

Mr. Att. Gen. Where was it, in *England* or *France*?

Sir H. Hobart. Whilst he lived in *Bloomsbury*, he says.

Mr. Williams. Call *Dr. Needham* and *Monfieur Juffell*. [*Who appeared.*] And *Monfieur Juffell* was fworn. Pray *Sir H. Hobart*, will you ask *Monfieur Juffell* who fpeaks *French* too, if he know any thing of *Mr. Hampden's* Resolution to Travel with *Mr. Mountague* into *France*?

Sir H. Hobart. He fays, Yes. He did tell him he was going into *France*, and he offered to carry fome Books for him along with him.

Mr. Williams. What Company was he to go in, and what time?

Sir H. Hobart. He fays, Sir, he can't be exact to the Month when *Mr. Hampden* fpake of going over, but he fays, it was a great while before this Plot came to be difcovered.

Mr. Williams. Was it fome Months before?

Sir H. Hobart. It was a Month before it was known, he fays.

Mr. Williams. In what Company was he to go?

Sir H. Hobart. He faid he was to go with *Mr. Mountague*.

Mr. Conyers. Pray, Sir, Will you ask him, was he employ'd to get any *French* Servants to be with him?

Sir H. Hobart. Yes, he fays.

L. C. J. Ay, but what was the Queftion? For there is fuch a Crowd of People before the Counfel, that the Court cannot hear *Mr. Conyers's* Queftion.

Mr. Conyers. My Lord, I asked him, whether he was employed to get any *French* Servants to be with *Mr. Hampden*.

Sir H. Hobart. Yes, he fays.

L. C. J. Well there is *Dr. Needham*, what do you ask him?

Then Doctor Needham was fworn.

Mr. Williams. We call *Dr. Needham* for this Purpofe, my Lord, to prove that thefe Gentlemen that are accused, *Mr. Hampden*, and my Lord of *Effex*, and the others, had very little Esteem, and mean Opinion of my Lord *Howard*. And how one, they fo little efteemed, fhould be let into fo great a Secret, will be very ftrange to imagine. *Dr. Needham*, Pray, what can you fay of any of thefe Gentlemens Opinions of my Lord *Howard*? What Opinion had my Lord of *Effex* of him?

L. C. J. Is my Lord of *Effex* now before us? What is that to this Cafe, *Mr. Williams*? Let my Lord of *Effex* have what Opinion he would of him; how does that concern the Defendant?

Mr. Williams. I tell you why, I offer it, my Lord——

L. C. J. But pray, offer what is Evidence, and keep to the Bufinefs before you.

Mr. Williams. *Falfus in uno, falfus in omnibus.* If we can prove that what he hath faid of my Lord of *Effex* is falfe, he is not to be believed againft the Defendant.

Mr. Att. Gen. Ay, but upon the Evidence of my Lord *Howard*, all the reft were convicted.

Mr. Williams. I offer it only upon what is here to Day before you. He fays, my Client, and my Lord of *Effex* were confederate with him upon fuch a Design. Now if my Lord of *Effex* was not there, then he is falfe in that, and that he was not, we offer this as Evidence——

L. C. J. But 'tis not a proper Evidence in this Cafe.

Mr. Williams. 'Tis a fort of Evidence——

L. C. J. Ay, 'tis a fort of Evidence, but 'tis not to be allowed. If you will prove *Mr. Hampden's* Opinion, you may, but you muft not for him bring Proof of what my Lord of *Effex*, a third Perfon, thought of my Lord *Howard*.

Mr. Williams. I only offer it thus——

L. C. J. Offer what is Evidence, Man! You are a Praétifer, and know what is Evidence, but you have offered two or three things to Day, that I know you do at the fame time know is not Evidence, and I fpeak it that it may not be thought we deny you, or your Client any thing that is according to the courfe of Law. You that know the Law, know 'tis fo as we fay. *Mr. Attorney* has gratified you in waving three or four Things already, but nothing will fatisfy, unlefs we break the courfe of other Trials.

Mr. Williams. My Lord, What I take not to be Evidence I do not offer, and where the Court over-rules me, I have not infifted upon it.

L. C. J. No!

Mr. Williams. No, my Lord.

L. C. J. But you would have infifted upon it, if *Mr. Attorney* would not have been fo eafy as to confent, and the Court would have let you. Pray keep to the Bufinefs, and the Methods of Law; you know the Law very well.

Mr. Williams. My Lord, I humbly apprehend this may be Evidence, and I lay it before you. My Lord *Howard* has proved that my Lord of *Effex* and Five more, of which *Mr. Hampden* was one, met and confulted about fuch Matters. We may, I hope, be admitted to prove, That my Lord of *Effex* was not there; for if we can take off his pofitive Proof, as to any one of the Circumftances, we take off from the Truth of the Fact. If all the Perfons were not there; then my Lord *Howard* is miftaken in that, and accordingly muft not be believed in the reft; therefore, my Lord, I prefs it no otherwife: He hath proved thefe fix Perfons were there. I offer this as fome Evidence, That it is unlikely it fhould be fo, becaufe my Lord of *Effex* had fo little Opinion of my Lord *Howard*, that he would never confult with him about any matter.

L. C. J. Then certainly my Lord *Howard* is to be believed, to all Intents and Purpofes, for here is a Record of the Conviction of my Lord *Ruffel*, and of Colonel *Sidney*, and all upon the Teftimony of this Gentleman, my Lord *Howard*; and is not that more to fupport his Credit, than a flying Report of a third Perfon's Opinion of him. And yet after all we fay, 'tis no Evidence againft *Mr. Hampden*, and has been waved by *Mr. Attorney*.

Mr. Williams. Then I will not prefs it, my Lord.

Mr. Juff. Withins. It is no Evidence, certainly, *Mr. Williams*.

L. C. J. It feems my Lord *Effex* had fuch an Opinion of my Lord *Howard's* Evidence, That he thought fit to cut his own Throat, rather than abide the Trial.

Mr. Williams. Call *Mr. Murray*.

L. C. J. Suppose my Lord of *Effex* had faid, That he was out of the Plot, and *Mr. Hampden* was in, would that have been good Evidence againft *Mr. Hampden*, do you think? Pray mind what is the Bufinefs before you?

Mr. Williams. Swear *Mr. Murray*.

[*Which was done.*]

L. C. J. Well, what do you ask this Man?

Mr.

Mr. Williams. My Lord, we call him as to what I opened of my Lord *Howard's* Opinion of the World to come, and Rewards and Punishments there.

