor am to be charged with no more than I my self am privy to. I never dealt with him about any Cause of mine. I received no such Letter, but that which *Barker* said came from him, which was not that *January* that you speak of, about two Years ago; and as for Instructions and Letters about that *January* was Twelve-month, I receiv'd none.

*Burleigh*. Here the Lord *Burleigh* said to Mr. Attorney, You may mistake, it was this time Twelve-Month, for now we are in *January*. And so Mr. Attorney remembering this present Month to be *January*, referred the Letter to *January* now a Year past; and said, This Letter that I now charged you with, came to your hands at this *January* was Twelve-month: It came first to the *Scotish* Queen's hand; she took occasion upon considering her own Case here in *England*, in *France*, and in her own Country, that it was best for her to cleave unto *Spain*. She wrote to the Bishop of *Rosse* her Discourse to that end: She counted *Rodolph* the fittest Messenger; Matter was devised for his Instructions; she referred the Dispatch wholly to the Duke of *Norfolk*; the Duke dealt in it, his Message appeareth. And thus it continued till *March*; and then, according to the Plot before laid, *Rodolph* was dispatched, and went over indeed.

*Duke*.

*Duke.* What was deliver'd to *Barker*, I know not; that is nothing to me: I am sure they will not say they deliver'd it me, nor that I receiv'd any such Letters or Instructions. This I say, the Bishop sent me a Letter of the *Scotish* Queen's, together with a Letter of his own: In her Letter she complaineth of her own Subjects, and saith, she will seek other Means for her Relief. This Letter was decypher'd; I mislik'd the Device, and bad that the Letter should be burn'd; so the Letter in Cypher was burn'd, and the Alphabet was sav'd. I sent word that I mislik'd all those Devices, and I advis'd the *Scotish* Queen to depend only upon the Queen's Majesty, or else, if she would take any other Cause, both I, and all other her Friends in *England*, would give her over; and thereupon it was that I said, that the Queen, if she fell to such Practices, would publish her Letters and Doings to her Infamy. Upon which my Words, the Bishop of *Rosse* excus'd himself, and laid all this Matter, of this new Device, to *Beyton* and *Rewley*. It is not true that *Barker* made me privy to any such Message or Instructions, as hath been alledg'd. Also he is not to be allow'd for a Witness against me, for he hath confess'd Treason against himself; and Persons outlaw'd, or attainted of Treason, are no sufficient Witnesses.

*Catlin.* My Lord, there is none of those Witnesses, that have declar'd Matter against you, outlaw'd, or attainted of Treason, or yet indicted.

*Duke.* They are worse; for they have confess'd Treason.

*Attorney.* The Bishop of *Rosse*, at this time, was in Custody, and these Men also that have confess'd against you, were also kept in Custody, kept asunder in several Places, and severally examin'd, agreed all in one, and your own Confessions agree with them: How can this be imagin'd and false? All these do testify it with one Consent. The Bishop of *Rosse*, when he first came to the City, was examin'd of these things, he deny'd all, he stood in it earnestly; when questions were asked him, he said, He was an Ambassador, and not so to be dealt with, but to be referr'd to his own Mistress the *Scotish* Queen. When he was committed to the *Tower*, and there again examin'd, seeing things confess'd already; and by the manner of the Questions that were ask'd, perceiving some Light that the Truth was known; then he confess'd also, and in his Confessions doth agree fully with *Barker* and the rest: which Consent could not possibly be, if the Matter were not true; besides that, he hath in his Confession touch'd himself.

*Duke.* They have not agreed in Confession against me, that I told them any such thing; but one of them told another, and so from hand to hand it went among them.

*Attorney.* Well, you see what is confess'd, and with what Consent we are at Issue; here is but your Lordship's Denial; I leave it to my Lords here to consider of the Proofs. If you had been a good Subject, being then a Prisoner in your own House, when such dangerous Matter came to your Understanding, you would have open'd it, that the Queen's Majesty and her Council might have provided to withstand them, but you did it not. The Duke of *Norfolk* found flat Treason intended; *Rodolph* was the Messenger that procur'd it; the Duke knew it; *Rodolph* was referr'd to the Duke's Dispatch, upon the Conference of

the Bishop of *Rosse* and *Rodolph* about the Matter, and the *Scotish* Queen's Willingness to have him sent about the Matter. Thus it proceeded: It was agreed that *Rodolph* should have his Message in Writing; and at the same Conference, *Barker* being also among them, it was agreed, and set down in his Instructions, that his Message should be this: He should go to the Pope and the King of *Spain*, in the Name of the *Scotish* Queen and of the Duke of *Norfolk*, to require of them Money and Men for the Enterprize. *Rodolph* requir'd to speak with the Duke: *Barker* brought him to the Duke at *Howard-House*; there they talk'd together, the Duke and *Rodolph* a whole Hour, till it was nine of the Clock at Night. After this Talk, the Duke deliver'd to *Barker* a Paper, saying, that *Rodolph* left it with him; which Paper contain'd the Sum of the Treason, and therein was also a Paper of the Names of divers Noblemen, Knights, and Gentlemen in Cipher, whom they counted that they would take the Duke's part, but they counted without their Host; so that there was for every Name a Cipher, of the which 40 was for the Duke, and 30 for the Lord *Lumley*. *Barker* receiv'd it of the Duke, and deliver'd it again to *Rodolph*. Upon this Cipher of 40, fell out the understanding of the Treason.

Here was read *Barker's* Deposition, 10 *October*, Interr. 8.

*Item,* *Barker* to the 22 Interr.

*Attorney.* In this Bill the Duke is proved to be 40, the Duke himself hath also confess'd that 40 standeth for his own Name. *Barker* brought *Rodolph* to the Duke, which the Duke also confess'd, and that *Barker* brought him Instructions for *Rodolph's* Money.

Here Mr. Treasurer and Mr. Chancellor of the Exchequer, sworn, did testify that *Barker* made all these Confessions freely, without Compulsion.

Also Mr. *Wilson*, sworn, did testify the same; and that *Barker* was never offer'd Torture, nor was once in the Prison where the Rack was: but the Duke said *Barker* saw where his Fellow had been.

*Attorney.* Did not *Barker* bring *Rodolph* to you at nine of the Clock at Night? Did he not leave with you Instructions in *French*?

*Duke.* I confess it.

Then was read *Barker* to the 16th.

*Attorney.* *Rodolph* came also the second time to the Duke; after he was come from the Duke, he said to *Barker*, That the Duke, and he were agreed of his Journey, and that the Duke pray'd him to depart with speed.

This Message was to procure Men and Money for the Enterprize of the Treason; and on this Message the Duke dispatch'd him.

*Duke.* Touching *Rodolph's* coming, I have indeed confess'd that he came to me. I was in Summer was Twelve-Month bound in Recognizance for 1800 *l.* to *Rodolph*, for my Lord of *Arundel*, and for my Brother *Lumley*; the Day was pass'd whereby I stood in danger of my Recognizance. I sent to *Rodolph* to intreat him to cancel my Recognizance, and I offer'd to give him twenty Yards of Velvet; *Rodolph* would not be persuaded, but desired to speak with me himself, which *Barker* reported to me. I was very loth that he should come to me, for he was in Trouble at my last Trouble, and so I thought his

coming to me would be suspicious. *Barker* promis'd that he would bring him to me secretly, and at such a time as it should not be known to make any Suspicion. So *Rodolph* came to me, and I did what I could to intreat him about my Recognizance, and I could not persuade him more, than to promise that he would not sue me. He told me of his Trouble and of his Imprisonment at *Mr. Walsingham's*, and what Words *Mr. Walsingham* gave unto him, also of the *Scotish* Queen; and that he should deal with the Duke of *Alva* for Money for her to her own use, and for Necessaries, as he had done before. He pray'd also my Letters in the *Scotish* Queen's favour to the Duke of *Alva*: I began to dislike him, and was loth to write; I sought ways to shift me from him; I said I was not well at ease; I could not write, and it was late, and so I would not deal. As for the Bill of Names, I saw none such, nor understood of any such, till the Letter that came over from *Rodolph* about *Easter*. I deliver'd a Writing to *Barker*: I confess it; but it was about that Matter which I have confess'd already for my Recognizance; and so I dealt not with any such Matter as is alledg'd against me, nor receiv'd any other Instructions, but only as I have said, about my own Matters.

*Attorney*. My Lord, this is but your own saying, and it carrieth no Likelihood: But *Barker* goeth nearer to you; he telleth you plainly what the Instructions were: It was to King *Philip* for Men, and to the Pope for Money.

*Duke*. *Barker* hath confess'd himself a Traitor, and therefore is no sufficient Witness against me. I never knew of any such Bill of Names, nor such Instruction in *French*.

*Attorney*. It is sufficiently prov'd. Now *Rodolph* came to you again a second time.

*Duke*. I deny it: He came no more to me.

*Attorney*. That is not so: for *Barker* telleth plainly, not only the Time, but also the several Ways by which he himself brought *Rodolph* to you.

*Duke*. There be Ways enough, he might have devis'd also a dozen Ways more, if he would, in that House.

Here was read *Barker* ad 11.

*Attorney*. Lo! he telleth you which way *Rodolph* came to you.

*Duke*. So he may devise more Ways when he will.

*Attorney*. Now you shall also hear it confess'd by the Bishop of *Rosse*, who at the time of his Confession was in Prison, not knowing what *Barker* had said.

Here was read *Rosse's* Confession of that Matter. Here was also read *Rosse*, the sixth of *November*.

*Attorney*. Here you see how the Duke agreeth with *Barker*. And there was read *Rosse* more, the sixth of *November*; how *Rodolph* made account of his Time, and of his Return before the Parliament ended.

Then *Mr. Attorney* made a brief Rehearsal of the Matters contain'd in those Confessions, and shew'd the Agreement of *Rosse* and *Barker*; and then was read *Rosse*, Fol. 3. touching *Rodolph's* Account of his old Soldiers, that he could bring against the *English*, of the Duke of *Medina's* coming, of 7000 *Spaniards* to be spar'd. Now the Duke had satisfy'd *Rodolph* for his Credit, and tho' the Duke subscribed not, yet if the Duke were

a Christian Man, he was assured of him, and so would assure foreign Princes on the Duke's part.

Then was read the Confession of the Bishop of *Rosse*, to the 18th.

Now shall you hear further: *Rodolph*, before his Voyage, mov'd to have Letters of Credit, that he might deal with foreign Princes; whereupon three Letters were devis'd, to commend *Rodolph* to the Pope, the King of *Spain*, and the Duke of *Alva*, and to give him Credit in his Message, that he might be able to procure Aid for the *Scotish* Queen, and for the Advancement of the Catholick Faith. The Duke answer'd, I am loth to write; for if I write, the Queen's Majesty hath great Intelligence, and so if my Writing should come to light, all were marr'd; and so he would not write. Then the Bishop of *Rosse*, and *Barker*, travailed earnestly with him to subscribe the Letters; but he would not. Then, at length, it was advis'd and agreed among them, that if the Duke should send one to the *Spanish* Embassador, to declare his Assent to affirm the Letters, it should satisfy *Rodolph* and the foreign Princes, tho' he subscribed not: wherewith the Duke was content, and sent *Barker* with the Bishop of *Rosse*, and *Rodolph*, to declare to the *Spanish* Embassador, that the Duke was content to affirm the Letter, and to let it pass in his Name. And so the *Spanish* Embassador recommended *Rodolph's* Message in the Duke's Name, without the Duke's Subscription.

Here was read the Bishop of *Rosse*, ult. *Octob.* ad 20.

Also *Barker* was read of the same Matter.

*Attorney*. Thus it is plainly prov'd: and if they say true, as it cannot be that they can so agree, if it were not true; then can it not be deny'd that the Duke is guilty of all this Treason.

*Duke*. Here is too much at once for me to answer without Book; my Memory is not so good, to run thro' every thing, as they do that have their Books and their Notes lying before them: Therefore, I pray you, if I forgot to answer to any thing, remember me of it.

It is said, That there are two or three Witnesses against me; all this two or three are but one Witness: for *Rodolph* said it to the Bishop of *Rosse*, and of his Mouth the Bishop of *Rosse* told it to *Barker*, and so from Mouth to Mouth; they are all but one Witness. Besides that they have confess'd themselves wholly in Treason, and now they would bring me in with them too; and so are no sufficient Witnesses against me. Note, I pray you, the Advices, and see how likely they are: Ten thousand Men must be landed, whereof three or four thousand must be Horsemen; they must land at *Harwich*, and a Port in my Country; neither is *Harwich* a Port in my Country: And I am not of so little Skill, that I would have three or four thousand Horsemen land in *Essex*, the unfittest Place for Horsemen to land in all *England*, a Country best inhabited of Noblemen, Gentlemen, and other Ability to resist them: And who would land Horsemen in *Essex*, a Country all full of Lanes, Woods, Ditches, and Marshes? I would have chosen some other Country rather, if I had been so minded. Again, in respect of Religion, I would not have landed them in *Essex*, that came to destroy Religion, and so should have found

found but little Assistance. And would I have brought in Power, or join'd with them to the Overthrow of Religion? It hath lately been said by that side, that I could not be recover'd from my Religion: I would not be chang'd from my Religion; I had rather be torn with wild Horses. Besides that the County of *Essex*, adjoining to the County of *Staffolk*, is most unfit for that purpose; no County in *England* more replenish'd with Protestants nor of better Ability, and none more likely to withstand Papists. As for moving of Friends, I never dealt to move any Person in the matter; I never made Provision for it; I provided no Armour, Shot, Powder, nor Money; I made no Friends privy to any such Intent. Some Presumption it is, that if I had intended any such matter, I would have made some privy to it. I was no otherwise so destitute of Friends, I would have provided Armour, Shot, and Powder; I would have provided Money; I am sure there was not much Money found. For Armour, I had not at my house here past eight Armours which were of Proof, and a hundred Harquebusses; and besides this, I bestow'd not 10*l.* in Armour these ten Years: Powder I have not two Barrels; yea, not above a Barrel in all. So see the likelihood of their Devices; no Conference of Friends to take part; no Provision of Furniture; a Country, both in Religion and Situation, unapt for the Matter.

Where they say *Rodolph* told *Barker*, and *Barker* told me; and *Barker* came from *Rosse* and from *Rodolph* to me, and from me to *Rosse*, to declare that I was content to affirm the Letters of Credit: I deny it. As for my Consent, that the *Spanish* Embassador should affirm the Letters in my Name, how unlikely a thing it is, that I was content to affirm them, but not to subscribe them; as if I knew not how small is the Difference between subscribing and affirming; and as if I had such slender Wit. *Rodolph* never came to me but once; indeed I heard that *Rodolph* would fain have come to me again the second time, but I would not; *Barker* earnestly urg'd it, but I refus'd. To please the curious *Italian* Head of *Rodolph*, they devis'd it among them to deal with the *Spanish* Embassador. As for me, I never heard from the *Spanish* Embassador in the matter; I never saw him but once at my Lord Treasurer's. I was angry with *Barker* for going to him in my Name; and he excus'd it, and said, he could not otherwise content the Bishop of *Rosse* and *Rodolph*: and so that affirming of the Letters was *Barker's* own doing, and not mine. I would they might, in our private Examinations, have been brought face to face with me. I could have put them in mind of things; they have confess'd Treason of themselves, and they would bring me in with them, and lay it on my shoulders. I am hardly handled, I have been eighteen Weeks committed, I can speak with no body; if I might have had them face to face, and been allow'd to bring forth my Proofs, I would have brought forth direct Matter and Proofs, and therewith made them remember themselves. Consider, I beseech you, what they be that accuse me; the Presumptions be in all likelihood, that I should not so do as they accuse me; and as for them, they be Persons that have accus'd themselves of Treason, and so be of no Credit. As for mine own Examinations, they wholly agree in such sort as I have here declar'd in mine Answer.