L. C. J. *Mr. Williams.* Pray take notice of this: Private Discourses that People can't come to make Answer unto, because they can't imagine to have them objected, are a very odd sort of Evidence.

Mr. Williams. Therefore I opened it warily and tenderly; my Lord, the Witnesses will tell you the Story better than I.

L. C. J. I cannot tell what *Mr. Williams* has said, or I have said in heat of Talk or Vanity. God knows how often all of us have taken the great Name of God in vain: Or have said more than becomes us, and talked of Things that we should not do.

Mr. Att. Gen. My Lord, how can my Lord *Howard* be prepared to give any Answer to this?

Lord Howard. My Lord, this presses hard upon my Reputation, my Lord. I profess before God I do not know this Fellow, I never saw him in my Life before as I know: But a Company of impudent Fellows take the liberty of saying what they please.

L. C. J. To rake into the whole course of a Man's Life is very hard.

Lord Howard. I would fain have these Fellows dare to say this any where else of me.

Mr. Williams. Well, my Lord, we will waive it.

L. C. J. They do not think it a fit Thing to press it.

Lord Howard. But, my Lord, it concerns me in my Reputation; who is this Rascal they bring here? God's Life, who is he?

L. C. J. We must be tender of Mens Reputation, and not let every thing come as Evidence when 'tis not fit to be Evidence, to put Slurs and Scandals upon Men that they can't be prepared to wipe off. Is he convicted of any Crime? If he is, you say something, shew the Record of it.

Mr. Just. Withins. *Mr. Williams.* You know the Case adjudged lately in this Court, a Person was indicted of Forgery, we would not let them give Evidence of any other Forgeries, but that for which he was indicted, because we would not suffer any raking into Mens Course of Life, to pick up Evidence that they can't be prepared to answer to.

Mr. Williams. We have that Respect for my Lord's Honour too, as not to press it, only we had it in our Briefs, and we must go according to our Instructions.

Lord Howard. I desire to know who that Rascal is? What is he? Where does he live? I will make him an Example.

L. C. J. Pray compose your self, my Lord, there is nothing of this pressed.

Lord Howard. To say I am an Atheist, my Lord! What can be a greater Reflection?

L. C. J. He has not told us any such thing as yet. And we will take care that nothing shall be offered but what is fitting.

Lord Howard. I vow to God, my Lord, I do not know the Man.

L. C. J. My Lord, do you think that every thing that a Man speaks at the Bar for his Client, and his Fee, is therefore to be believed, because he said it? No, the Jury are to take nothing here for Evidence to guide them of what the Counsel say, but what is approved. They are to judge *secundum allegata & probata*, that is their Duty.

Lord Howard. Does that Fellow look like a Man of that Figure, that I should say any thing, or have any Conversation with him?

L. C. J. My Lord, I don't know what he is. Go on, Gentlemen.

Mr. Williams. My Lord, we have done with our Evidence. If Mr. Attorney will leave it here, we will.

Mr. Att. Gen. My Lord, we won't mistrust the Evidence, nor the Court.

Mr. Hampden. My Lord, I desire to speak a Word myself, if you please.

L. C. J. Ay, in God's Name. You, or your Counsel, I will hear all you will say, and as long as you will speak, provided you speak within the Bounds of Decency.

Mr. Williams. My Lord, I think it best to leave it to the Court: We hope we have made it clear that our Client is innocent.

L. C. J. Would to God you were innocent; that is the worst Wish I wish you, but we will either hear him or you speak, speak as long as you will.

Mr. Wallop. My Lord, I desire to make but one Observation.

L. C. J. Ay, in God's Name make what Observations you will, *Mr. Wallop*, I hindered you from making your Observations at first, because I knew it would be desired after the Evidence was over.

Mr. Att. Gen. Then my Lord, I expect to be heard too. If *Mr. Hampden* makes a Speech, I will reply, or if his Counsel do it, I expect the last Word, for I will have neither the Party, nor the Counsel to speak after I have summ'd up the Evidence for the King. *Mr. Hampden*, and his Counsel are all one.

Mr. Wallop. I have but one short Observation to make.

L. C. J. Go on then, *Mr. Wallop*, and say what you will.

Mr. Just. Withins. I think 'tis very fit you should do it of both Sides; 'tis a Cause of great Concernment.

Mr. Williams. My Lord, we will leave it here, I think.

L. C. J. Take your own Course, do not say we hinder you of saying what you will for your Client.

Mr. Att. Gen. Let them do what they will.

L. C. J. I'll sit still, make Speeches every one of you as long as you will.

Mr. Just. Walcot. 'Tis fit they should speak what they can for the Advantage of their Client.

Mr. Williams. My Lord, we leave it to the Court.

L. C. J. Gentlemen of the Jury, the Evidence has been something long, and the Counsel both for the King, and for *Mr. Hampden*, against whom this Indictment has already been found by the Grand Jury, having left it to the Court to sum up all, I shall do it as well as I can: And the Question before you, Gentlemen, is, Whether the Defendant be guilty of the Offence charged in the Indictment, or not Guilty, and there having been so long an Evidence on the one Side, and on the other, it will be fit for me according to the best of my Remembrance to help your Memories, by recollecting what has been said on both Sides, which I shall do as near as I can, and if my Brethren will please to supply any thing that shall be omitted by me, nay, if the Counsel for the King, or for the Prisoner, will put us in mind of any thing that has been spoken, and proved either

either against, or for the Party indicted, in God's Name let them have Liberty to speak it : For it is fit the Question should be left before you with all Fairness, and according to the best of my Observation and Memory, thus it stands.

The first thing, Gentlemen, that is considerable to you, is, that there is such an Indictment, as has been already opened unto you, that is preferred against Mr. *Hampden*, that does set forth, that Mr. *Hampden* is a seditious Person, and a Man, according to the Language of the Indictment (which were Words of Course and Form in an Indictment of this Nature) of an evil Disposition, designing to disturb and distract the Government, and that he with several other Persons, did conspire to bring in Troubles, and Perplexities upon the Government ; and in order to that, that there were some Meetings between him and several other Persons, and that there was a Design to conciliate some Persons of another Nation to go along with them in their Design, particularly some in the Kingdom of *Scotland*. This is the Purport in the Indictment, to which the Defendant has pleaded Not Guilty.

Gentlemen, the Evidence for the King has been of this Sort, They did at the beginning, which yet I must tell you by the way, is not any thing of Evidence, but the King's Counsel would make some Overtures to press on their Side, as the Defendant, and those that are of Counsel for Mr. *Hampden*, have made some little Hints to press on their Side, that some Witnesses the one and the others would have had here, were *subpena'd* but could not be here. It seems by the Proof, here was a Meeting, as it was between Six several Persons, and they name them, the Duke of *Monmouth* was one, the Lord *Howard* another, the Lord *Russel* a third, the Earl of *Essex* a fourth, *Algernon Sidney* a fifth, and Mr. *Hampden* the sixth. As for my Lord of *Essex* he is gone to his long Home, my Lord *Russel* and Mr. *Sidney* have received Sentence, and been executed. So there remains three surviving, and say they that are for the King : We produce my Lord *Howard*, and we have taken care to summon the Duke of *Monmouth*, by leaving *Subpena's* where it could be thought he was to be met with, with Promises of his Servants to deliver them to him in order to have the Duke to be a Witness for the King this Day. I presume the meaning is, they would infer from that, that they would give an Account of the Fairness of this Proceeding, though it has been a Matter that has obtained a sort of Belief in the World, as though the Duke of *Monmouth* had denied that there was any such thing as this Confederacy and Conspiracy : And that has given People occasion to be of very different Opinions, and Persuasions about the Matter ; but, say they, to shew we are not afraid to have the Truth come out, we have done as much as in us lay to get this Person hither : Therefore we have left *Subpena's* at his Houses, at his Lodging with his Servants, and they have promised to take care they should be delivered to him, and he is not come. Against this on the other Side, say they, for the Defendant, we have taken all the care we could to bring my Lord *Anglesey*, who was to have been a Witness for the Advantage of the Person indicted, but my Lord *Anglesey* is at present afflicted with a Fit of the Gout, and for that very Reason we can't have him here. And so they shew, that they have been very zealous to get Witnesses on their Side to vindicate their Reputation, but

they did not meet with that Effect that they desired. These two Things, Gentlemen, are Matters that are used both against him one way, and for him another.

But now to come home to the Evidence upon which this Matter is to turn, and here you are to consider, that whatsoever has been said or offered by the King's Counsel on the one Side, or the Counsel for the Defendant on the other Side, (I call him so, for 'tis but a Trespass tho' a great one) You must not take into your Consideration at all any further than as their Allegations are supported by the Testimony that has been given : And whatsoever the Witnesses have said either for or against him, and out of that Testimony as near as I can remember I will give you the Objections, and their Answers with the Observations that have been made, or do naturally arise out of the Facts in Proof.

My Lord *Howard*, in the first Place, gives an Account of this Matter, and, Gentlemen, the Times will be wonderful material, and therefore I beg you would take a Pen and Ink, and mark these material Circumstances as you go. For in all Matters of Fact positively proved, which also have their Credit supported by Circumstances which do accompany them, the Testimonies given of such Facts are to be valued according as those Circumstances keep touch with, and humour, as I may so say, the Fact that they are to evidence the Truth of.

My Lord *Howard* does therefore in the first place acquaint you, that about *Michaelmas* there was a Discourse between him and my Lord of *Shaftsbury*, and that was concerning a Rising intended to be had, and he tells you how that my Lord *Shaftsbury* was fully resolved upon it ; That Things at length came to that pass, that he was forced to go from his own House, as he said, being disappointed by the Duke of *Monmouth* and others who had promised to join with him, and was retired to the House of one *Watson* in or near *Woodstreet*. But he understanding where he was, my Lord *Howard* went to him, (I think he says my Lord *Shaftsbury* sent to him) when he came, my Lord *Shaftsbury* told him, that although there had been such a Disappointment by those Persons he named, yet that did not take off his Edge, but he was resolved to go on himself, nay, tho' his Body was infirm, yet he would be set on Horseback, tho' he was lifted up to appear in the Head of a Party that he had prepared, and were ready when he would call them. And he began then to reflect upon the Disappointment of the Duke of *Monmouth*, and as tho' the Duke of *Monmouth* had only a Prospect to advance himself, and had only an eye upon his own particular Interest. That he so managed matters as if he design'd to have the sole Disposition of all Things whatsoever, and began to be uneasy with the Duke of *Monmouth*. My Lord *Howard* did endeavour to have prevailed with my Lord of *Shaftsbury* for a Reconciliation between the Duke of *Monmouth* and him, it being a matter that required so much Safety and Security, and did desire him that he would have some Intercourse with the Duke of *Monmouth* in order to conciliate a Friendship between them, that they might go hand in hand. You find he was under some Difficulties about this matter, he was not able to bring the Thing about ; for after he had spake with the Duke of *Monmouth*, and prevailed with him, my Lord of *Shaftsbury* was peevish, and
talked

talked at a Distance, and when he had appointed a Meeting one Time, it was prevented, my Lord *Shaftsbury* went away into *Holland*, and there died in *Holland*. This is the Substance of what my Lord *Howard* says as to that Matter.

But, Gentlemen, this is material, and I'll tell you why I think it material; because the Counsel for the Defendant have made it an Objection particularly to my Lord *Howard's* Testimony, That my Lord *Howard* is particular as to the Day after *Michaelmas-Day*, but he is not so particular when he comes to speak of other Times upon which the true Question before you depends. For now he speaks more generally as to the Meetings at the Defendant's, and my Lord *Ruffel's*, that they were about the middle of *January* and the Beginning of *February*, and is not particular as to the Day. I speak of this because that has been made use of as an Objection against my Lord *Howard's* Testimony. And I will tell you as near as I can all the Objections that have been made against this Testimony after such Time as I have settled it and laid before you what the whole of it amounts to.