*Attorney.* Your Answer is nothing but bare Denial; and here are three Witnesses against you, and

all three severally examin'd, have agreed in one; and *Barker* hath directly confess'd; and if you doubt of Impulsion, you shall hear how willingly and how freely he confess'd it, because the same Examination was taken before Sir *Thomas Smith*, and subscrib'd with his Hand: Mr. *Wilson* upon his Oath declar'd the same to be Sir *Thomas Smith's* Hand.

*Duke.* Where it is said, that I should bid them to write, or should affirm their Writing, it is not true. Indeed *Bannister* spake to me to write for Money for the *Scotish* Queen, and I refused to do it. If I should have dealt in any such matter, I would have trusted one *Bannister* afore fifteen *Barkers*. And as for your number of Witnesses in this manner by Hands one from another, twenty Witnesses may prove but one Witness.

*Attorney.* You shall hear your own Confession agreeing with them; you were content *Rodolph* should use your Name to the Duke of *Alva*, and that he should assure the Duke you were a Catholick, and that he should shew Tokens to prove it, for that you kept Papists in your House, and were a Friend to Papists.

Here was read the Duke's Confession, 10 October, *ad interr.* 58.

Here his own Hand confesseth the Matter.

*Duke.* I saw the Instructions indeed, and this Matter was in it. They sought to have it thought I was a Catholick, to serve their Purpose, and did put it in of themselves; but I allowed it not, I would rather be torn with wild Horses, than forsake my Religion.

*Attorney.* These Instructions remained still in your custody: Why did you not burn these, as well as you say that you commanded the Letter to be burned?

*Duke.* Because it was their writing, and not mine.

*Will.* You are content it should be extant; to what purpose was that, if you mislik'd it?

*Attorney.* Your Lordship shall yet see further a Letter of the Bishop of *Rosse*, written to the *Scotish* Queen, wherein the whole Plot and Course of the Treason is plainly set out at large; the Letter came to the *Scotish* Queen's hands while my Lord Steward was there, which my Lord Steward affirmed. So the Letter was read.

*Duke.* The Bishop of *Rosse* is no sufficient Witness against me, for the Causes that I have declared.

*Attorney.* I leave his Credit to my Lords here to consider, let them weigh it as they see cause. Now come to consider your own Doings; since your last Imprisonment, Letters have been conveyed unto you, and you have sent Letters abroad, by many subtle and secret Ways of Conveyance. One Letter you sent out, written with Red-Ocre, wherein plainly appeareth that you feared the Matter, and that something was confess'd, and that you were afraid of more; you willed the Bishop of *Rosse* should take all upon him, because he was an Embassador, and that a Bag of Writings should be sought out and burned.

Here the Letter written in Red-Ocre was read, which the Duke confess'd to be his own.

*Attorney.* This Letter gave occasion to seek the Bag, and so were the Writings found under Boards fast nailed, and thereby was understood that *Quarante* was the Duke; and so by God's Work broke out the whole Practise of the Treason. This Letter was directed to nobody.



*Duke.* It was written to *Bark*, and *Bark* received it. I can assure the Court well enough. Here I am charged with two Matters, for matter of my Confession, and for carrying the Bags of Letters. As for that which is there said, that I confessed nothing but what I have confessed by others, the truth is, I have read a Letter, wherein I was charged, that I had consented thereto. I wrote to falsify, that I had not assented to any of any matter of Treason, nor of that I would: and this was the meaning of that Part of my Letter.

*Attorney.* Where is the Letter whereby you were charged that you had consented thereto?

*Duke.* I kept it in a Chest, which I would keep Letters? But I have burnt it. As for burning the Writings of this Day, it maketh nothing against me, for they were nothing but private Letters of the *Scottish* Queen's, written before, and when I was last in Trouble, long before this Matter of *Bark*'s coming up at *Easter* last, he brought them to me, and I willed *Bark* to lay them away: What needeth such searching for other Matters? I had them be made away, for they were but private Matters between the *Scottish* Queen and me.

*Attorney.* There is the Letter that disclosed you to be *Quarante*, whereby the Treason was known: now here is also another Letter of your own, which you have sent out of the Tower, which sheweth your Guiltiness in the matter of the great Treason with *Rodolph*.

Here the Duke's other Letter was read.

*Duke.* This was only, as I have declared before, for my Conference with *Rodolph*, for the matter of Money, both touching mine own Recognizance, and procuring of Money for the *Scottish* Queen, for her Necessity.

*Attorney.* by the whole Course of the Matter that goeth before, it is for the Treason, and not for the Money.

Here is also another Letter of your own, which carrieth manifest Proofs of the Treason, where, among other things, you will *Barker* to confess no further, if he love his Life: besides other most manifest suspicious Matters.

*Duke.* I wrote it for his respect of any fear that *Barker* could hurt me, when I willed that *Barker* should confess no more, as he loved his Life: For indeed he might touch himself in Treason, as he hath done, but not me, for I never consented to it.

*Attorney.* Now shall you see how the Matter proceeded further: After the dispatch of *Rodolph*, in *Len* last, as he had made shew before, that he intended to go over Sea, and was all this while practising about this Treason; at length being frightened with these Messages, he came to sue to the Queen's Majesty for a Pass-port, which was granted him, and he carried over two Geldings with him, which is evident Proof that he went over. Now shall you see what effect it took, and by the Answer you shall discern the Message and Practice: Being beyond the Sea, and having done his Message, he sent advertisement to the Duke how he sped, and likewise from the Pope; which plainly discoverth the whole Purpose and Plot of the Treason, as shall be declared unto your Lordships.

Here began Mr. Solicitor.

*Solicitor.* For that the time is spent, and your Lordships, I think, are weary, I will not now make any Collection what hath been gathered of

the attempt of Marriage with the *Scottish* Queen, only I will deal with the Matter of *Rodolph*'s Message, and the course thereon: And the Duke's adhering to the Queen's Enemies and Rebels, shall be another part. By this Matter of *Rodolph*, hath been laid before you a plain Plot for a Rebellion, and for Invasion of the Realm, as is seen in the *Scottish* Queen's Letter, which was deciphered by *Hickford*, by the Duke's Commandment, as hath been said unto you; the effect whereof was as hath been declared.

And here he repeated the Effect of that Letter, containing the Device of putting Men into the Field, and to seize the *Scottish* Queen. Now if the Device were follow'd, and if the Duke were a Doer in it, if he were a Consenter unto it, if *Rodolph* were practised with for the Journey, if he received his Message to that end, if he went and parried it, if he sent Answer accordingly; then it must needs be that here is matter of High-Treason, and the Duke of *Norfolk* guilty of it. It hath been shewed by the Declaration of *Barker*, and of the Bishop of *Roffe*, how *Rodolph* was the Pope's Factor, was commended by the *Scottish* Queen for a fit Messenger in this Matter, was conversant with about it, Articles were devised, they were shewed the Duke, and the Duke himself hath confessed that he spake with *Rodolph*, and that he saw the Instructions. Now is the question, how far the Instructions extended, whether to matter of High-Treason, as hath been alledged, or no? The Duke saith for his excuse, That the Instructions were but for a private cause of Money, and that when *Rodolph* required him to write Letters, the Duke refused and call him out: Now how this accordeth: If it were but a private Cause, whereto served that manner of writing, as well he might by Letters, as by I should have proceeded in a private Cause. What was the matter coming in the Night-time, and in the morning? The Duke himself confesseth, that the Letters were shewed him before *Rodolph* came to him; he confesseth also that *Rodolph* was commended by the *Scottish* Queen; the Instructions have here been shewed, containing the Matter of his Journey, and extending to the Treason: He came to confer with the Duke. Now let your Lordships judge why, and about what Matters they conferred.

The Bishop of *Roffe* and *Barker* do, of their own knowledge, declare, how, for Furnishing of this Message, there were Letters of Credit issued in the name of the *Scottish* Queen and the Duke of *Norfolk*, to the Pope, the *Spanish* King, and the Duke of *Ara*; the Duke refused to subscribe them, for fear, if he should deal too openly, the Treason might perhaps to some appear: therefore a Device was found out how to solve the matter, That he should, by his Servant, affirm the Letters to the *Spanish* Embassador, and so they should, by the *Spanish* Embassador's commendation, pass with as good credit as if they had been subscribed. This Device was performed, his Assent was witnessed, and the Letters of credit confirm'd accordingly. *Rodolph* went over to the Duke of *Ara*, and from thence to the Pope; he returned answer of his Message, and gave advertisement to the Duke. Did not he send his answer concerning the very Instructions that have been alledged, and the matter of Treason, and not of a private Cause? And to whom? Sent he not answer to the Duke, by the name of *Quarante*? Would *Rodolph* make ma-

swer to, and advertise him that never sent him, and of a Matter that he never sent him about? By this you may see the intent of the Message. Now shall you see what Answer was return'd.

The Bishop of *Rosse*, after this, sent over a Servant of his, one *Charles Bayly*, to fetch certain Books that were printed in those Parts; Books containing very seditious Matter, wherof I have seen some, by permission, tending to these ends. First, therein is conveyed to the *Scottish* Queen a Title to the Crown of *England*, a Descent above the Conquest, and so labouring to impair the Interest of all our Kings that have reigned since the Conquest. Then the Judgment of the Right of the Crown of this Realm is reduc'd to an universal Law, which they call *Jus Gentium*, and the discerning thereof exempted from the Laws of this Realm. And of that universal Law they establish one universal Judge, whom they insinuate to be the Pope, whose Bulls you see have pass'd in prejudice of the Queen's Majesty's undoubted Right. This *Charles Bayly* being in those parts for this occasion of the Books, met with *Rodolph* at *Brussels*, after that *Rodolph* had had his dispatch from the Duke of *Alva*, and was hastening to the Pope; and therefore having haste of his Journey, and much to write, and small leisure, he desired *Charles Bayly* to write for him two Letters for two Noblemen of this Realm, both in Cipher: but to whom the Letters were directed, *Charles* himself could not tell; for *Rodolph* subscrib'd the Letters himself, one to *Quarante*, the other to *Trente*. *Charles Bayly* bringing their Books and Letters, was taken at *Dover*, the Books were brought to the Council, the Pacquet of Letters were convey'd away to the Bishop of *Rosse*: And daily more and more grew the Suspicion, by reason of the repair of the Bishop of *Rosse*'s Servants to the *Marsbalsea*, where *Charles* was. At length there were Letters taken between the Bishop of *Rosse* and *Charles*, mentioning the recovery of *Rodolph*'s Pacquet. In this Pacquet was the Advertisement of the Success of the Voyage, from *Rodolph* to the Duke, by the name of 40. This Letter of *Rodolph*'s was sent to the Duke from the Bishop of *Rosse* by *Barker*; *Barker* deliver'd it to the Duke, from whence it was sent back again to the Bishop of *Rosse* by *Gutbert*, and by *Gutbert* it was deciphered, and carried again to the Duke by *Barker*: Upon this occasion *Gutbert* was sought for, the Duke convey'd him away, and this conveying away of *Gutbert*, the Duke hath confessed. If this be thus, then must it needs be that *Rodolph* was sent by him, and to such end as the Letter bringeth answer of. In the Letter, this was contain'd, That *Rodolph* had spoken with the Duke of *Alva*; That he had very good and loving Audience; That the Duke of *Alva* lovingly promis'd all the help that he could; and that he would commend the Cause to the King of *Spain* his Master: And he advis'd *Rodolph* to go forward to the Pope, and that he said he could not do further without more Warrant, which he would seek to procure. Also certain questions were ask'd by the Duke of *Alva*; as what Fort was between the Haven where they should land and *London*? How near *London* it was? So the nearness of *London* was respected, how incommodious soever your Lordship saith the Place was for Horsemen. These Questions belike depended upon the Matter propounded, which touch the Plot of the Treason, and not a private Cause, as your Lordship pretendeth. The Duke of *Norfolk* confesseth the receipt

of these Letters, and the deciphering of them. So *Charles Bayly*, by *Rodolph*'s Request, wrote the two Letters in Ciphers; *Rodolph* himself directed them to 40 and 30. *Charles* being taken, and confessing the writing, and bringing of these Letters, and the Matter contain'd in them in *April* last, yet knew not who was 40 nor 30. This was strangely convey'd, Treason known in Matter, and yet the Person not known to himself that wrote it.

Here was read *Charles Bayly*'s Letter.

These Letters of *Rodolph* were convey'd to the Bishop of *Rosse* to deliver to 30 and 40, referring the rest to his Dispatch at *Rome*. And this falleth out also very likely for the Time; for *Rodolph* departed home about *Easter* before.

Here was read *Charles Bayly*'s Confession, ad 3.

*Sollic.* Now you see to what End the Effect of the Message tended; you see what it was, and how it was done; you see how it was receiv'd, and the Duke of *Alva*'s Questions upon it: now you shall see the Contents of the Answer, by the Examinations of the Bishop of *Rosse*, and *Barker*; the receipt of the Letters of Answer the Duke himself hath confessed.

*Duke.* Where they say this Message was sent by my Privy, by reason that I was meant by 40, I deny it; I never wrote by *Rodolph*, I refus'd to do it, I knew not his Letters were to me, but as *Barker* said: And it was not likely they should be to me; for it was a Matter which I was not privy of, and in a Cipher which I had not; *Rodolph* left no Cypher with me. As for the taking of the Pacquet, I knew nothing of it; the Letter I never saw in Cipher; *Barker* brought me a Decipher, telling me, That 40 was for me, and 30 for the Queen of *Scots*. When he told me first he had the Cipher, I ask'd what I should do with it, and how I should read it, having no Cipher? *Barker* answered, that it was left with *Gutbert*; for *Rodolph*, at his departure, had told him, That he would write answer of the Money for the *Scottish* Queen, and that he would leave the Cipher with *Gutbert*; and that he had so done, and in the Letters deciphered did appear, that the Duke of *Alva* had promised aid of Money for the *Scottish* Queen for her Necessities; but he could not yet do it for want of Commission, but as soon as he had Commission he would. When I heard of this I mislik'd this dealing with the Duke of *Alva*, having before refus'd to write to him in the Matter at *Rodolph*'s Request; and I threatned *Barker* if he so dealt any more with me. The Letters might be to me, as *Barker* said; but I knew not so much.

*Sollic.* This your Answer is in all no more than a bare denying, and so be all your Speeches, all upon your own Credit only.

Here was read *Barker*'s Confession, ad 2, & 3, concerning *Rodolph*'s Letters in Cipher, and the Deciphering by *Gutbert*, and the Port where the *Wallcons* should have landed, &c.

Then was read the Bishop of *Rosse*'s to the 12 and 13, to the same effect.

Then Mr. Solicitor recited again the Effect of the Letters, and the said Confessions of *Rosse* and *Barker*, and proceeded further thus:

You see all these agree in one concerning the Contents of the Letter; now the Letter being deciphered by *Gutbert*, and *Gutbert* being able to discover the whole, this *Gutbert*, when he was sent for

for by the Council, was convey'd away by the Duke's means, as the Duke himself hath confessed.

*Duke.* It may be *Barker* received this Letter as you spake of, and that *Gutbert* deciphered it, and that it contain'd the Matters that you alledge; it may be that they kept that Letter still to themselves, and might bring me another Letter, containing only such Matter as I was contented with, containing the private Cause.

*Sollic.* An unlikely matter; but thus you see the Duke confesseth the Receipt of the Letter, he only denieth that it was to this effect. It was confessed, that a Letter to this effect was written to 40; he also confesseth, that 40 was for the Duke himself.

The Duke of *Alva's* Questions prov'd the form of the matter; the Duke read that Letter.

*Duke.* I read not that Letter, but of another Matter, and you bring but one Witness to prove it.

*Sollic.* There be two Witnesses, *Barker* and the Bishop of *Rosse*, severally examined, who agreed directly, expressing it. And *Bayly* also wrote the Letter himself containing the Treason, and not knowing to whom the Letter was directed, accordeth with them.

*Duke.* *Barker* and *Gutbert* might make the Letter themselves, and put in and out what they list.

*Sollic.* Why did *Rodolph* write you a Letter at all?

*Duke.* I know not. *Barker* presented me the Letters out of Cipher, and I had not the Cipher, nor saw any such Letter as you alledge.

*Sollic.* It appeareth further, how after this dispatch with the Duke of *Alva*, *Rodolph* went forward on his Message to the Pope; and having also good Success there, he so advertis'd again. The Pope sent Letters to the Duke and the *Scotish* Queen, to this effect, That he liked well of their Enterprizes, &c.

Would *Rodolph* have gone to the Pope and procur'd Letters, if he had not had Instructions accordingly? The Duke himself hath confessed such a Letter, conceived there came Letters, both of one Tenour; the one by the way of *France*, the other by the way of *Flanders*: the effect you have heard, and the Receipt is confessed.

*Duke.* *Barker* indeed brought me about six or seven Lines, written in a Roman Hand in *Latin*, beginning thus, *Dilecte fili salutem*. I asked what it was? and *Barker* told me, it was a Letter from the Pope to me: Wherewith I was offended, and said, A Letter to me from the Pope! What have I to do with him, that is Enemy to my Religion and Country? How cometh this to pass? So I received it, and not otherwise: and *Barker* excus'd it, and said, That *Rodolph* had procur'd it for his own Credit.

Here was read *Barker*, ad 29.

*Sollic.* Thus you see the Effect of this Letter, and how this was directed to the Duke from *Rodolph*, also by the name of 40, deciphered by *Gutbert*, and delivered to the Duke by *Barker*. The Duke received it and read it, and said, *Rodolph* hath been at *Rome*, I perceive there will nothing be done this year. By this it appeareth, that he reproved not *Barker* at all for bringing it unto him, for *Barker* brought it him twice: Would he have brought it him the second time, if the Duke had been angry with him for it at the first?

*Duke.* I knew not at the first time what it was, for it was in Cipher.

Then was read *Barker's* Confession to the 8th.

*Duke.* *Barker* is not of Credit, he accuseth me falsely.

*Sollic.* He was your Servant and of near Place and Credit about you; why should he accuse you wrongfully?

*Duke.* He was not of Credit about me; for I used him not this fourteen Years.

*Sollic.* That is not so, as hath well appeared. Besides this, the conveying away of *Gutbert*, which was done by your means, and who deciphered this Letter, and could have disclosed the Matter, proveth a great Guiltiness in you.

*Duke.* He was convey'd away at his own Request made, and not for my Safety.

*Sollic.* You caused him to be convey'd away, and were privy to his conveying.

*Duke.* *Barker* removed him: indeed I was not privy.

*Sollic.* You moved *Bowes* to join with *Barker* to do it.

Then Mr. Solicitor said further to the Peers, I have also, my Lords, one thing more to say to you from the Queen's Majesty's own Mouth: The Lords that be here of the Privy-Council do know it very well, not meet here in open Presence to be uttered, because it toucheth others that are not here now to be named; but by her Highness's Order, we pray that their Lordships will impart it unto you more particularly. In *Flanders*, by the Embassador of a foreign Prince, there the whole Plot of this Treason was discovered, and by a Servant of his brought to her Majesty's Intelligence; the Minister not meaning to conceal so foul and dishonourable a Practice, gave Intelligence hither by Letters, and hath therein disclosed the whole Treason in such Form as hath here been proved unto you: Wherefore I refer the more particular Declaration thereof to the Peers of the Privy-Council.

Then began Mr. *Wilbrabam*, Attorney of the Wards, and said to this effect.

*Wilbrabam.* There is yet something unspoken, it consisteth in two Points, I will be short in both. The Matters are plain, and easy to understand. Let my Lord answer, and your Lordships shall easily judge of them. Here have been set forth before you the imagining and practising of the Deprivation and Death of the Queen's Majesty, with bringing in of Strangers into the Realm to invade, and levy War, with the Appurtenances both miserable and many. This Request I am now to make, that for proof of these Treasons, that I will intreat you to have in memory what hath before been said; for tho' the Proofs of these Treasons we divide to several Parts, for Ease and Shortness, as the seeking of the Marriage, *Rodolph's* Voyage, the Success thereof, and the Residence that remaineth, ought all to be compared together; any one appearing plainly true, giveth Credit to the rest. The Queen's Majesty's Proceeding in this Trial is very honourable, mild and gracious; the Confessions have been made by the Parties freely, without Torture or Constraint. You shall see each of them, and each part so prove the other, as the whole shall be clearly out of doubt; Where the Earl of *Northumberland* and his Wife, the Earl of *Westmoreland*, *Richard Norton*, and others in the North Parts raised Rebellions, and levy'd open War against the Queen's Majesty within her Realm; and being overthrown by the Queen's Power, fled into *Scotland*, and there were received by the Duke of *Chastellerooy*, the Lord *Harris*, the Lord *Hume*, the Lord *Buccleugh*, and others, and by them were comforted and detained

tained against the Queen's Majesty, requiring to have them restored, publish'd and proclaim'd open War against those Detainers of her Rebels, and appointed the Earl of *Suffex* her Lieutenant-General, with an Army to invade *Scotland*, and there to pursue those her Enemies, sparing the rest. He entered into the Land, made open War upon them, blew up their Houses with Powder, wasted their Countries, and drove the Rebels out of *Scotland*. The one Matter now that I am to disclose, is, That the Duke of *Norfolk* knowing all this, yet did adhere unto, comforted and relieved the said Rebels; he procured Money to be distributed to the Earl of *Westmoreland*, the Countess of *Northumberland*, and other of them: and this is manifest Treason. The other Matter is, That the Duke of *Norfolk* knowing all this to be true, adhered unto, comforted and relieved the said Lords of *Scotland*, the Queen's Enemies, Receivers and Detainers of her Rebels; and this is also Treason. And first for the aiding of the Rebels: After this Rebellion, and their Overthrow by the Queen's Power, they fled into *Scotland*, (a very bare Country) where they were driven to hard Shifts, so were they enforced to sue to the Pope for help; they wrote to him, the *Scottish* Queen wrote in their favour to the Pope's Nuncio, the Matter was pursued for them by one *D. Morton*: this *Morton* was he that was the Procurer of the Bull that was sent over against the Queen's Majesty; this *Morton* was he that reconciled the Earl of *Northumberland* to the *Romish* Church, by a Bull of Absolution: he went to the Pope on their Message; the Pope granted them Relief, and wrote Letters in the mean time to comfort them, which were directed thus; *Thomæ & Carolo Northumbriæ & Westmorlandiæ Comitibus, reliquisque Nobilibus Catholicis partium Borealium Regni Angliæ: To Thomas and Charles, Earls of Northumberland and Westmoreland and other of the Catholick Noblemen of the North Parts of the Realm of England.* Belike, so calling them noble in the fulfilling of *D. Story's* Promise, that by their rebellious Enterprize they were now of Worshipful become Honourable.

Here was read the Effect of the Pope's Letters to the Rebels.

The Letters hereof came to the Bishop of *Rosse*; the Money was assigned in *Flanders*; the Bishop of *Rosse* sent to the Duke of *Norfolk* for his Advice, and for his Help to convey the Money to them. The Bishop thought it best to have the Money sent by the West-Borderers, where the Lord *Harris* was, and with him *Leonard Davis*: the Duke, for their special Displeasures to *Leonard Davis*, was not willing that *Leonard Davis* should have part of it; but had more mind to have his Brother of *Westmoreland* relieved, and to that end he devised with *Bannister* for the sending of the Money. In the mean time, behold how that course was interrupted: The Queen's Majesty had a Treaty with the Queen of *Scots*, wherein one special Article was, That the Rebels should be delivered. This the *Scottish* Queen was loth and liked not to do; she asked the Duke of *Norfolk's* Counsel in it, he advised that in no wise they should be delivered, for that were too much against her Honour: nevertheless, for that he feared that the Article concerning the delivery of the Rebels might be some stay to such conclusion, as otherwise they might have liked of; he gave

advice that the Rebels should depart out of *Scotland*. *Rosse* wrote to them to that end, and therewith sent them the Pope's Letters, and so they all departed out of *Scotland* into *Flanders*, except only *Leonard Davis*, who remained with the Lord *Harris* and the Earl of *Northumberland*, who would also fain have been gone if he might; and so by this occasion, and by *Bannister's* means, was this sending of the Money into *Scotland* disappointed. Then was there another Device taken, to distribute it in *Flanders*; and because it should not all be suddenly wasted, it was agreed by the Bishop of *Rosse*, that it should be distributed monthly.

This Order was opened to the Duke by *Barker*, the Duke liked well of it, and willed it to be done accordingly. A Man was sent over for this purpose, and the Money distributed. The Countess of *Northumberland* wrote over to the Bishop of *Rosse* a Letter of Thanks. Hereupon report was made to the Duke, that it was done as he had appointed. Now the Duke will ask us, What proof we have hereof? we say, The Confessions of *Rosse* and *Barker*. Against this he taketh exception; his only answer is his bare denial, and his defacing of their Credit. He saith they are Traitors, and have confessed Treason against themselves, and not to be received for sufficient Witnesses against him. This hath been well answered already by my Lords the Justices, that by the Law they are sufficient Witnesses. You may not stand upon your Honour and difference of Degree, and thereby limit how far they are to be credited. But now let us examine their Credit, and their likelihood to tell Truth, and how meet in this Case they are to be believed. First, For the Bishop of *Rosse*, he is a wise Man, he is learned, he is a Bishop, he is an Embassador, a great Friend to the Duke of *Norfolk*; so far in Credit with the *Scottish* Queen, that he hath been the principal Doer of all her Affairs; so the fittest Man for this Treason, the meetest Man to be used in it, since the *Scottish* Queen's Title is the ground of the Treason. Who then but such a Man was fit to be used? Who meetest to be heard in such a matter than he? A *Scot*, a wise Man, well acquainted with the matters, well able to deal in them, ever at hand, and every way the meetest Man. He was a *Scot*, say you; the more to blame the Duke of *Norfolk* to deal so with him, against the express Commandment of his Sovereign upon his Allegiance, and against his own Faith, Submission and Promise, and so himself unworthier Man to be believed than the *Scottish* Witness. Why should the Bishop of *Rosse* accuse him falsely? What should move him to it? He accuseth you, he also proveth it against you; he is the aptest Man to know it, the aptest of all other to repeat it. And why will you say he is so oft produc'd for every matter against you? Surely great Cause, great Difference between him and all other; he knew all; he dealt in all, and where the rest had every one but his Part to play, the Bishop of *Rosse* continually kept the Stage; he had a long Part, he answered all Men; when every Man brought forth their Tallies, he kept the Stocks of all; he speaketh of that he understandeth, he speaketh credibly, he carrieth Proof and Consent of other. Speaketh he of Malice against the Duke? That cannot be, the Duke never offended him; the Duke was ever his greatest Friend, and he the greatest Friend to the Duke, and the chief Advancer of the Marriage that the Duke so earnestly sought, as most beneficial; he hath in his

Confession touched his own Mistress upon whom he depended, to whom he ought no Malice; he hath disclosed the Treacheries of the Pope, him he hath offended, he gets no more Benefices at his hand; he hath offended the King of *Spain* and the Duke of *Alva*, he is fallen out with all his Friends, he is fallen from all his commodious Hopes by his Confession. Besides that, How hath he told it? Not at the first as of Malice, and desirous to do the Duke a shrewd turn; but with leisure, after other former Confessions. He held off, and disclosed nothing, till his Face (tho' it were a Face of Brass) could no longer withstand apparent Truth disclosed by others; except he had been mad and a stark Fool, as he is very wise, he would not have thrust himself into all those Hardinesses, to tell an untruth to his own so great Loss and Hindrance. Would he, being wise, for Malice to the Duke of *Norfolk*, undo his own Mistress the *Scotish* Queen; and bring upon himself the hatred of the Duke of *Alva*, the *Spanish* King, and the Pope; and so lose all his Friends, and make them his Foes, and indanger himself, and undo himself, with confessing Treason against himself, for only Malice of the Duke of *Norfolk*? It cannot be true; I must needs believe him, because it is Treason that he speaketh of the Man's own Faculty: He is a credible Traitor. If he had told us a matter of Virtue, good Life, and true Religion, it had been a Vanity to hear the Bishop of *Rosse* speak; but speaking of Treason, he is the skilfullest Man, and meekest to be heard. As for *Hickford* and *Banister*, they be both still in Credit, the Duke excepteth not against them, and yet they accuse him deeply. For comparison of their Values and Credit, the Duke is noble, and these are said not able to spend five Marks. What then? Indeed their Honour is less, but their Understanding is great, and their Credit sufficient. *Barker* is disliked, and counted by the Duke not worthy to be believed. It is disliked that he is still brought forth, he is as the base Instrument still play'd on. There is good cause why the Duke so continually used him: You must understand that things must be done by Means and Instruments: The Heads need the Service of inferior Members; the Heads do devise, the Hands and the Feet do put in execution. If the Duke of *Norfolk* should, for every Message and Matter to be treated with the Bishop of *Rosse*, *Rodolph*, and the *Spanish* Ambassador, or other, have himself trotted thro' dirty *Smithfield*, and the Streets of *London*, unto *Thames-street*, and other Places, it must needs have been wondered at, and would not have been without notable Suspicion. But *Barker*, a sly Fellow, sufficient for Skill, exercised in the Matters, acquainted with the Practices, might well go dreaming to all Places without Suspicion. Sometimes upon a Robbery or a shrewd Turn done, the length of a Foot in the Snow, or in the Mire, hath betrayed the Doer; so the Foot may sometimes accuse the Head. *Barker* was one of the Duke's Secretaries, privy to his greatest Affairs, the Writer of his Ciphers, the common Carrier of ciphered and deciphered Letters, the common Conveyer and Sender of his Messages and Letters between him and the Queen of *Scots*: The Duke himself agreeth with them in confessing of sundry Circumstances of the Matters, which he calleth his Errors and inferior Faults; with these Men he dealt in them himself, gave them Credit, therefore it is no reason himself should take from them the Credit of their Confessions.