Then comes my Lord *Howard* and says, that meeting with the Duke of *Monmouth* some time after this they began to talk together, and they thought that tho' the Business had failed in the Managery of my Lord of *Shaftsbury*, yet it was fit there should be a reassuming of the Business again, but in order to settle matters that things may not go inconsiderately on, it was thought fit that they should resolve themselves into a certain Number that were confident one of another, in order to steer and transact these matters the better among themselves. And they must be Persons fit to be trusted and for whom there should be an Undertaking among them for their Faithfulness and Integrity; for all Persons are not fit to be trusted, but only such as they agreed upon. The Duke of *Monmouth* he undertook for my Lord of *Essex* and my Lord *Ruffel*, those were the Persons for whom he would engage, as likewise for my Lord *Salisbury*. And then they began to talk of some more, particularly of Mr. *Sidney*, but he was a Cynical Man, and a Philosopher, and they were first to come to him, and to treat with him in another manner than the rest. He was not to appear as the Duke of *Monmouth*, but to take him in his Retirement and Privacies, and then they might be the better able to break the matter to him. And he says accordingly there was a Time designed on purpose; and at that same Time the Duke of *Monmouth* and my Lord *Howard* did go and attack Mr. *Sidney*; they found him on a private Day, and dined with him; and upon that Dinner the whole Matter was broke up, and put into some Method; then was the whole Design contrived as to the Persons that were to be engaged in this Matter; and he says, they agreed upon Six. The Duke of *Monmouth* undertook for my Lord of *Essex*, and my Lord *Ruffel* and Colonel *Sidney* undertook for Mr. *Hampden*. He speaks of my Lord of *Salisbury*, but my Lord of *Salisbury* was never there among them, and so I put him out of the Case, I quit him from being of their Number, because there were but Six in all, my Lord of *Essex*, and my Lord *Ruffel*, who were undertaken for by the Duke of *Monmouth*; Mr. *Hampden* undertaken for by Mr. *Sidney*, and my Lord *Howard*; for by that time Mr. *Hampden* was come into the Matter upon Colonel *Sidney's* Undertaking.

Now we are got, Gentlemen, by these Steps

till we come about the middle of *January*; but, says my Lord *Howard*, I cannot positively say, it was this Day, or that Day of the Month; but being about the middle of *January*, I conjecture it was about the 14th, but he is not positive to the Day. He says, accordingly they went to Mr. *Hampden's* House, which was the Place first design'd for them to meet in. He says, there accordingly they did all six meet; and that it being Mr. *Hampden's* House, they thought it most proper for him who was Master of the House, who usually bids his Guests welcome, to break Silence, and to impart the Business of the Design they met about. He says, accordingly Mr. *Hampden*, after the first Compliments of Entertainment, did give an Account of the Business they were come about, and that it was in order to have a Rising. This, he says, was proposed by Mr. *Hampden*. He tells you, then they fell into Debate about the Time when, concerning Men, and Arms, and Money; and likewise concerning the Places. He tells you the Places wherein the Rising was design'd to be, were *Devonshire, Cheshire, Somersetshire*, and other Places, that is, as to the Circumstance of the Place. Then he tells you concerning the Time; it was debated, Whether it should be all at one Time, or at several Times; whether they should only begin here, and the Country fall in, or all at once: That likewise they had in Consideration the Business of Money, and that his Grace the Duke of *Monmouth* did speak of 30 or 35 Thousand Pounds, or some such Sum at that Time. But then as was natural for Men of Deliberation and Consideration to consult about, they took into Debate that they might not go headlong, to endeavour to conciliate another Party to chime in, as he says, along with them, in the Business they were going about; and accordingly it was thought fit and proposed, That there should be an Endeavour to conciliate a Friendship with some Persons in *Scotland*, to fall in with them; and then he tells you who the Persons were that were named: Some of the Names he remembers, and others he has forgot; he speaks particularly of the *Campbels*, Sir *John Cockram*, and my Lord *Melvin*: And he says, other Persons were mentioned, but he can't remember their Names; and my Lord *Ruffel* knew some of these Persons, and the Duke of *Monmouth* knew some others of them, because of his near Relation to the Earl of *Argyle*, the Person that you know was proscrib'd for Treason in the Kingdom of *Scotland*. He says, that so far the Debate of this matter went, that they thought fit a Messenger should be provided, a trusty Man to be sent into *Scotland* to treat with these Gentlemen about this matter; and my Lord *Ruffel* I think he says, undertook to write a Letter to be carried by this Messenger to these *Scotch* Gentlemen.

He says, pursuant to this Consultation at Mr. *Hampden's*, a Fortnight after, or thereabouts, which brings it up to the Beginning of *February*, then was the Meeting at my Lord *Ruffel's* House, and there they debated these matters over again, and the whole Managery of sending a Messenger into *Scotland* was left to the Discretion of Colonel *Sidney*, and he undertook that Work, that was his Post that he was to manage; and he does say, that he does very well remember, that *Aaron Smith* was the Person proposed then; and tho' he was unknown to some of the Company, yet he was well known to others; and by reason of that Knowledge that others had of him; they looked upon

upon him as a Person very fit, and every way qualified for it.

So that, Gentlemen, here is proved a Consultation in order to the Raising of Men to infect the Government; a Discourse concerning Money and Arms for this End, and the Places where, and the Time when; and of conciliating a Friendship with some discontented Persons in *Scotland*, to join, and chime in with these Conspirators in *England*.

And then there is yet another Circumstance very remarkable, because tho' my Lord spake it not at the same Time that he delivered his Testimony; yet upon the Question asked, he gives you a plain Account of it; and it has a plain Dependence upon what went before. Said they among themselves. 'Tis proper for us, as near as we can, to shut the Door against any Exceptions about these Mens coming to treat with us; but how shall we get them hither without Suspicion? We must have some Shams, or Cant or other, to be a Pretence for these People to come into *England*; and that was agreed to be about some Plantation in *Carolina*.

This, he says, was the Result of that Meeting; and that when the Meeting was broke up, about three or four Days afterwards (mind the Circumstance of Time, Gentlemen, for 'tis very material) Col. *Sidney* and he met together, they went to Col. *Sidney's* House, and there he saw him take Money out of a Till, where there were several Hundreds of Guineas, or Pieces of Gold; and as he believes, he says, he took threescore Guineas, or some such Sum; and told him, it was to give to *Aaron Smith* in order to his Journey into *Scotland*: That he went out with him in his Coach, but Mr. *Sidney* set him down by the way, and he himself went into *London*, telling him, he went to that purpose, to give *Aaron Smith* the Money. Some time after, about a Week, or a Fortnight, or ten Days after that, he says, he met with Mr. *Sidney* again; and he says, Mr. *Sidney* gave him an Account, that he had heard *Aaron Smith* had been at *Newcastle*, but he had not heard of him since that Time, and that is another Circumstance in Point of Time, Gentlemen; so that you have here a positive Oath made by my Lord *Howard*, that Mr. *Hampden* was privy, and consenting to all these Debates, as to the Raising of Men, and the Levying of Money, and about the conciliating a Friendship with these Men of *Scotland*, and about sending a Messenger into *Scotland* to that Purpose. And if my Lord *Howard* do swear true, no Man living can doubt but that Mr. *Hampden* is guilty of this Indictment. The first Meeting was at his House, and there he did take notice of what had been formerly done, and proposed the Things, breaking the Silence, and entering into the Debate; which shews that he had been discoursing about it before, and had it in his Thoughts before, or else he could not have propounded it as the End of their Meeting.