But he saith there are but two of them; the Fault is in the Duke of *Norfolk* there are no more, for there are more if they were here, and by the Duke's means they are absent: *Liggons*, *Gutbert*, and *Rodolph* could tell it also. The one of them, *Liggons*, he hath sent away, and findeth him in *France*. *Gutbert*, as the Duke himself hath confessed, the Duke hath caused to be carried away. *Rodolph* is, by the Duke himself, sent out of the Realm on his Message, and not return'd (it is no reason that their absence excuse him) for it is no reason that he should take advantage of his own Wrong, that hath made them be absent; so their absence must stand for great Testimony against him, and be judged to concur with them that are present, and have confessed.

*Rodolph*, the greatest Testimony of all, is in Person withdrawn; but his Letters speak lively. He hath testified by his Letters against the Duke, and of a matter that himself well knew, not constrained, not examined, but with the Terror and Course of the Proceeding of the Treason, advertising the Duke of the answer of his Message. You say he dealt for you in other private Matters, not in the Treason: If that were so, then the Pope had not given him charge to deal with the *Scotish* Queen and you; the *Scotish* Queen had not commended him to you; the Instructions had not been so penned; the Answer had not been so return'd. But saith the Duke, It is true, *Rodolph* talked with me indeed, he required my Letters to the Duke of *Alva*, for the *Scotish* Queen; he moved me about these matters; but I was angry with him, I would not write by him, I departed from him in anger, and thus in anger away he went. And whither went he? Even strait to the Duke of *Alva*, and from thence to the Pope, even to the same Places and Persons to whom he should have gone for the Duke, if the Duke had been without anger, best pleased and contented with his Journey. To what Intent, and of what Message went he thither? Even the same that the Duke said he was angry to be moved of, and refused to write in. What effect hath it? Gentle Audience, great Promises and Agreement to the Requests, as if he had travailed not for a Man angry with the matter, but most desirous. What Answer return'd he? Even the same that accordeth with the Instructions concerning the Treason, the very Plat and Ground of his Message. He reporteth Questions asked by the Duke of *Alva*, agreeing only with the matter of the Treason, and no private Cause. Would he have written answer to him that sent him not? Would he have written as to please him with good News of a good Audience that sent him not? From whence departed he in anger? He writeth of the Course to be kept in Execution of the Treason, which he would not have done to him that was angry to hear of it. He braggeth of his 10000 *Walloons*, old beaten Soldiers. If the Duke of *Norfolk* had been a true Man, and angry with the matter, as he now saith, and done his Duty; tho' they had come, his *Walloons*, his old beaten Soldiers, might have been so new beaten of the old *English* Fashion, as they were never so swinged in their Lives.

This Point Mr. Attorney spake with such a Grace, such Cheerfulness of Heart and Voice, as if he had been ready to be one at the doing of it; like a hearty true *Englishman*, a good Christian, a good Subject, a Man enough for his Religion, Prince and Country.

If the Duke says it was the *Scottish* Queen's Message only, and not his (for advancement of her wrongful Claim by force) he knowing this, Why sought he to marry her against the Queen's Majesty's Will, and to pursue it by force? If he say it was *Barker's* single Device, to send these Messages, to procure these Treasons, and work all these Mischiefs of his own head; to what end I pray you should *Barker* do it, but to advance the Marriage of the Duke his Master, and the *Scottish* Queen? And was this without the Duke's privity? Could *Barker* compel the Duke to take a Wife at his pleasure? Examine now all these Witnesses, and weigh their Credits together; consider them severally, their Credits are great; join them all together, they be much greater; but severally examin'd, and all according in one, they be greatest of all, and not possible to be false. Add to that the Duke's own Confessions of Circumstances concerning himself, and their uttering of matters of Treason against themselves; consider the difference of dangers in telling truly or falsely: for if they utter'd it, and it were true, then stood they but in danger of their bodily Life; if they should falsely accuse, yet that Accusation suffering against themselves for Treasons, they lost both Body and Soul, in falsely accusing others. The Duke was their Master, they his Servants, and his true Servants, and such as were to gain by his Prosperity; would they untruly accuse him, the stay of their Preferment? For tho' they be Traitors, and howsoever they be otherwise without Credit, yet against the Duke of *Norfolk* they are well to be believ'd.

Now on the other side, consider the Duke's own Credit, which he hath by his own doings impaired and made inferior to these of lower degree: You have heard of his Oath especially taken for the Commission at *York*, to deal truly and sincerely; he kept it not, he so dealt as if an Oath were of no great weight with him. His Oath of a Counsellor he hath broken, both in disclosing of Secrets, and in giving advice to a foreign Prince, and a Competitor of the Queen's Crown, against the Queen's Majesty his Sovereign Lady. Now may it not be that these Men of mean degree and value, against whom it is not alledg'd that they have been at any time perjured, may be produced and credited against him that hath so little esteem'd his Oath? I have heard also, that there was an Oath wilfully taken upon a Bible, in denying of things laid to his charge, and yet the matter found true, and by himself within a short space confessed: so that his Oath, his Hand, and his Word, bear no sway with him.

He submitted himself, he subscribed his Submission, and seal'd it; he added solemn Promises upon his Faith and Allegiance, not to proceed in the Marriage between the *Scottish* Queen and himself: but he kept not touch, he broke Promise also, and yet he saith his Hand, Mouth and Heart go together. If they go together in the right way, it is well; but when they go together in Untruth, it is evil and dangerous: therefore it is not for my Lord of *Norfolk* to stand so much upon the discrediting of the Witnesses, and advancing of his own Credit, which himself hath so much decayed. Now I will go to the Proof.

*Duke.* I shall hardly come, after so smooth a Tale as Mr. Attorney of the Wards can tell; yet one good Proof I have to my Comfort, that they be as please your Lordships to weigh them. If you

would not have dealt thus untruly with me, I would not have taken exception against them, tho' I chiefly challenge none but *Barker*, in whom you may see what Fear may do; besides that they have confessed themselves Traitors, and so Men of no Conscience or Credit. It is well known that *Barker's* Stomach is nothing; he hath been known well enough, Fear hath done much in him. The Bishop of *Rosse* is also a fearful Man. As touching *Barker* and the Bishop of *Rosse*, *Braeton* hath a Saying, That Witnesses must be Freemen and not Traitors, neither outlawed nor attainted.

*Catlin.* None of them be outlaw'd, attainted, or indicted.

*Duke.* I mean not that they were indicted, but they be in as ill Case, for they have confessed themselves Traitors. He saith also, they must be *Legales*, lawful Men, and so cannot Strangers be, as the Bishop of *Rosse* and *Rodolph*; it is these Strangers that charge me only, the other having dealt so disloyally, and confessed it against themselves, are not to be believ'd. As for *Barker*, I have not used him for my Secretary these thirteen years: he entered with the Bishop of *Rosse*, and dealt with him in these Matters against my Knowledge.

*Catlin.* *Braeton* indeed is an old Writer of our Law, and by *Braeton* he may be a Witness; a Stranger, a Bondman may be a Witness: Ask you all the Judges here. And the Judges affirmed that he may.

*Duke.* If a Stranger be to give Evidence whereby Lands should be recovered, you shall not recover upon that Evidence given by a Stranger.

*Wilbrabam.* This were a strange Device, that *Scots* might not be Witnesses; for so, if a Man would commit Treason, and make none privy but *Scots*, the Treason were unpunishable; and so were a kind of Men found out, with whom a Man might freely conspire Treason.

*Duke.* You say my Indictment is only upon the Statute of 25 *Edward* III. that Statute standeth upon three points, compassing the Death of the Prince's Person, levying of War against the Prince, and aiding of the Prince's Enemies; and all these must be prov'd Overt-fact. If by any way, by any Overt-fact, you can prove that I have directly touch'd the Prince's Person, or done any of the said things that the Statute extendeth to, I will yield myself guilty. If any thing be doubtful, the Statute referreth it to the Judgment of the Parliament.

*Catlin.* Usage is the best Expounder of the Law, that is, the common Use how the Statute hath been taken and expounded; and the same Statute is but the Declaration of the common Law.

*Duke.* The Preamble of the Statute is to bring the Laws of Treason to a certainty, that Men may certainly know what is Treason.

*Attorney-Gen.* You complained of your close keeping, that you had no Books to provide for your Answer; it seemeth you have had Books and Counsel, you alledge Books, Statutes, and *Braeton*; I am sure the study of such Books is not your Profession.

*Duke.* I have been in Trouble these two Years, think you that in all this time I have not had cause to look for my self?

*Attorney-Gen.* But if you stand still upon proof, whether you have done any thing to the Destruction of the Prince's Person, if the Lords, upon the Evidence already produced, do think the Matters true in Fact that are already alledged against you, surely the same must needs be construed a compassing of the Queen's Death; for the Law

of Treason hath ever been largely construed for the Prince's Safety. Think you that practising to levy War within the Realm is not Treason? Yes indeed is it; and a compassing of the Prince's Death. Sir *William Stanley's* Case was this: He did but send *Clifford* over Sea, to hearken and send him word what *Perkin Warbeck* was; that if he thought *Perkin* was such a Man as he was said to be, he would take his part. This was *Stanley's* Case, and this was judged Treason, and a compassing of the King's Death.

Here was read *Barker's* Confession the 6th of *November*.

*Duke*. I never dealt with that Money, nor heard of it; I dealt not at that time with *Barker*, nor heard any thing of the Rebels, since they went into *Flanders*.

Then was read the Bishop of *Rosse's* Confession of the same Matter, 6 *November*, ad 5.

And again *Rosse*, 6 *November*, Fo.

Also *Rosse* 29, of 1700 Crowns sent by *Moreton's* means, and what *Moreton* was.

*Wilbrabam*. You hear how the Money was procured; how it was distributed by the Duke's Order, and Thanks written by the Countess of *Northumberland* for the receipt of it, which was also declared to the Duke. You shall hear, that after the Practice of the Marriage, it was a general Rule between the *Scotish* Queen and the Duke, That the Bishop of *Rosse* should never propone to the Queen's Majesty's Council, nor deal in any great Matter, but by the advice and directions of the Duke of *Norfolk*.

Here was read, for the proof thereof, the Bishop of *Rosse*.

*Wilbrabam*. This is a plain Course.

*Duke*. What doth this make against me?

*Wilbrabam*. That he follow'd his Commission, that he kept his manner of Conference continually, and that according to that use, the Money was distributed by your Directions.

*Duke*. He dealt not with me in a great time, and I can tell when he broke off and dealt no more with me; I was never privy to the distribution of the Money, nor I never spake with *Barker* about it; I was in the Tower at that time.

*Wilbrabam*. That was when you were not in the Tower; they lurked in *Flanders* a while in great necessity, without Apparel, and suddenly, with this Money, they were waxed gay; and these Men have confessed that it is distributed by your Order and Direction.

*Duke*. None accuse me but three, one absent, a Stranger, and a Traitor.

*Wilbrabam*. And if every one that is privy to Treason must be refused for Witnesses, then should no Treason be proved; for none can tell it but they that be privy, and all such are guilty.

Now to the second point, That you adhered to, and aided the *Scotish* Lords, the Queen's Majesty's Enemies, and Maintainers of her Rebels. The Rebels, after their flying into *Scotland*, were there received by the Duke of *Chastelleroy*, the Lord *Harris*, the Lord *Hume*, the Lord of *Bucleugh* and others; and being there, they entered again of new into the Realm, and made new Roads, and burned and wasted *England* with Fire and Sword. These *Scots* that thus assisted the Rebels, the Nobles of *Scotland* that remain'd in Amity with

the Queen's Majesty, went about to suppress. The Queen's Majesty proclaim'd open War against them; she appointed my Lord of *Suffex* her Lieutenant, with a strong Army to invade them, and to pursue both the Rebels and the said *Scots* that were her Enemies. This my Lord of *Suffex* pursued, made open War upon them, burned their Towns, Houses, Corn and Goods, blew up their Castles with Powder, and kept good Peace with the rest: So were they publish'd the Queen's Enemies, both by Proclamation, which is here ready to be shewed, and by open War itself, the best Proclamation of all. The Queen's Power there tarried a great while, some came home, some remain'd still in *Hume-Castle*, and other Places. These thus known the Queen's Enemies, and so publish'd, the *Scots* that were the Queen's Friends did still pursue so far, that the said *Scotish* Queen hearing thereof, complain'd to the Duke of *Norfolk*, viz. How she had no Aid from *France*, and if none came at all, her Friends in *Scotland* must of force be constrained to yield: She prayed the Duke of *Norfolk's* Advice. The Duke made answer, and *Hickford* wrote it to the *Scotish* Queen, That she should procure the *French* Embassador's Letters to them in *Scotland*, to put them in some good hope, that they might hold out a while till Aid come. The *Scotish* Queen accordingly wrote to the *French* Embassador Monsieur *de la Mot*; he by and by wrote six Letters to the Lord *Harris* and other Lords of *Scotland*, with fair and comfortable Promises. The Pacquet of these Letters were sent to the Duke, he had it, he caused it to be sent with a Letter to *Bannister*, to convey it to *Lowther* upon the West Borders of *Scotland*, and that *Lowther* should convey it over to the Lord *Harris*. *Hickford*, the Duke's Secretary, delivered this *French* Pacquet, and the other Letter to *Henry* the Duke's Footman, who carry'd it to *Bannister*, and *Bannister* sent it to *Lowther*, by *Colborn* his Servant: and to dissemble the Cause of his Servant's going, and to know some certainty, whether it came to *Lowther's* hand or no, *Hill* feigned a privy Token between him and *Lowther*, about the gathering of the Rent of the Lord *Dacre's* Lands. *Lowther* sent over the Pacquet, and returned answer to *Bannister*, that he had sent it to the Lord *Harris*, and willed *Colborn* to tell him, which was their privy Token, that tho' it were troublesome, yet he would gather up the Rents for him.

Here was read *Barker's* Confession, 14 *September*, That in *July* last he receiv'd the Pacquet, &c.

All *Hickford's* Confession the same day, with a great Protestation why he confessed not at the first, but tarried till *Barker* had disclosed; because he would not be counted a Betrayer of his Master.

*Wilbrabam*. You hear how *Barker* bewrayeth it; you hear also how *Hickford* himself confesseth it: And in what manner, I pray you, do they disclose it? They make no haste to accuse the Duke, but all by leisure; and *Hickford* maketh it a matter of great Conscience, to utter it against his Master: And here is a Lesson meet to be learned of all Servants. Many supposed it a Treason and foul Offence to utter their Master's Treasons; they must otherwise think it is a dangerous Opinion.

*Duke*. I challenge not this Man.

Then was read *Hickford's* Examination, 11 *October*.

Also *Bannister*, 17 *September* 1.

The same *Bannister*, 29 November pa.

Also *Bannister*, 28 and 29 Sept. ante 5, and 6.

*Wilbrabam*. Thus it appeareth, that those the *Scottish* Queen's Friends in *Scotland*, for whom she borrowed and feared their yielding, were the Queen's Majesty's Enemies; and how to those the Duke adhered, those he comforted, for those he procured the comfortable Letters to be sent, as you have heard.

*Duke*. I confess it, that I caused the Letters to be sent, but that I procured the Letters to be written, I remember not; but therein I trust *Bannister's* Memory.

*Wilbrabam*. Now for sending Money to relieve the Queen's Majesty's Enemies, and touching the 6000 *l.* the *French* Embassador had 14 hundred Crowns ready to relieve them, which he sent to the *Scottish* Queen, to know how it should be bestowed. She would have had the Duke to make it up three thousand Crowns; she sent one thousand more her self, and referred the Direction of all to the Duke himself. The Duke having the chief Charge of all, willed two thousand Crowns to be conveyed to the Queen's Majesty's Enemies in *Scotland*. The Bishop of *Rosse* had devised, that it should be sent sewed in *Panton's* Doublet. The Duke was made privy to it on the *Sunday* after *Bartholomew-Day*: because *Panton* was a *Scot*, and like to be searched, this Device was disliked, so was the Money delivered to *Brown* of *Shrewsbury*; and so he rehearsed the manner of the delivery to *Brown*, and the Letters in Cipher, as it was afore rehearsed by Mr. Attorney-General.

*Duke*. I received the Money at *Thambour's* hands; I was not by at the writing of the Letter in Cipher.

*Wilbrabam*. I said not so.

Then was read the Letter to *Bannister*: You shall receive a Bag by this Bearer, &c.

*Duke*. I do not deny the conveying of the Money; but it never came to the Queen's Enemies hands.

*Wilbrabam*. It was out of our Possession; *Panton* was sent before to receive the Money.

*Duke*. Not of my knowledge. And as for *Grange* and *Ledington*, I have not heard they were the Queen's Enemies.

*Wilbrabam*. That is no matter; for the Indictment is generally of the Queen's Enemies, and you know the Money went to the Lord *Harris*.

*Duke*. Lord *Harris* was not appointed to have any part of it.

*Wilbrabam*. This is no matter, it was a comfort to him, being the Queen's Enemy, to be the Factor, and to have the Countenance and Distribution of it at his pleasure: Beside that, you may be sure he would not let all pass without some share to himself.

*Duke*. May a Subject be the Queen's Majesty's Enemy, while the Prince is her Friend, and in Amity with her?

*Catlin*. In some cases it may be so: As in *France*, if the Dukedom of *Britany* should rebel against the *French* King, and should (during the Amity between the *French* and Queen's Majesty) invade *England*, those *Britons* were the *French* King's Subjects, and the Queen's Enemies, though the *French* King remaineth in Amity; and so in your Case.

*Duke*. Where was the Proclamation made?

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*Wilbrabam*. The Proclamation was made in *England*, and here it is to be shewed; but the War itself is sufficient Proclamation. The Queen's Army was sent against him, and the Queen is not otherwise bound to proclaim.

*Duke*. I trust my Lords the Peers will have Consideration of me, who they be that accuse me, the Bishop of *Rosse* and Strangers; and the rest over-reach'd in Treason themselves.

The Lord Steward ask'd if they had aught else to say.

The Duke said, I trust to God and my Truth.

Then the Prisoner was withdrawn.

Then the Serjeant made an *O Yes*, saying, *My Lord Grace the Queen's Commissioner, High-Steward of England, chargeth all Men to keep silence upon peril of Imprisonment.*

Then the Lord Steward spake to the Lords, and willed them to go together.

Note, *That the Money was taken up by the way.*

Then the Lords withdrew themselves into a Place prepar'd in the *Chancery-Court* for Consultation, and the Prisoner was withdrawn.

The Lords continued in Consultation an hour and a quarter; the Lord Steward still remain'd in his Seat.

After an hour and a quarter, which was immediately after eight of the Clock at night, the Lords came again upon the Scaffold, and took their Places, as they were afore; and then the Lord Steward demanded of every of them severally, sitting in their Places, beginning at the youngest Baron, in this manner:

My Lord *De la Ware*, What say you, Is the Prisoner guilty of these Treasons or not? And they all severally answer'd in Order and Form following:

<i>L. La Ware,</i>	<i>Burleigh,</i>	} Guilty.
<i>Buckburst,</i>	<i>Howard,</i>	
<i>St. John of Bletshoe</i>	<i>Hereford,</i>	
<i>North,</i>	<i>Leicester,</i>	
<i>Rich,</i>	<i>Hertford,</i>	
<i>St. John,</i>	<i>Pembroke,</i>	
<i>Mordant,</i>	<i>Bedford,</i>	
<i>Burghe,</i>	<i>Warwick,</i>	
<i>Wentworth,</i>	<i>Huntington,</i>	
<i>Sandes,</i>	<i>Suffex,</i>	
<i>Mountjoy,</i>	<i>Worcester,</i>	
<i>Grey of Wilton,</i>	<i>Kent.</i>	

Then the Lieutenant was, by the Serjeant, commanded to bring again the Prisoner to the Bar, which he did.

Then the Lord Steward said thus: *Thomas Duke of Norfolk*, thou hast been heretofore indicted of High-Treason, and hast been arraign'd upon the same, and hast pleaded Not Guilty, and hast put thy self upon thy Peers; the Lords, thy Peers, have found thee Guilty: what hast thou to say, why I may not proceed to Judgment? The Duke answer'd, the Lord's Will be done, God be Judge between me and my false Accusers. Then the Axe was turn'd the Edge towards him.

Then stood up Mr. Serjeant *Barham*, and said, It appeareth that *Thomas Duke of Norfolk* hath heretofore been indicted of High-Treason, and now hath been arraign'd upon the same, and hath pleaded Not Guilty, and hath put himself upon his Peers; now the Lords his Peers, upon Consideration of the Evidence shew'd forth to prove



the Indictment, have found him guilty. I am most humbly to pray of your Grace Judgment against him for the Queen's Majesty, according to the Verdict.

Then said the Lord Steward; *Thomas Duke of Norfolk*, whereas thou hast heretofore been indicted of High-Treason, and hast been arraign'd upon the same, and hast pleaded not Guilty, and hast put thy self upon thy Peers, and the Lords thy Peers have found thee Guilty: Wherefore thou shalt be had from hence to the *Tower of London*, from thence thou shalt be drawn thro' the midst of the Streets of *London* to *Tyburn*, the Place of Execution; there thou shalt be hang'd, and being alive thou shalt be cut down quick, thy Bowels shall be taken forth of thy Body, and burnt before thy Face, thy Head shall be smitten off, thy Body shall be divided into four Parts or Quarters; thy Head and thy Quarters to be set up where it shall please the Queen's Majesty to appoint; and the Lord have mercy upon thee.

Then the Duke said, This is the Judgment of a Traitor, and I shall die as true a Man to the Queen, as any liveth: knocking himself hard upon the Breast, he said, I will not desire any of you all to make any petition for my Life; I will not desire to live, I am at a point. And, my Lords, seeing you have put me out of your Company, I trust shortly to be in better Company: Only I beseech you, my Lords, to behumble Suitors to the Queen's Majesty for my poor Orphan Children, that it will please her Majesty to be good to my poor Orphan Children, and to take Order for the Payment of my Debts, and some Consideration of my poor Servants; for I am at a point. God doth know how true a Heart I bear to her Majesty, and how true a Heart to my Country, whatsoever this Day hath been falsely objected against me. Farewell, my Lords.

Then the Lieutenant was commanded to avoid his Prisoner; which thing was done.

Then the Serjeant made an *O Yes*, and proclaim'd thus: *My Lord's Grace, the Queen's Commissioner, High Steward of England, chargeth all Persons to depart in God's Peace and the Queen's, and hath dissolv'd his Commission.*

And therewith the Lord Steward standing up afore his Chair, broke his Rod in the midst, and the People cry'd,

*God save the Queen. Amen.*

ON the 2d of *June* 1572, about eight in the Morning, the Duke was brought to a Scaffold erected on *Tower-hill*, attended by *Alexander Nowel*, Dean of *St. Paul's*, who having desir'd the People to keep silence, the Duke said:

It is not rare, good People, to see a Man come to die; although, Thanks be to God, since the beginning of the Queen's Majesty's Reign in this Place hath not been any; such hath been, and is the Mercifulness of her Majesty, whom God long preserve. But since it is my Fortune to be the first, I pray God I may be the last. You know I have been long looked for in this present Case of mine, divers times in this Place; but by her Majesty's Clemency prolonged hitherto. It is not common to see a Man of my Vocation to be a Speaker; nevertheless I will be brief, and gladly shew you the Estate of those Offences which my Conscience doth burden me for. I have been by my Peers

found worthy of Death, whereof I do acquit them; for I come not hither to justify myself, neither yet to charge my Peers with Injustice, but rather submit myself to this which God hath prepared for me. And thus considering the Weakness of my Flesh and Blood, that at such a time a Man's Senses will partly fail, I do mind to divide my Speeches into three Parts, desiring you to take it full and whole, and not to tear it in pieces.

And first, in dealing in Matters temporal towards the Queen of *Scots*, I dealt not as a good Subject, for that I made not the Queen's Majesty privy thereunto, which indeed I confess I ought to have done; for this Offence I was committed to this House [pointing to the *Tower*] and, upon my humble Submission, deliver'd; then making Promise to the Queen's Majesty (whom I pray God long to prosper) never to deal in those Matters again: But contrary to my Submission and Promise made to the Queen's Majesty, abusing her Clemency towards me; which hath and doth grieve me more than any one thing hath done; I dealt in this Matter again, perfectly for saving my Life, and other Causes which I could alledge.

[Here Mr. Sheriff Branch, standing by the Duke, desir'd him very courteously to make an End as short as might be, for the time did spend.]

Then the Duke beginning again, said, it hath been bruited, that I took my Oath, and receiv'd the Sacrament, that I should never deal in those Matters again; which is untrue; and yet the Oath too much.

[Now Mr. Christopher, one of the Officers, bearing these Words, desir'd the Duke to be short; We are come hither, said he, to see you put to Execution, and we must not delay while these Speeches pass from you, for in this we hazard our Lives.]

Then the Duke said, I do not excuse myself, but I come to discharge my Conscience, and to acquit my Peers, and not to complain of any Injustice, for I have deserv'd this, and more a great deal, in that I have abused the Queen's Majesty's Mercy towards me; whom once again, with Hands lifted up, I pray God long to preserve and reign over you, and that my Death may be an End of all Troubles. And to augment my Fault, it is said I had Familiarity with evil Dealers: Indeed I will confess and tell you, that I never saw, nor never had Conference, but once with one *Rodolph*, and yet never against the Queen's Majesty, God is my Judge; altho' many lewd Offers and Motions were made to me: for it is well known I had to do with him, by reason I was bound to him by Recognizance for a great Sum of Money. And as for the two Letters that came from the Pope, I confess I did see them, the one cipher'd, the other decipher'd; I never consented to them, neither was I consenting to the late Rebellion in the North, notwithstanding I come not hither as unguilty.

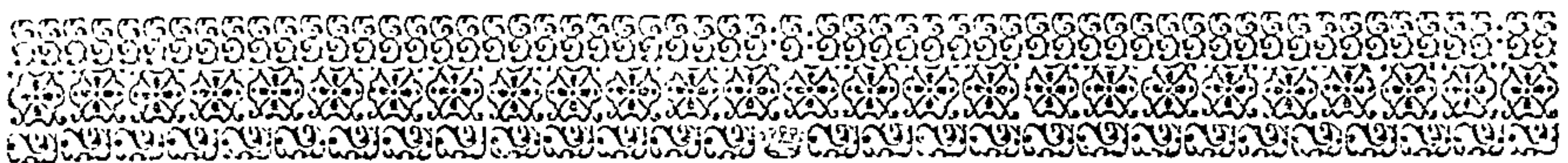
To the second Part, I know I have not only been thought to be a Papist, but a Favourer of Papists, and a Maintainer of them. God is my Judge, before whom I stand (lifting up his Eyes) I thank God I was never a Papist since I knew what Religion meant; but I did always detest Papistry, and all the vain Toys thereof, embracing ever, from the Bottom of my Heart, the true Religion of Jesus Christ, trusting, by the Assurance of Faith in his Blood, that he is my only Redeemer and Saviour: Indeed I must confess that I had Servants and

and Friends that were Papists; but if thereby I have offended God's Church, or any Protestant, I desire God and them to forgive me.

Well now to the third Point, wherein I am to shew how much I am bound to the Queen's Majesty for her Mercifulness towards me, in that her Majesty hath promised to be good and gracious to my poor Children. I remember good Father *Latimer* making a Sermon in a more honourable Place than this is, out of the Pulpit (neither do I compare myself to him) he said, *That God did oftentimes take away a good and gracious Prince, for the Sins and Disobedience of his Subjects*; which God grant not to be in these Days, but that it will please God to continue and increase her Majesty's Years; yea, until the World's End, if it be his blessed Will and Pleasure. You have a most gracious Queen, as I must needs confess, and also Godly Religion; therefore look that your Livings and Conversations be answerable to the Religion of Christ that proves you; that God may prosper the Prince, overthrow the Pope, and maintain your Wealth and Quietness. Let not my Person, good People, make my Speech worse; they that have Factions (I speak not particularly, but generally) let them beware they be given over betimes; seek not to breviate God's Doings, lest God prevent yours.

And then the Sheriff hastening him, he turned to the People, and embracing Sir *Henry Lee*, said, I have, and always have had as true a Heart to my Prince as ever any Subject hath had. And so Sir *Henry Lee* staying him by the left Arm, he kneel'd down and ask'd the Queen's Majesty Forgiveness; and rising again, he embrac'd Mr. Dean of *Paul's* with a cheerful Countenance; and afterwards for the most part shaking those that were on the Scaffold by the Hands, and desiring them to pray for him; amongst the rest, the Executioner

did on his Knees desire Forgiveness of his Death, who did very courteously forgive him, and put into the Hand of the Executioner four Sovereigns of Gold, and eighteen Shillings and six Pence of Silver. This done, the Duke kneeling down, and the Dean of *Paul's* with him, he made his Prayers to God, and read the 51st *Psalms*, saying on to the last Verse save one, *viz. Build up the Walls of Jerusalem*; he paused and said, *The Walls of England, good Lord*. That Psalm finish'd, he began to read another; and at the seventh Verse of the Psalm, he paused and said, I had almost forgotten, but not too late; I ask all the World Forgiveness, and I forgive all the World. The Psalm finished, and other Prayers; he said, *In manus tuas Domine commendo Spiritum meum*, Lord into thy Hands I commend my Spirit. Then he rose up and pulled off his Velvet Gown, his black Sattin Doublet, and his Velvet Night-cap, and gave them to the Executioner; and being in a white Fustian Waistcoat, he said to Mr. Dean of *Paul's*, this is the *white Sattin Doublet* I made to die in, which the Preacher did speak of; and so kneeling at the Block, he laid down himself, and rose again, and laid the Straw and other things in such sort, as he might in a more convenient manner yield himself for the speedier Execution. This done, his Eyes and Hands lifted up, Mr. Dean desired the Peoples silence, and said, Now all together, with one Voice, pray for him, saying, *Lord Jesus receive thy Soul*. The Duke yielding himself to the Block, refusing to have any Handkerchief before his Eyes, his Head was at one Chop cut off, and shewed to all the People; and afterwards his Corps was put into a Coffin appertaining to *Barkin Church*, with the Head also, and the Burial-Cloth laid over him, and so was carried by four of the Lieutenant's Men, and was buried in the Chapel of the Tower by the Dean of *St. Paul's*.