Now this, Gentlemen, here is a positive Fact; and as Mr. *Williams* says true, no Man living can give any Answer to a positive Fact, but by some other Things that may be Circumstances to oppose that Fact. Now he says, there are no Circumstances that have been proved, that will give any Credibility to what has been deposed, besides the positive Oath of my Lord *Howard*. So that, says he, your Fact, tho' it be positively sworn, is not supported by any Circumstances of the Fact, that may give Credibility to it. And he objects,

very materially; for if it be not supported by credible Circumstances, then indeed it would be less material; yet I cannot say, it would not be at all material; it is material, and you are to determine, whether you have sufficient Evidence given you, to induce you to believe, that my Lord *Howard* is at this Time guilty of wilful and malicious Perjury; for it is Perjury; and that in the highest Degree, if it be not true that he says; and God deliver all Mankind from being guilty of any such Thing. I leave that to your Consciences, Gentlemen, who are the Judges of it.

But, says the King's Counsel, Here are Circumstances that do support our Fact, and the Credibility of it. For, first, here is the Circumstance of *Aaron Smith*, who was sent into *Scotland* by Mr. *Sidney* in pursuance of this Design, and this Circumstance my Lord *Howard* does subjoin to what he has positively affirmed against the Defendant. And this Circumstance is a thing that may be helped by other Proof; and what is this Circumstance? Say they, that *Aaron Smith* was sent into *Scotland*; and in order to prove that, they have called one *Sheriffe*, who is a Man that keeps an Inn at the Post-house in *Newcastle*, from whence Col. *Sidney* told my Lord *Howard* he had notice of his Arrival at *Newcastle*, but had heard no more of him after that. And this *Sheriffe* swears directly, I saw that Man they call *Aaron Smith*, when he was shewn to me before the King and the Council; and Mr. *Atterbury* swears he shew'd *Aaron Smith* to him, and then *Sheriffe* swears, that Man you shew'd to me was the Man I saw at my House at *Newcastle*, that chimes in with the Circumstance of Fact that Mr. *Sidney* heard from him at *Newcastle*. And then there is the Circumstance of Time when he saw him there; says he, I saw him the *Friday* before *Shrove-Tuesday*, which they in the North call *Easter's Even*. He came to my House on *Thursday* Night, and went away the next Day, *Friday*; and he went with his Guide, the other Man, *Northward*, in order to his Journey into *Scotland*, as he himself said. Says he, I remember the Time very particularly, it was the *Friday* before *Shrove-Tuesday* last, this *February* was Twelve-month; and he went yet further, says he, I did not only see him when he went away, but when he came back again, for he left his Man at my House all the Time, and he tells you what his Name was; for he says, *Smith* went under the disguised Name of one *Clerk*, and he did then talk of going to the Western Parts of *Scotland*, he named *Douglas* as he thinks, tho' he is not positive in that, but he is in the Person, that was the Man. And, says he, I sent for this Person, the other Fellow *Bell*, and he was the Guide he had along with him. And upon *Bell's* Examination, What says he? Says he, I remember that Man came thither at that Time to the other Man's House; I take it upon my Oath that is the Man, and he went by the Name of *Clerk*, he hired me to be his Guide; I went out with him on *Friday* Morning, and I went along with him all that Day; but upon *Saturday*, which was the next Day, going *Northward* with him, my Horse tired, and failed me: Thereupon I was forced to be left behind, but I overtook him on *Sunday* Night following; I overtook him at such a Place, and saw him within six Miles of the Borders of *Scotland*. I take it upon my Oath, this is the Man that was there under the Name of *Clerk*; and at his returning back again I took notice of him, I went up to him,
I drank

I drank with him, and we had Discourse of our Journey. He told me at first, he was to go to the West of *Scotland*, and so he went Northward. After that, which was about ten or twelve Days, he came back again, and so went Southward towards *London*. This he doth swear directly to be at that Time.

Now, Gentlemen, the Time is wonderful material in that Case, because that very Time twelve-month that they talk of, is the Beginning of *February*. If you look upon your old *Almanack* of the last Year (I happen'd to have one in my Pocket, and look'd upon it, when the Men gave their Testimony) and there you will find, that the *Monday* before *Shrove-Tuesday*, when he says, he left him within six Miles of the Borders of *Scotland*, falls out to be the 19th of *February*; I will look upon it again, lest I should mistake; 'tis just so, and that humours the Time that my Lord *Howard* speaks of, which was about the Middle of *February*; a few Days after that, he says the Money was given by Mr. *Sidney*; and then for the Time for *Aaron Smith* to get to *Newcastle*, there is a fit Space of Time, for it falls out that the *Thursday* that he arrived at *Newcastle*, is the 15th Day of *February*, and so it falls in well with my Lord *Howard's* Testimony, and so the *Monday* that he parted with him at the Borders of *Scotland* was the 19th, which also just humours the Time that he speaks of. So that here is a Circumstance of Fact to confirm his Testimony, both as to the sending the Messenger, and the Circumstance of Time. That he is the same Man is proved by these two Witnesses, who agree in this, that he was there about such a Time; and it does likewise humour that other Circumstance of Place, that Mr. *Sidney* said he had heard from him from *Newcastle*, but not since; and then there is the other Circumstance which backs and confirms all, There was not only a sending for these Persons, but there is Notice taken that these *Campbells*, who were to be assisting in this Matter, were to come about the *Sham*, and under the Disguise of purchasing Plantations in *Carolina*. About the Beginning of *June* they came to Town, the two *Campbells*, Sir *John Cockram*, and Mr. *Monroe*. Sir *Andrew Foster* he tells you he met with some of the Men, and they told him, they came about the Business of *Carolina*; and so the Cant of *Carolina* is made good in this Circumstance that way; but when the Plot brake out, these Men sculk, one flies one way, another another; some were taken as they were escaping away by Water; others of them were taken upon the Bed at Noon-day in *Moorfields*: Had the Business they came over into *England* about been a fair, and a lawful, and honest Business, why should they hide themselves? Why should any Man sneak and sculk, and be ashamed to own an honest and lawful Business? But this does humour and touch the Thing exactly, as to that Circumstance, that *Carolina* was only a Cant for to disguise their coming over. These are the only two Circumstances that seem to be pretty strong for them, to prove and support the Credibility of what their Witness has sworn.