### VIII. *The Trial of Mr. ROBERT HICKFORD, at the Queen's-Bench, for High-Treason, 9 February, 1571. Hil. 14 Eliz.*

**A**FTER the reading of the Indictment, being ask'd by the Clerk of the Crown, If he were Guilty or Not Guilty? He answer'd to this effect; being admonish'd to speak higher, whereunto he excused himself by the Lowness of his Voice.

*Hickford*. I am here indicted of divers Points of High-Treason, part whereof I deny, for that I was never privy to the same: My Fact, such as it is, I am ready to confess, and declare as I have already confess'd it. I am not learned in the Law, I know not in what Form to answer unto it. This only I require to be heard to declare the Truth, so far as the Matter toucheth me: I here protest before your Honours, and in the Presence of God, that I bring a Conscience untouch'd with any intent of hurt, ever conceiv'd by me against the Queen's Majesty's Person or my Country; I never meant any such thing in my Heart:

I know the Law hath not Intent to the Conscience, or Intent of Men; but is to judge only of the Mind, according to the appearing of outward Facts; so the Law cannot accept my Intent for my Purgation. Therefore I shall declare the Truth of my Doing, and upon that further open unto you at large my Dealing in the Matters contain'd in the Indictment. First, For the Matter of moving of Sedition, I did never know that any such thing was meant by my Lord, or any other; and whatsoever was by him, or any other intended, I was not privy unto it. I do confess indeed, that the Articles mention'd in the Indictment were sent to my Lord, my late Master, which by his Commandment I decipher'd, for they were brought in cipher. Then my Lord read them, and folded them up, and put them in the Pocket of his Hose, and said, The Bishop of *Rosse* will never be quiet, and then he went to Supper; and from

from that time I never saw that Writing till it was shew'd me in the *Tower*. What Answer my Lord made to them, or whether he answer'd them or no, I know not.

*C. J. Catlin.* *Hickford*, you seem to be a Man of Knowledge and Learning, you have been indicted, and are now arraign'd according to Order of Law; you must follow Order, you must answer to the Indictment, confess or deny it, you shall be heard after to say your Mind. You must plead unto it Guilty or not Guilty.

*Hickford.* I do confess the Law hath not respect to Man's Intent, but judgeth according to his Fact. I confess I saw these Articles and decipher'd them, I shew'd them to my Lord; I revok'd them not, as in Duty I ought to have done, and therefore I think my self Guilty.

*Catlin.* The Indictment containeth divers Clauses of Treason, therefore answer, if you be guilty, to any special Matters contain'd in the Indictment, or that you will confess yourself Guilty of the whole.

*Hickford.* I may not confess of my self that whereof my Conscience doth not accuse me, some Parts I am not privy to; the first Point, concerning stirring of Sedition, I do not know that ever any such thing was meant by my Lord. What Intention he had, God and his own Conscience knoweth it. As touching the Matter of *Rodolpb's* going over to the King of *Spain*, to the Pope, and the Duke of *Alva*, and the Instructions of that Voyage contain'd in the thing, that by my Lord's Commandment I decipher'd: I answer, as I have before said, that I never knew of any Proceeding, nor dealt therein afterwards; and my Lord, when he read it decipher'd, he answer'd as I said before, The Bishop of *Rosse* will never be quiet. I thought he had burnt that Paper, as a thing that he lik'd not; but what he did with it, or in the Matter afterward, I cannot tell.

*Catlin.* You must answer more roundly and directly to the Matter; for these Circumstances and Points, you shall be heard afterward. In the mean time answer plainly, if you be Guilty or not Guilty.

*Southcote.* Mr. *Southcote* spake to the same effect, and told him, That if he pleaded Not Guilty, these his Declarations should be heard at large upon the Evidence.

*Hickford.* To part of the Indictment I confess my self Guilty, which concerneth the deciphering of the Letters by my Lord's Procurement and Commandment; after which time I never dealt in it.

*Southcote.* You were best to plead Not Guilty to the whole Indictment; and for such Matters and Parts of the Indictment as you can clear your self, the Jury may find you Not Guilty, and find you Guilty for the rest.

The Lord Chief Justice and Mr. Attorney advised to the same effect.

*Hickford.* I am Guilty. I know under how merciful a Queen I live; I submit myself wholly to her Majesty's Mercy. I will not stand long upon that, whereof mine own Conscience condemneth me.

*Catlin.* Confess you Guilty to the whole Indictment?

*Hickford,* Yea.

\* *Mr. Gilbert Gerard.* *Attorney.* Are you Guilty of adhering to and comforting the Queen's Enemies, and the conveying of the

*French Packet* and Money that was sent to relieve them?

*Hickford.* I confess my self Guilty.

*Serj.* Then, after some pause, Mr. Serjeant *Barham* spake to this effect: Forasmuch as *Robert Hickford* hath been indicted of High-Treason, and, among other things, that he hath adher'd to and comforted the Queen's Enemies, and the same Indictment hath been read unto him, and he hath confess'd the Treasons; I am to pray your Lordships on the Queen's Majesty's behalf, that his Confession may be entered, and Judgment given for the Queen against him, according to the Law.

*Hickford.* May I now declare to what Points I am not Guilty?

*Attorney.* There are two Points in the Indictment that concern your self; the Dealing in the Matter about *Rodolpb's* Voyage, and the Instruction for the same; and the adhering to and comforting of the Queen's Enemies: Are you not Guilty of these?

*Hickford.* I am Guilty.

*Catlin.* If you will yet wave and forsake your Confession, we are content to admit you to do so, and you may yet plead Not Guilty, and you shall have your Trial.

*Hickford.* No, I will submit me wholly to her Majesty's Mercy: I know under how merciful a Prince I live, tho' my Deserts be far unworthy, by my Master's Means and Procurement. I know I bring, as I said, a Conscience untouch'd with any Intent or Meaning of Hurt to her Majesty's Person, or to my Country. And this I say before God, and in the Presence and Witness of you all; howbeit the Law accepteth not, nor judgeth by secret Intents, for so might every Man clear himself.

*Catlin.* *Hickford*, thou hast heard the Indictment read, where by the Oaths of a Jury thou art found and presented guilty of divers High-Treasons: Thou hast been arraign'd thereof, and confess'd thy self guilty, and submitted thy self to her Majesty's Mercy. The Queen's Majesty's Serjeant hath, on her behalf, requir'd Confession to be entered, and Judgment to be given against thee, according to the Order of the Laws; so nothing resteth now but Judgment to be given against thee, and that thou hear thy Judgment. A few words for good Admonition shall serve: Thou art a Gentleman, wise, and well-learned, I would to God there had been in thee as much Loyalty and Truth, as there is Learning, and other good Qualities and Gifts of God, then hadst thou not fallen into this great Fault and Misery. But there have been evil Enticers, evil School-masters, evil Seedsmen, as one call'd them here last day; they have brought thee from Truth and good Estate, to Untruth, Treason, and Wretchedness; where before thou and others were of good Name and Fame, they have brought you to Infamy; of loyal, good, and true Subjects, they brought you to the Name and State of disloyal Traitors: A great Blot to be a Traitor, and the greatest Infamy that can be. It is the chiefest Point of the Duty of every natural and reasonable Man, which by the Gift of Reason differeth from a Beast, to know his Prince and Head, to be true to his Head and Prince. All the Members are bound to obey the Head; every Man is bound to repair Life, to lay out and expend Goods, Lands, and Possessions, to forsake Father Mother, Kindred, Wife, and Children, in respect of preserving the Prince; for in defending the Prince,

Prince, they preserve Father, Mother, Kindred, Wife, Children, and all. It was well and wisely spoken here the last day, by one that stood at the Bar, that was learned and as wise as you are, upon his confessing of himself guilty of Treason against his Prince; I would he had had as much Truth and Loyalty, as he had of Learning and Understanding: in few words, he comprehended a great heap of Matter concerning the Duty of the Subject to the Prince. All the Duties, said he, to Father, Mother, Friends, Kindred, Children, yea to a Man's Wife that is his own Flesh, are all inferior to the Duty that a Subject oweth to his Prince; for this Duty comprehendeth them all. In respect of Duty to the Prince, and preserving the Prince, neither Wife, Parent, nor other are to be regarded, they must all stand behind. If in any Case, any respect shall allure a Man from Loyalty and Truth to his Prince, they must be forsaken, they must come behind; it must be said, *Vade post me Satana*. We must first look unto God the high Prince of all Princes, and then to the Queen's Majesty the second Prince, and God's Deputy, and our Sovereign Prince on Earth. In these few words he comprehended much Matter, he satisfy'd the Hearers for their Duty to the Queen's Majesty. You are wise and learned as he was, and for knowledge of Duty and Understanding as much bound to God as he; but the evil Seedsmen, the evil Inticers and Seducers have wrought evil Effect in you both: the great good Seedsmen hath sow'd in you good Gifts, Learning, Knowledge, and good Quality, to serve him, your Prince and your Country withal, as it is said in the Gospel, *Bonus Seminator seminavit semen bonum*; but *supervenit Inimicus & seminavit zizania*: The good Seedsmen sow'd good Seed; but there came the Enemy, the evil Seedsmen, and he sow'd Darnel, Cockle, and noisome Weeds. Such wicked Seedsmen have been in *England*; if they had sown the right Seed for their own use, the Seed of Hemp, and felt of it, they had receiv'd according to their Deserving. God hath sown in you good Gifts and Qualities, meet to have serv'd any Prince in *Christendom*; but *supervenit Inimicus*, the Devil and his Ministers, wicked Seedsmen, sow'd in you Darnel and Cockle, Treason and Disloyalty; they have made you forget your Duty to your natural Prince and Country. If these had been handled as they have deserv'd, they should long ago have had of their own due Seed, Hemp bestowed upon them, meet Seed for such Seedsmen; such mischievous Seedsmen they be, that corrupt Men, otherwise well indued, that sow Treason so abundantly in this Realm. O strange matter! that such Treasons should be, and so ripe in this Realm; a common Slander to this Realm of *England*, the Treasons of *England* are every where talk'd of among strange Nations: For proof of it they refer us to our Histories of *H. 2. E. 2. Ric. 2. E. 5.* and so prove the oft Practices in this Realm to murder and depose our Princes, to the great Infamy and Slander of our Country. The very regard of our Country's Fame, that this great Slander of Treason should not by your Fault have been renew'd and increas'd against us, if nothing else would, it should have staid you from so foul dealing in Treason. But is this sowing of Treason lawful for any? May Embassadors be such Seedsmen? Be these the Parts of Embassadors? They have their Articles in Law, by which they are bound, let them do as Law will let them.

If they will transgress these, and fall to Treason, and procure the Danger of Princes, let them feel as Law will. I can shew you a Precedent and History for it within memory, about thirty-seven or thirty-eight Years ago, about the 25th year of King *Henry VIII.* it was done by the Duke of *Milan*. The *French King*, that then was *Francis*, Grandfather to the *French King* that now is, sent one Monsieur *de Merveilles* to the Duke of *Milan* as his Embassador: This Monsieur *de Merveilles*, the *French King's* Embassador, conspir'd Treason against the State and the Duke of *Milan*; the Duke understood it, he caus'd him to be arraign'd after the Order of their Law, and being found guilty, he beheaded him: and this *Jure Gentium* was lawfully done. May Messengers conspire Treason against Princes to whom they be sent? Treason to Princes is not their Message, it is no lawful Cause of their sending; if of their own heads they presume it, they must by Law be touch'd and taught to keep them within their Duties. As for them that seek Fame by Treason, and by procuring the Destruction of Princes, where shall sound that Fame? Shall the golden Trump of Fame and good Report, that *Chaucer* speaketh of? No; but the black Trump of Shame shall blow out their Infamy for ever. Again, these that follow such heinous Treasons, that bring forth the Fruit of such Seeds as such wicked Seedsmen have sown, are in foul fault, and justly to be condemn'd, and worthy extremely to feel it. For that you are in Misery, Men may have Pity and Compassion of your Misery, and so forbear to grieve you with due Rehearsal; else Men might aggravate your Offence, with setting out the Particulars of it at length, and as they should have fallen out, if you had stood in Trial: But you have confess'd it, and yielded yourself guilty, and submitted yourself to the Queen's Majesty's Mercy. Therefore I will leave to aggravate your Faults, and will proceed, as the Order of Law requireth, to Judgment. I pray God to give you Grace to make a good end. I need not give you long Exhortation, I am no Doctor of Divinity; you are learned your self, your Knowledge is great, I would your Loyalty and Truth had been as great. But because we are to do with Law, we must follow the Order of Law; one must speak for all, and so I, for all the rest, shall proceed to Judgment.

Then my Lord Chief Justice pronounced the Judgment usual in Treason, concluding it in these words; *God be merciful unto you, and give you Grace to make a good End.*

Then *Hickford* answer'd to this effect: I humbly thank your Lordship for your good Admonition; I know and confess, that I ought unto the Queen's Majesty a much greater and higher Duty than to my Master. And as it is said of your Lordships to have been wisely spoken, so was it truly said, that the Duty of all Subjects to the Prince, is a much greater Duty than a Man oweth to his Master, or to any other; yea, or to those that bear him into the World. I confess I have neglected that Duty to my Prince, howbeit I did it by my Lord, my late Master's Procurement and Commandment, and for good Intent, as my Master bare me in hand and persuaded me, whereof I pray your Lordships I may declare the Truth. When first my Lord made choice of me to wait on him in the *Tower*, as I would to God he had rather made choice of any other, within

short time he receiv'd a Letter from the *Scotish* Queen in Cipher. He made me privy to it, and will'd me to acquaint my self with that Cipher, for the deciphering of the like hereafter. At that first time I said little unto it: Within three Weeks after there came another Letter to him from the *Scotish* Queen, and then I began to mislike the Matter. Then my Lord walking on the Leads, (having so much liberty granted him) Sir *Henry Nevil* and Mr. *Lieutenant* being present upon the Leads, and departing a little aside, my Lord call'd me to him, and after other Matters, entered into Talk of the *Scotish* Queen. I said unto him, I would ask a Question of you, if I might without offending you. He ask'd me what? I said I would shew him, so that he would not be offended, for otherwise I durst not. After he had assur'd me he would not be offended, I said unto him, My Lord, I marvel much at your Doings; you are here, as you know, committed upon high Displeasure of the Queen's Majesty, for dealing with the *Scotish* Queen without the Queen's Majesty's Consent. Now in proceeding further by Letters between you, the Contrivance of this Dealing must much aggravate her Highness's Displeasure against you. He answer'd me, Tush Fool, thou art a Fool, thou understandest not the Matter. I answer'd, I presum'd to say this unto you, upon your Assurance that you would not be offended, and that maketh me ask, why you continue this Dealing with the *Scotish* Queen? He answer'd me again, thou art a Fool, thou seest not my Case; I hold a Wolf by the Ears, I can neither let go without danger, nor hold without peril. Unhappy Man I was when I was first committed; for if I could then have come to the Speech of the Prince, I would have laid it all at her Feet, and I trust I should have found Grace to have obtain'd Favour: But now, on the one side, I am entered into my Prince's high Displeasure; on the other side\*, if I should pull the *Scotish* Queen, and all her Friends upon me, and make them mine Enemies, then were I in worse Case than ever I was. If I could once recover my Prince's Favour, then would I soon shake off all Dealing with the *Scotish* Queen. In the mean time, till her Majesty's Favour may be recover'd, I am driven to this Hardness that you see. I answer'd him again, You are your self much wiser than I am; but, in my poor Opinion, the sooner you rid your self of this Dealing the better. Then because I was perswaded that he trusted to recover the Queen's Majesty's Favour, I was in the mean time contented to decipher the Letters from time to time, as they pass'd between them. Shortly after he had so much Favour and Liberty, that his Men had recourse unto him freely into the *Tower*; whereupon we conceive hope of his short Delivery, but it fell contrary, and so continued till Midsummer. Then was he advised to make submission to the Queen's Majesty, and promised, that if he would submit himself, and renounce all Dealing with the *Scotish* Queen, there was hope that the Queen's Majesty would receive him to Grace. Whereupon he wrote a Submission, he sent it, it was deliver'd, and, as

\* Behold an evident Entry in to a Resolution to leave the Queen, and seek to the Scot and Friends.

we heard, it was very well liked of. Within fortnight after, he had the liberty of the *Tower*, and comfortable Letters came. I looked and had hope that he should have been deliver'd presently; it came not so to pass, the cause God knoweth.