For, Gentlemen, what a wonderful sort of Expectation would it be. That we shall never convict a Man of High-Treason, unless you can bring a Man to be a Witness that is not concern'd? For then all these Persons must have been acquitted, for they intrusted none, it seems, but these Six; they took care they would keep it amongst themselves. Do you think they called their Servants

to be Witnesses of what they were about? That is a vain and idle Imagination. In the *Popish Plot*, what Witnesses of it had you there? Were they Strangers to the *Plot*? No, you cannot expect any Witnesses but such as the Nature of the Case will bear.

This is the Meaning of the Evidence that has been given for the King, and it carries a great Weight in it. But they have made an Objection, which indeed is not remote, but may concern the Question very much. Say they, if we prove my Lord of *Essex* was not there, or such a one was not there, would it not discredit the Evidence of my Lord *Howard*? Yes, certainly, it would wholly discredit it, and he were not to be believed at all; nay, which is yet nearer to the Question, if Mr. *Hampden*, that had notice all along of the Times fixed wherein this Transaction was, to wit, about the Middle of *January*, and Beginning of *February*. For because they talk of the Prints, Mr. *Hampden* had from them sufficient Notice and Intimation of the Time. If Mr. *Hampden*, that hath had all this Notice, could have proved before you, that he was in *France*, or any other Place at that Time, that had been wonderful material. But all the Circumstances that are any way significant to support the Credit of this Matter are very well proved; and so the Testimony of my Lord *Howard* is, by these concurrent Circumstances of Fact, sufficiently supported.

Now, Gentlemen, I must tell you, This being the Substance of the Evidence for the King; I will now, as near as I can, give you an Account of the Evidence for the Defendant; it was opened by Mr. *Williams* very ingeniously for the Advantage of his *Client*, as every Man is bound to say what he can for his *Client*. He made a great many Objections against my Lord *Howard*; so if he could but shake the Testimony of my Lord *Howard*, then he might easily bring off his *Client*; and if you, upon any thing that has been offered, either in Evidence, or by way of Observation fairly made from the Evidence, do believe my Lord *Howard* has forsworn himself, you must find Mr. *Hampden*, the Defendant, Not Guilty; but if you believe he has not forsworn himself, you must find him Guilty. So all our Matter is reduced into a very narrow Compass; and therefore I must repeat it again what I said at the Beginning, if my Memory do not serve me to recollect all right, the Counsel for the Defendant shall have free Liberty to inform the Court of what has been omitted.

First, says Mr. *Williams*, My Lord *Howard* was a Man very deep in a Conspiracy with my Lord *Shaftsbury*, by his own Acknowledgment, endeavouring to conciliate a Friendship between the Duke of *Monmouth* and my Lord *Shaftsbury*; and so he had a great Hand in the *Plot*; and what he might do on purpose to get himself out of danger from that *Plot*, and procure his Pardon, is not known.

It is a very strange Thing, that it should be an Objection before he had his Pardon, that he did it for Fear, and to get his Pardon; and when he has it, now the Objection is, because he has his Pardon; and he got it, say they, by this Means. It seems, whether he had his Pardon or no, it must be an Objection against him: Before he had it, he was under the Fear of not obtaining it 'till the Drudgery of Swearing was over; but now he has his Pardon, What now? Why he does it on purpose to accuse other People. Why, he says no more now than what he has said before he

was pardoned; and if after he is pardoned, when he is under no Dread or Fear because of his Guilt, he says the same Things that he did when he might be in Fear, How can that be an Objection to him? He cannot be thought he does it to save his own Life, for that is as safe now by his Pardon, as it can any way be; and 'tis, and must be a great Satisfaction to his Mind, and will be so to any other reasonable Man's Mind: And is a plain Answer to the Objection of his Fear, (for 'tis a captious Age we live in, that will make some specious Objection or other, tho' it be not of any great Weight.) But how can it be thought a Man would come and swear too much, or too far, for fear he should not save himself; or, as they call it, swear himself into a Pardon, when he has his Pardon? It might be an Objection before; but as long as he is under no such Terrors now, but stands right, both by the Laws of God and Man to be heard as a Witness, I think it would be hard for any one to come, and say, *This Man would forswear himself.* What should provoke him to come and forswear himself, when he is under no Danger as to his own Particular? There might be an Umbrage, I say, of an Objection before he had his Pardon, tho' it was, indeed, no Objection before; not a rational weighty one, to set aside his Testimony. But no body knows which way in the World to satisfy the Minds of some sort of People.

In the next Place, Gentlemen, says Mr. *Williams*, You are not positive as to the Time; you say, it was about the Middle of *January*, or the Beginning of *February*, and that is too general and wide; but you remember particularly to a Day the Business between you and my Lord of *Shaftsbury*, That that was the Day after *Michaelmas-Day*: How can you be so particular as to the one, and not as particular as to the other?

Why, I will undertake that Mr. *Williams*, when he made the Objection, must needs think of the Answer that would be given to it. It is notoriously known, that the Pressures these Gentlemen thought they lay under, were what my Lord of *Shaftsbury* said, *Now they have got the Juries into their own Power, and no Man is safe; they will find me or any Man Guilty, as they please;* Why, how came they to get Juries into their own Hands, but by having the Sheriffs as they would have them? Now the Sheriffs that are to return Juries are, as all Men know that know any thing, sworn the Day before *Michaelmas-Day*; therefore he might very well, and had good reason to remember that Day; when such a notorious Thing happens to fall out at such a notorious Time, 'tis easier for a Man to remember that Time, than to speak to the particular Time of an Action, done about the Middle of a Month, where there is not such a notorious Circumstance. Why, I can tell you very well where I was upon the Day before *Michaelmas-Day*; upon that Day, and the Day after; for that very Reason, because it was a notorious Day about the Swearing of Sheriffs in *London*. But if you ask me, where I was the Middle of *January*, or the Middle of *February*, I cannot so well remember that. But there is Credit to be given to a Man that speaks to a notorious Circumstance, and thereby proves the Probability of what he says, though he should not be so particular in a Thing that admits not of such a notorious Circumstance.

Gentlemen, I make the Objections as they are stated on the one Side, and on the other Side;

and the Answers that naturally flow to prove the Matters before you one way or other; and you are to judge, you are to weigh them; and which has the greater Credit with you, you are to take notice of.

He does say, in the next Place, Here was a Discourse of Arms and armed Men, and a great Sum of Money spoken of, but there breaks out nothing of this Matter 'till *July* following; but this Debate was in *January* and *February* before. For that Matter, the Answer that is given, and it seems to be a plain one, is, That they were to conciliate a Correspondence with People that were Abroad, and that they could not go on 'till they had effected that, and 'till these People came to join with them, which could not be without some Time. And you hear the *Cockrams* and the *Campbells* came not to the Town, 'till *June* or *July*; so that it was not probable it should break out 'till then, because it was to be agitated upon their coming here. And so that Objection is answered, they did not apprehend any such Necessity for present engaging in it. For my Lord *Howard*, because he thought it would be a Work of Time to settle the Correspondence, and get these People to Town, went down to his Country-House in *Essex*, and from thence to the *Bath*, for he did apprehend some considerable Time must be spent ere these People could come; and therefore he thought it convenient to take his Retirement in the mean time.

Ay, but 'tis strange, says Mr. *Williams*, and he makes that another Objection; he would have my Lord *Howard* to draw in this Accusation of Mr. *Hampden*, to procure his Pardon, by going further than the other Discoverers had gone. It seems, say they, Mr. *Hampden* was not thought of at first; but because *West* and *Keeling* had discovered a Plot, my Lord *Howard* to secure himself, must go a Step further than they, and (as the Defendant's Counsel would have it) than the Truth; and that is the Stress of the Objection. But the Weight of the Proof is quite different; for all Men know, in the Plot there were several Parts. There was the Business of *Keeling* and *West*, and that was the Assassination of the King and the Duke; but the Duke of *Monmouth*, my Lord *Howard*, and those other Gentlemen, were for the Business of the Rising, tho' that might be in order to that other Purpose; but they kept not Company with those that were engaged in that Part of the Design. They were the Underlings, the Scoundrel Plotters, that were concerned in the Assassination. But these Gentlemen looked upon themselves to be Privy-Counsellors, not to be the Executioners; they were to be only Advisers, what was to be done after the other Business was over; and their Consultations were for raising of Men for an Insurrection, not the Business of the Assassination of the King, that was not their Province. Can it be an Objection against my Lord *Howard*, because he gives a Testimony *West* and *Keeling* could not give? Could they go further than the killing of the King, which was their Business: If any Man should have asked my Lord *Howard* about that Matter, he would have made Answer, it was not for that Purpose that we met together at Mr. *Hampden's*, and my Lord *Russel's*; no, that was upon a particular Business, and to a particular End and Purpose.

Then he says too, that though my Lord *Howard* comes here upon his Oath, and declares these several Matters that he hath deposed; yet he has given

given a different Account of things elsewhere, and he has called several Witnesses to that purpose. To whom my Lord *Howard* several times upon his Honour, upon his Word, with Eyes lifted up, and Hands elevated to Heaven, and many extraordinary Protestations, declared, that he knew nothing of the Plot; and say they, if a Man will at one time pawn his Honour, and his Reputation for the Truth of a Thing, and after that, will come again to swear against all that Matter, that is an Argument that does sink the Credit and Reputation of that Witness; and thereupon they call you several Witnesses, some whereof are Persons of great Honour and Quality. I think they begin first with *Ducas*, Servant to Colonel *Sidney*, and he tells you, after his Master was taken, my Lord *Howard* came thither, and desired he might lie there; and desired the Use of some Plate and Goods of Colonel *Sidney's*; and then asked, what was become of his Master? And when *Ducas* told him what he heard of the Plot, that something was talked of, about the Assassination of the King and the Duke, my Lord *Howard* lifted up his Eyes, and his Hands to Heaven, and declared he knew nothing of it, but he believed Colonel *Sidney* was a very honest Man, and knew nothing at all of any such Matter; and as for himself, rather than he would be taken or confined again, he would do any thing. This was the Evidence they gave as to him. Then they come with Mr. *Howard* their second Witness; for I would take them in order as they were produced, and he gives you an Account, that he met with my Lord *Howard*, and my Lord *Howard* told him, he knew nothing at all of any Plot, and did believe that Colonel *Sidney* was innocent, and he did believe likewise that my Lord *Ruffel* was innocent, and for his Part he knew nothing of any such thing as a Plot; but he says, when he began to talk to him, why did he make such a Bustle, and go so often into the City and concern himself about the making of Sheriffs? He answered; I do nothing but what is in a legal way, and he justified all that was done to be only in a legal way.

When once People come to believe, that the raising of Tumults, and making Seditions, Stirs and Noises, is a legal way to obtain their Ends, as we know it is the Tenet and Principle of great many People, what will they not do under that Pretence, that all they do is according to Law? They think it is lawful by the Religion they profess, to resist and oppose the Government, and the *Old Cause* is a *good Cause* to this Day in some Mens Opinion, and they can die in it, and thank God for being concerned in it. And there are some People that say, the raising of Arms by the King's Authority against his Person is lawful by the Religion they profess, and they call themselves *Protestants* (how justly you may imagine) and if Men will make Insurrections to difficult the Government, it is Rebellion, and no Man can justify it, let him pretend Conscience, or what he will, 'tis rank Treason, it is not saying I am thus persuaded in my Conscience, that will excuse the Man; if I steer my self by the Dictates of a good and regular Conscience, it can never be thought that I shall commit Treason, but it is the effect of evil Principles.

Was it not under the Shape of Religion, that that blessed Martyr King *Charles I.* of ever blessed Memory came to the Block? Nay, and I have heard of some Men in the late Times that were engaged on that Side, who finding that the King

did prevail at the beginning of the War, because he had Gentlemen of Quality and Spirit to appear for him, were at a loss to know which way in the World they should put a Spirit in the common People to oppose the King; and some among them bid them be sure to put Religion to be but the Pretence, and that would make them run headlong to what they would have them. Whose Opinion that was, is not strange to any that know any thing of the History of those Times. So that when once People take it to be the Principle of their Religion to oppose and resist all that are not of their Persuasion, and for Religion sake to resist Authority, then they think all is lawful they can do to preserve their Religion as long as they are wound up to that Opinion.