Here the Lord Chief Justice offer'd to interrupt and end this course of Speech as impertinent, when he yet proceeded further; and said:

*Hickford*. I beseech you, my Lord, let me use a few words, to declare the Course of my Doing. My Lord was not then deliver'd: Shortly after it happen'd, that by occasion of a Sicknes, and being sick of the Plague in the *Tower*, my Lord was remov'd to his own House at the *Charter-House*; then we had great hope that we should shortly be received into her Majesty's Favour, and come to the Court again, and so continued till the Cipher came from the Bishop of *Rosse*, before which time and since I was never privy to that Matter. The Cause why I was never afterward made privy, was this; My Lord being at home at his House at *Charter-House*, I told him, I liked not his doing, it would not have good end.

*Attorney*. Why did you then still follow? Why left you him not?

*Hickford*. He answer'd me, thou art a Fool, thou understandest not.

*Catlin*. He told you Truth, that you were a Fool, for you play'd the fool indeed.

*Hickford*. I would then have gone from him, and I sought to depart; he would never give me leave, as Mr. *Bannister* well knoweth.

*Catlin*. Why? he was not your Prince, you were not so bound that he could compel you to tarry with him.

*Hickford*. Otherwise I dealt not with the Bishop of *Rosse*.

*Catlin*. In following him, the Hurt was yours; if you had been a good Subject, and had regard of your Duty, you might and should have taken other Course; but you had higher Hope, to have seen your Master in higher State to advance you; you had more Respect to your Master than to your Mistres.

But this is nothing to the matter.

So his purpos'd longer Speech was cut off, and then he said shortly thus:

*Hickford*. I humbly thank your Lordship again for your good Admonition; and as your Lordship hath rehears'd the History of the *French* Embassador to the Duke of *Milan*, so I would and pray God, that he that hath brought my Lord to this, may have the like Success. I humbly submit my self to the Queen's Majesty's Mercy. I know I have liv'd under a most gracious and merciful Queen. I wish God long to preserve her Majesty, and this little time that I have left I will spend in Prayer for her Preservation; and I beseech God have Mercy upon me.

Whereunto the Court, and all that were present, said, *Amen*; and some said secretly, he had then shew'd himself a wiser Man than his Master.

And so the Lieutenant was commanded to avoid the Prisoner.

*God save Queen Elizabeth.*

IX. *The Trial of Dr. WILLIAM PARRY* \* *at Westminster, for High-Treason, the 25th of February 1584. 26 Eliz.*

The COMMISSIONERS were,

Henry *Ld* Hunfdon, *Governor of Berwick*;  
 Sir Francis Knolles *Knight, Treasurer of the Queen's Majesty's Household*;  
 Sir James Croft *Knight, Comptroller of the same Household*;  
 Sir Christopher Hatton *Knight, Vice-Chamberlain to her Majesty*;  
 Sir Christopher Wray *Knight, Chief Justice of England*;

Sir Gilbert Gerrard *Knight, Master of the Rolls*;  
 Sir Edmund Anderson, *Knight, Chief Justice of the Common-Pleas*;  
 Sir Roger Manwood *Knight, Chief Baron of the Exchequer*; and  
 Sir Thomas Hennage *Knight, Treasurer of the Chamber.*

*The Court being sat,*

**F**IRST, three Proclamations for Silence were made, according to the usual Course in such Cases. Then the Lieutenant was commanded to return his Precept; which he did, and brought the Prisoner to the Bar: to whom Miles Sandes Esq; Clerk of the Crown said, *William Parry*, hold up thy Hand; and he did so. Then said the Clerk of the Crown, Thou art here indicted by the Oaths of twelve good and lawful Men of the County of *Middlesex*, before Sir *Christopher Wray*, Knight, and others who took the Indictment by the Name of *William Parry*, late of *London* Gentleman, otherwise called *William Parry*, late of *London* Doctor of the Law; for that thou, as a false Traitor against the most Noble and Christian Prince Queen *Elizabeth*, thy most gracious Sovereign and Liege Lady, not having the Fear of God before thine Eyes, nor regarding thy due Allegiance, but being seduc'd by the Instigation of the Devil, and intending to withdraw and extinguish the hearty Love and due Obedience which true and faithful Subjects should bear unto the same our Sovereign Lady, didst at *Westminster*, in the County of *Middlesex*, on the first Day of *February*, in the 26th Year of her Highness's Reign, and at divers other Times and Places in the same County, maliciously and traitorously conspire and compass, not only to deprive and depose the same our Sovereign Lady of her Royal Estate, Title and Dignity, but also to bring her Highness to Death and final Destruction, and Sedition in the Realm to make, and the Government thereof to subvert, and the sincere Religion of God establish'd in her Highness's Dominions to alter and subvert. And that whereas thou *William Parry*, by the Letters sent unto *Gregory* Bishop of *Rome*, didst signify unto the same Bishop thy Purposes and Intentions aforesaid, and thereby didst pray

and require the same Bishop to give thee Absolution; that thou afterwards, that is to say, the last Day of *March*, in the 26th Year aforesaid, didst traitorously receive Letters from one called Cardinal *de Como*, directed unto thee *William Parry*, whereby the same Cardinal did signify unto thee, that the Bishop of *Rome* had perused thy Letters, and allow'd of thine Intent; and that to that end he had absolv'd thee of all thy Sins, and by the same Letter did animate and stir thee to proceed with thine Enterprize; and that thereupon thou, the last day of *August*, in the 26th year aforesaid, at *St. Giles in the Fields*, in the same County of *Middlesex*, didst traitorously confer with one *Edmund Nevill* Esq; uttering to him all thy wicked and traitorous Devices, and then and there didst move him to assist thee therein, and to join with thee in those wicked Treasons aforesaid, against the Peace of our said Sovereign Lady the Queen, her Crown and Dignity. What sayst thou, *William Parry*; Art thou guilty of these Treasons whereof thou standest here indicted, or Not guilty?

Then *Parry* said, Before I plead Not Guilty, or confess my self Guilty, I pray you give me leave to speak a few words; and with humbling himself, began in this manner: God save Queen *Elizabeth*, and God send me Grace to discharge my Duty to her, and to send you home in Charity. But touching the Matters that I am indicted of, some were in one Place, and some in another, and done so secretly as none can see into them, except that they had Eyes like unto God; wherefore I will not lay my Blood upon the Jury, but do mind to confess the Indictment. Containeth it but the Parts that have been openly read, I pray you tell me? Whereunto it was answer'd, that the Indictment contain'd the Parts he had heard read, and no other. Whereupon the Clerk of the Crown said unto *Parry*; *Parry*, thou must answer directly to the Indictment, whether thou be Guilty or not.

V O L. I.

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Then

\* *This William Parry was but of low Fortune, and very extravagant, and having committed a great Outrage against Mr. Hugh Hare of the Inner-Temple, with an intent to have murdered him in his Chambers, he was tried for the same and convicted; which prompted him to go beyond Sea, where becoming acquainted with Jesuits, they engaged him in a design to kill the Queen.*

Then said *Parry*, I do confess that I am Guilty of all that is therein contain'd; and further too, I desire not Life, but desire to die. Unto which the Clerk of the Crown said, If you confess it, you must confess it in manner and form as it is compriz'd in the Indictment. Whereunto he said, I do confess it in manner and form as the same is set down, and all the Circumstances thereof. Then the Confession being recorded, the Queen's learned Council being ready to pray Judgment upon the same Confession, Mr. Vice-Chamberlain said, These Matters contain'd in this Indictment, and confess'd by this Man, are of great Importance; they touch the Person of the Queen's most excellent Majesty in the highest degree, the very State and Well-being of the whole Common-wealth, and the Truth of God's Word established in these her Majesty's Dominions, and the open Demonstration of that capital Envy of the Man of *Rome*, that hath set himself against God and Godliness, all good Princes and good Government, and against good Men. Wherefore, I pray you, for the Satisfaction of this great Multitude, let the whole Matter appear, that every one may see that the Matter of itself is as bad as the Indictment purporteth, and as he hath confessed. Whereto in respect that the Justice of the Realm hath been of late very impudently slander'd, all yielded as a thing necessary to satisfy the World in particular, of that which was but summarily comprised in the Indictment, tho' in the Law his Confession serv'd sufficiently to have proceeded thereupon unto Judgment. Whereupon the Lords and others the Commissioners, her Majesty's learned Counsel, and *Parry* himself agreed, that *Parry's* Confession, (taken the 11th and 13th of *February* 1584. before the Lord of *Hunsdon*, Master Vice-Chamberlain, and Master Secretary) and Cardinal *de Como's* Letters, and *Parry's* Letters to the Lord Treasurer and Lord Steward, should be openly read.

And *Parry*, for the better satisfying of the People and Standers-by, offered to read them himself; but being told that the Order was, the Clerk of the Crown should read them, it was so resolved of all parts. And then Master Vice-Chamberlain caused to be shewed to *Parry* his said Confession, the Cardinal's Letter, and his own Letter aforesaid; which after he had particularly viewed every Leaf thereof, he confessed, and said openly they were the same.

Then said Master Vice-Chamberlain; Before we proceed to shew what he hath confessed, what say you, said he to *Parry*, is that which you have confessed here true? and did you confess it freely and willingly of yourself, or was there any extort means used to draw it from you?

Surely, said *Parry*, I made that Confession freely without any Constraint, and that is all true, and more too; for there is no Treason that hath been since the first Year of the Queen, any way touching Religion, saving receipt of *Agnus Dei's*, and persuading of others, wherein I have not much dealt, but I have offended in it. And I have also deliver'd mine Opinion in Writing, who ought to be Successor to the Crown, which is said to be Treason also.

Then his Confession of the eleventh and thirteenth of *February*, all of his own Hand-writing, and hereafter particularly set down was openly and distinctly read by the Clerk of the Crown.

*The voluntary Confession of William Parry, Doctor of the Laws (now Prisoner in the Tower) and accused of Treason by Edmund Nevil Esq; promised by him (with all Faith and Humility) to the Queen's Majesty, in Discharge of his Conscience, and Duty towards God and her: Before the Lord Hunsdon, Lord Governor of Berwick; Sir Christopher Hatton Knight, Vice-Chamberlain; Sir Francis Walsingham Knight, principal Secretary; the 13th of February 1584.*

**I**N the Year 1570, I was sworn her Majesty's Servant, from which time until the Year 1580, I served, honoured, and loved her with as great Readiness, Devotion and Assurance, as any poor Subject in *England*. In the end of that Year, and until Midsummer 1582, I had some Trouble for the hurting of a Gentleman of the *Temple*. In which Action I was so disgraced and oppressed by two great Men (to whom I have of late been beholden) that I never had contented Thought since. There began my Misfortune, and here followeth my woful Fall.

In *July* after, I laboured for Licence to travel for three Years, which (upon some Consideration) was easily obtain'd. And so in *August*, I went over with doubtful mind of return; for that being suspected in Religion, and not having received the Communion in twenty-two Years, I began to mistrust my advancement in *England*. In *September* I came to *Paris*, where I was reconciled to the Church, and advised to live without Scandal; the rather, for that it was mistrusted by the *English* Catholicks, that I had Intelligence with the greatest Counsellor of *England*. I staid not long there, but removed to *Lyons* (a place of great Traffick) where, because it was the ordinary Passage of our Nation to and fro, between *Paris* and *Rome*, I was also suspected.

To put all Men out of doubt of me, and for some other cause, I went to *Milan*, from whence, as a place of some danger (tho' I found favour there) after I had clear'd my Conscience, and justified my self in Religion before the Inquisitor, I went to *Venice*. There I came acquainted with Father *Benedicto Palmio*, a grave and learned Jesuit. By Conference with him of the hard state of the Catholicks in *England*, and by reading of the Book *De Persecutione Anglicana*, and other Discourses of like Argument;

1. I conceived a possible mean to relieve the afflicted state of our Catholicks, if the same might be well warranted in Religion and Conscience by the Pope, or some learned Divines. I asked his Opinion; he made it clear, commended my Devotion, comforted me in it, and after a while made me known to the Nuncio *Campeggio*, Resident there for his Holiness. By his means I wrote to the Pope, presented my Service, and sued for a Passport to go to *Rome*, and to return safely into *France*. Answer came from Cardinal *Como*, that I might come, and should be welcome. I misliked the Warrant, sued for a better, which I was promised: but it came not before my departure to *Lyons*, where I promised to stay some time for it. And being indeed desirous to go to *Rome*, and loth to go without Countenance; I desired *Christoforo de Salazar*, Secretary to the Catholick King in *Venice*, who had some understanding by Conference

rence of my Devotion to the afflicted Catholicks at home and abroad, to commend me to the Duke *di Nova Terra*, Governor of *Milan*, and to the Count of *Olivaris Embi*, then Resident for the King his Master in *Rome*: which he promised to do effectually for the one, and did for the other. And so I took my Journey towards *Lyons*, whither came for me an ample Passport (but somewhat too late) that I might come and go, *in verbo Pontificis per omnes Jurisdictiones Ecclesiasticas, absque impedimento*. I acquainted some good Fathers there, of my necessity to depart towards *Paris* by Promise, and prayed their advices upon divers Points; wherein I was well satisfied. And so assuring them that his Holiness should hear from me shortly, it was undertaken that I should be excused for that time.

In *October* I came to *Paris*, where (upon better Opinion conceived of me amongst my Catholick Countrymen) I found my Credit well settled, and such as mistrusted me before, ready to trust and embrace me. And being one day at the Chamber of *Thomas Morgan* a Catholick Gentleman (greatly beloved and trusted on that side) amongst other Gentlemen, talking (but in very good sort) of *England*, I was desired by *Morgan* to go up with him to another Chamber; where he brake with me, and told me that it was hoped and looked for, that I should do some Service for God and his Church. I answered him, I would do it, if it were to kill the greatest Subject in *England*; whom I named, and in truth then hated. No, no, said he, let him live to his greater Fall and Ruin of his House.

2. It is the Queen I mean. I had him as I wished, and told him it were soon done, if it might be lawfully done, and warranted in the Opinion of some learned Divines. And so the Doubt once resolved, (tho' as you have heard I was before reasonably well satisfied) I vowed to undertake the Enterprize, for the Restitution of *England* to the antient Obedience of the See Apostolick. Divers Divines were named: Dr. *Allein* I desired, *Parsons* I refused; and by chance came Master *Wattes* a learned Priest, with whom I conferred, and was over-ruled.

3. For he plainly pronounced (the Case only altered in name) that it was utterly unlawful; with whom many *English* Priests did agree, as I have heard, if it be not altered since the Book made in answer to the Execution of the *English* Justice was published, which I must confess hath taken hard hold in me, and (I fear me) will do in others, if it be not prevented by more gracious handling of the quiet and obedient Catholick Subjects, whereof there is good and greater store in *England*, than this Age will extinguish. Well, notwithstanding all these doubts, I was gone so far by Letters and Conference in *Italy*, that I could not go back, but promised faithfully to perform the Enterprize, if his Holiness upon my Offer and Letters would allow it, and grant me full Remission of my Sins.

4. I wrote my Letters the first of *January* 1584, by their Computation; took Advice upon them in Confession of Father *Anibal à Codreto*, a learned Jesuit in *Paris*; was lovingly embraced, commended, confessed, and communicated at the Jesuit's at one Altar with the Cardinals of *Vandosmi* and *Narbone*, whereof I prayed Certificate, and enclosed the same in my Letter to his Holiness, to lead him the rather to absolve me; which I required by my Let-

ters, in Consideration of so great an Enterprize undertaken without Promise or Reward.

5. I went with *Morgan* to the Nuncio *Ragazzoni*, to whom I read the Letter and Certificate enclosed, sealed it, and left it with him to send to *Rome*; he promised great Care of it, and to procure Answer: And so lovingly imbraced me, wished me good speed, and promised that I should be remembered at the Altar.

6. After this I desired *Morgan*, that some special Man might be made privy to this matter, lest he dying, and I miscarrying in the Execution, and my Intent never truly discovered, it might stick for an everlasting spot in my Race. Divers were named, but none agreed upon, for fear of betraying.

7. This being done, *Morgan* assured me, that shortly after my departure, the Lord *Ferneburst* (then in *Paris*) should go into *Scotland*, and be ready upon the first News of the Queen's Fall to enter into *England* with 20 or 30000 Men to defend the Queen of *Scotland*, (whom, and the King her Son, I do in my Conscience acquit of any privacy, liking, or consent to this, or any other bad Action, for any thing that I ever did know.) I shortly departed for *England*, and arrived at *Rye* in *January*, 1583, from whence I wrote to the Court, advertised some, that I had a special Service to discover to the Queen's Majesty.

8. Which I did more to prepare Access and Credit, than for any Care I had of her Person, tho' I were fully resolved never to touch her (notwithstanding any Warrant) if by any Device, Persuasion, or Policy she might be wrought to deal more graciously with the Catholicks than she doth, or by our manner of proceeding in Parliament meaneth to do, or any thing yet seen. I came to the Court (then at *Whitehall*) prayed Audience, had it at large, and very privately discover'd to her Majesty this Conspiracy, much to this effect, tho' covered with all the Skill I had. She took it doubtfully, I departed with Fear. And amongst other things, I cannot forget her Majesty's gracious Speech then uttered touching the Catholicks, which of late, after a sort I avowed in Parliament: She said to me, that never a Catholick should be troubled for Religion or Supremacy, so long as they lived like good Subjects. Whereby I mistrusted that her Majesty is borne in hand, that none is troubled for the one or the other. It may be truly said, that it is better than it hath been, tho' it be not yet as it should be.

In *March* last, while I was at *Greenwich* (as I remember) suing for *St. Katharine's*, came Letters to me from Cardinal *Como*, dated at *Rome*, the last of *January* before; whereby I found the Enterprize commended and allowed, and my self absolved (in his Holiness's name) of all my Sins, and willed to go forward in the name of God. That Letter I shewed to some in Court, who imparted it to the Queen; what it wrought, or may work in her Majesty, God knoweth; only this I know,

9. That it confirmed my Resolution to kill her, and made it clear in my Conscience, that it was Lawful and Meritorious. And yet was I determined never to do it, if either Policy, Practice, Persuasion, or Motion in Parliament could prevail. I feared to be tempted, and therefore always when I came near her, I left my Dagger at home.

10. When I looked upon her Majesty, and remembered her many Excellencies, I was greatly

troubled;



troubled: and yet I saw no Remedy, for my Vows were in Heaven, my Letters and Promises in Earth; and the Case of the Catholick Recufants, and others, little bettered. Sometimes I said to my self, Why should I care for her? What hath she done for me? Have I not spent 10000 Marks since I knew her Service, and never had Penny by her? It may be said, she gave me my Life. But I say (as my Case stood) it had been Tyranny to take it: and I fear me it is little less yet. If it please her graciously to look into my Discontentments, I would to Jesus Christ she had it, for I am weary of it. And now to come to an end of this Tragical Discourse: In *July* I left the Court, utterly dejected, discontented, and as her Majesty might perceive by my passionate Letters, careless of my self. I came to *London*; Dr. *Allein's* Book was sent me out of *France*.

11. It redoubled my former Conceits; every word in it was a Warrant to a prepared Mind: It taught that Kings may be excommunicated, deprived, and violently handled: It proveth that all Wars Civil or Foreign undertaken for Religion, are honourable. Her Majesty may do well to read it, and to be out of doubt (if things be not amended) that it is a Warning, and a Doctrine full dangerous. This is the Book I shewed, in some Places read, and lent it to my Cousin *Nevil* (the Accuser) who came often to mine House, put his Finger in my Dish, his Hand in my Purse; and the Night wherein he accused me, was wrapped in my Gown, six Months at least after we had entered into this Conspiracy: In which space her Majesty, and ten Princes in several Provinces, might have been killed. God bless her Majesty from him; for before Almighty God, I joy and am glad in my Soul, that it was his hap to discover me in time, tho' there were no danger near.

And now to the Manner of our Meetings. He came to me in the beginning of *August*, and spake to me in this or like sort. Cousin, let us do somewhat, sithens we can have nothing. I offer'd to join with him, and gladly heard him, hoping because I knew him to be a Catholick, that he would hit upon that I had in my Head; but it fell not out so. He thought the delivery of the Queen of *Scotland* easy, presuming upon his Credit and Kindred in the North: I thought it dangerous to her, and impossible to Men of our Fortunes: He fell from that to the taking of *Berwick*. I spake of *Quinborough* and the Navy, rather to entertain him with Discourse, than that I cared for those Motions, my Head being full of a greater matter.

12. I told him that I had another manner of Enterprize, more honourable and profitable to us, and the Catholicks Commonwealth, than all these, if he would join in it with me, as he presently vowed to do: He pressed to know it; I willed him to sleep upon the Motion: He did so, and (belike overtaken) came to me the next Morning to my Lodging in *London*, offered to join with me, and took his Oath upon a Bible, to conceal and constantly to pursue the Enterprize for the advancement of Religion; which I also did, and meant to perform: the killing of the Queen was the Matter.

The Manner and Place, to be on horseback, with eight or ten Horses, when she should ride abroad about *St. James's*, or some other like place. It was once thought fit in a Garden, and that the escape would be easiest by Water into

*Sheppey*, or some other part; but we resolved upon the first.

This continued as agreed upon many Months, until he heard of the Death of *Westmoreland*, whose Land and Dignity (whereof he assured himself) bred belike this Conscience in him to discover a Treason in *February*, contrived and agreed upon in *August*. If it cost him not an ambitious Head at last, let him never trust me. He brought a tall Gentleman (whom he commended for an excellent Pistolier) to me to *Chanon-Row*, to make one in the Match: but I refused to deal with him, being loth to lay my Head upon so many Hands.

Master *Nevil* hath (I think) forgotten, that he did swear to me at divers times, that all the advancement she could give, should serve but for her Scourge, if ever time and occasion should serve; and that tho' he would not lay hand upon her in a Corner, his Heart serv'd him to strike off her Head in the Field. Now leaving him to himself; this much (to make an end) I must confess of my self, I did mean to try what might be done in Parliament, to do my best to hinder all hard Courses, to have prayed hearing of the Queen's Majesty to move her (if I could) to take Compassion upon her Catholick Subjects; and when all had failed, to do as I intended. If her Majesty by this Course would have eased them, tho' she had never preferred me, I had with all Comfort and Patience borne it.

13. But if she had preferred me without Ease or Care of them, the Enterprize had held.

*Parry.*

*God preserve the Queen, and incline her merciful Heart to forgive me this desperate Purpose; and to take my Head (with all my Heart) for her better Satisfaction.*

After which, for the better manifesting of his Treasons, on the 14th of *February* last, there was a Letter written by him to her Majesty, very voluntarily, all of his own Hand, without any Motion made to him: the Tenour whereof, for that which concerneth these his traitorous Dealings, is as followeth.

*A Letter written by Parry to her Majesty.*

YOUR Majesty may see by my voluntary Confession, the dangerous Fruits of a discontented Mind; and how constantly I pursued my first conceived Purpose in *Venice*, for the relief of the afflicted Catholicks; continued it in *Lions*, and resolved in *Paris* to put it in adventure for the Restitution of *England* to the antient Obedience of the See Apostolick. You may see withal, how it is commended, allowed, and warranted in Conscience, Divinity, and Policy, by the Pope and some great Divines: Tho' it be true or likely, that most of our *English* Divines (less practised in matters of this weight) do utterly mislike and condemn it.

The Enterprize is prevented, and Conspiracy discovered by an honourable Gentleman, my Kinsman and late familiar Friend, Master *Edmund Nevil*, privy and by solemn Oath (taken upon the Bible) Party to the matter, whereof I am heartily glad, but now sorry (in my very Soul) that ever I conceived or intended it, how commendable or meritorious soever I thought it.

God

God thank him, and forgive me, who would not now (before God) attempt it (if I had liberty and opportunity to do it) to gain your Kingdom. I beseech Christ, that my Death and Example may as well satisfy your Majesty and the World, as it shall glad and content me.

The Queen of *Scotland* is your Prisoner; let her be honourably entreated; but yet surely guarded.

The *French* King is *French*, you know it well enough, you will find him occupied when he should do you good; he will not lose a Pilgrimage to save you a Crown. I have no more to say at this time, but that with my Heart and Soul I do now honour and love you; am inwardly sorry for mine Offence, and ready to make you amends by my Death and Patience. Discharge me *à culpa*, but not *à poenâ*, good Lady. And so farewell, most gracious, and the best-natured and qualified Queen that ever lived in *England*. From the *Tower*, the 14th of *February*, 1584.

W. Parry.

This done, the Cardinal *di Como* his Letter in *Italian* was delivered unto *Parry's* hand, by the direction of Mr. Vice-Chamberlain; which *Parry* there perused, and openly affirmed to be wholly of the Cardinal's own Hand-writing, and the Seal to be his own also, and to be with a Cardinal's Hat on it: And himself did openly read it in *Italian*.

A mon Signore, mon Signore *Guglielmo Parry*.

MON Signore, la Santità di N. S. ha veduto le Lettere di V. S. del primo con la fede inclusa, & non puo se non laudare la buona dispositione & risoluzione che scrive di tenere verso il servizio & beneficio publico, nel che la Santità sua lesorta di perseverare, con farne riuscire li effetti che V. S. promette: Et accioche tanto maggiormente V. S. sia ajutata da quel buon Spirito che l'ha mosso, le concede sua Beneditione, plenaria Indulgenza & Remissione di tutti li peccati, secondo che V. S. ha chiesto, assicurandos si che oltre il merito, che n'havera in cielo, vuole anco sua Santità costituirsi debitore a riconoscere li meriti di V. S. in ogni miglior modo che potra, & cio tanto piu, quanto che V. S. usa maggior modestia in non pretender niente. Metta dunque ad effetto li suoi santi & honorati pensieri, & attenda estar sano. Che per fine io me le offero di core, & le desidero ogni buono & felice successo. Di Roma a 30 di Gennaro, M.D.LXXXIV.

Al piacer di V. S.  
N. Cardinale di Como.  
Al Sig. *Guglielmo Parry*.

The Words bearing Sense as it were written to a Bishop, or to a Man of such a degree, it was demanded of him by Mr. Vice-Chamberlain, Whether he had not taken the Degree of a Bishop? He said, No: But said at first, those Terms were proper to the Degree he had taken. And after said, That the Cardinal did vouchsafe, as of a favour, to write so to him. Then the Copy of that Letter in *English* was in like manner openly read by the Clerk of the Crown; which *Parry* then acknowledged to be truly translated.

*Cardinal de Como's Letter to Will. Parry, January 30, 1584. by account of Rome.*

MONsignor, the Holiness of our Lord hath seen the Letter of your Signory of the first, with the Assurance included, and cannot but commend the good Disposition and Resolution, which you write to hold towards the Service and Benefit publick: Wherein his Holiness doth exhort you to persevere, with causing to bring forth the effects which your Signory promifeth. And to the end you may be so much the more holpen by that good Spirit which hath moved you thereunto, his Blessedness do grant to you plenary Indulgence and Remission of all your Sins, according to your request; assuring you, that besides the Merit that you shall receive therefore in Heaven, his Holiness will further make himself Debtor, to re-acknowledge the Deservings of your Signory in the best manner that he can: And that so much the more, in that your Signory useth the greater Modesty, in not pretending any thing. Put therefore to effect your holy and honourable Thoughts, and attend your Health. And to conclude, I offer my self unto you heartily, and do desire all good and happy Success.

From Rome the  
30th of Ja-  
nuary, 1584.

At the pleasure of your Signory,  
N. Card. of *Como*.

And thereupon was shewed unto *Parry* his Letter of the 18th of *February*, written to the Lord Treasurer, and the Lord Steward: which he confessed to be all of his own Hand-writing, and which was read accordingly.

*William Parry's Letter to the Lord Treasurer, and the Earl of Leicester.*

MY Lords, now that the Conspiracy is discovered, the Fault confessed, my Conscience cleared, and Mind prepared patiently to suffer the Pains due for so heinous a Crime; I hope it shall not offend you, if crying *Miserere* with the poor Publican, I leave to despair with cursed *Cain*. My Case is rare and strange, and for any thing I can remember, singular: A natural Subject solemnly to vow the Death of his natural Queen (so born, so known, and so taken by all Men) for the Relief of the afflicted Catholics, and Restitution of Religion. The Matter first conceived in *Venice*, the Service (in general words) presented to the Pope, continued and undertaken in *Paris*; and lastly, commended and warranted by his Holiness, digested and resolved in *England*, if it had not been prevented by Accusation, or by her Majesty's greater Lenity, and more gracious Usage of her Catholick Subjects. This is my first and last Offence conceived against my Prince or Country, and doth (I cannot deny) contain all other Faults whatsoever. It is now to be punished by Death, or most graciously (beyond all common Expectation) to be pardoned. Death I do confess to have deserved; Life I do (with all Humility) crave, if it may stand with the Queen's Honour, and Policy of the Time. To leave so great a Treason unpunished, were strange: To draw it by my Death in example, were dangerous. A sworn Servant to take upon him such an Enterprize, upon such a Ground, and by such a Warrant,