The next Witness, Gentlemen, is my Lord of *Clare*, and he gives you an Account of his Discourse with my Lord *Howard*. And by the way I must observe, what I am very sorry for with all my Heart, to hear, that among Gentlemen of Quality and Honour, Discourses of the Government, and the Male-Administration of it, as they think, should be only Matter of Jest fit for their Recreation, and Laughter, only merry Table-talk, as though Government, so sacred a Thing, were as mean as any trivial Concern whatsoever. I am sorry to hear and see, that Persons of great Honour and Quality should esteem it so. And I must be pardoned if I take notice of it: For Matters of Government, and yielding Obedience to Superiors, is a Matter of Religion, 'tis a serious Matter, and every Man ought to make Conscience of it; to talk of Government with Reverence, as well as pay Duty and Obedience to it. And when I find it made a Jest, I must be permitted to say that is not so well done, and whoever it is that makes it so, ought very much to be blamed.

My Lord of *Clare* comes and testifies, that my Lord *Howard* told him, he did not believe my Lord *Ruffel* was guilty of what he was accused of, much less did he believe it of Colonel *Sidney*, and when he began to talk about Writings found in *Sidney's* Closet, he said, there can be nothing of his Writings found, that can do him or any Man else any hurt. This is the Substance of what that Noble Lord has said.

Then there is my Lord *Paget*, and he likewise gives you an Account, that he had some Discourse with my Lord *Howard* about the Plot; and he told him too, that he did not believe any thing of this Plot, or that my Lord *Ruffel* and others accused had any Hand in it. But I would observe this one thing upon my Lord *Paget's* Testimony, that still my Lord *Howard* was wished Joy by every body, and I am glad to see your Heels at liberty, and the like. So that there was some Jealousy of his being concerned; some thing or other there was in it. Says my Lord *Howard*, I look upon my self as affronted, that any body should talk so of me. He was concerned that they should suspect him. But something there was at the bottom. Says my Lord *Paget*, I am glad to hear you are out of it. For he began to imagine there must be some Fire for all this Smoke. That, Gentlemen, was the Discourse he had with him. But he says, that with my Lord *Paget* there were Discourses of his going beyond Sea, but he did not go.

Then comes Dr. *Burnet*, and he tells you, that there were Protestations made to him, and he has got the same Words as the *Frenchman* had,

that he did it with lifted up Eyes and Hands, he professed solemnly he was altogether a Stranger to any such Thing. The Doctor says, he had heard there was a Plot, and was persuaded of the Truth of it, but he was a little shaken by what my Lord *Howard* said to him. But now he is sufficiently satisfied there is a Plot, and I am glad he is, for I think it scarce does remain a Doubt, with any Men that have any Value for the Religion and Government we live under. And I know not how they could be better satisfied, than by the Evidence that has been given of it, a main Part of which was given by my Lord *Howard*. All this before my Lord *Howard* was taken.

Then comes in one Mr. *Gisborne*, and he tells you the same Story, that a great while ago my Lord *Howard* told him he knew nothing of the Plot.

The next to him is Mr. *Blake*, and he tells you, that after such a time as the Plot was discovered, and after my Lord *Ruffel* was tried, and after my Lord *Howard* had given Evidence at the *Old-Baily*, he shewed him the Warrant for his Pardon, and *Blake* telling him that was not sufficient without an actual Pardon; he replied, I think in my Conscience I shall not have a Pardon till the Drudgery of Swearing is over. But is that any Argument? Here is a Man under the Drudgery of Swearing; therefore he did not know any such thing as he swears. It carries thus much along with it, that it was uneasy to him, and there is a kind of a force put upon him to swear as they say, in order to his Pardon.

But now, Gentlemen, that will admit of this Answer, and a plain one certainly it is, When a Man comes over and over again to tell the World such a Story, and give such an Account of himself, it must a little grate upon him, though it be his Duty to tell the Truth, and though, as Mr. *Williams* says, he is the best Martyr that is a Martyr for Truth; even so say I on the other Side, he is the best Penitent that is a Penitent for Truth, and he is the best Witness that is a Witness for Truth's sake, and he gives the best Testimony of his Repentance, that by his Testimony declares the Truth, though it be harsh and uneasy to him; for if I have any Ingenuity, and have lived in good Credit in the World, it must be a drudgery and irksome thing to call myself a Traitor so often in a Court of Justice. It is true he might have given it a more moderate Term, and yet withal upon these Circumstances, he might have reason to call it in some sense a Drudgery. But now, Gentlemen, as he did swear it, before he had his Pardon from time to time upon all Occasions when he was called as a Witness: So now the Pardon is come, which they would have to be the Reason of the continuance of his Drudgery, he swears the same thing. He has his Pardon under the King's Seal, and tho' it might be thought they would keep him within the compass of his Tether till he had done his Evidence; now he has got that he desired, he swears the same Thing. And now his Pardon does not at all influence his Testimony, he is not under any fear, but is as free as any Subject the King has, and now he is upon his Oath, he gives you the Account you have had, and he did say all the same Things, before such time as Colonel *Sidney*, and my Lord *Ruffel* were tried, that he says now.

Then, Gentlemen, you have in the next Place Witnesses called, several of them to give you an Account of the Conversation and Disposition of

Mr. *Hampden*; for says Mr. *Williams*, for a Man to be guilty of a Crime of this nature, there must be some kind of evil Disposition to it, and so Mr. *Williams* would argue and make this Inference. You see he is not a Man of a turbulent, seditious and fractious Spirit and Temper, he is a studious Person, very retired, that has been beyond Sea much, and came not Home till such a Time. And if there were Interlocutions between my Lord *Howard* and my Lord *Shaftsbury* it was before he came into *England*, and so he was not concerned in them. He says, That *March* last he was to go again, he had a mind to return again to *France* for his Health; and what reason have we to imagine he should concern himself in the Plot, when he was so studious a Man, lived so retired a Life, and intended to go Abroad so suddenly? And for this you have my Lord *Paget*, Mr. *Pelham*, Sir *Henry Hobart*, Dr. *Lupce*, Monsieur *Justel*, and one *Murray*.

Mr. *Williams*. *Murray*, my Lord, we did not examine.

L. C. J. 'Tis true, I beg your Pardon. Well then, these others tell you, they have been Persons very intimately conversant with him, they never knew he concerned himself with any thing about Government, but was of a quiet, peaceable Demeanour, and was so far from that which the Indictment talks of Turbulency and Sedition, that they never had any Discourse with him about any such Thing at all, save what Dr. *Lupce* says, who it seems lived with him about two Years, and kept him Company in his Studies, and that once having some discourse about the *Papish* Plot, He said he would venture his Life, and any thing he had to preserve the King and Government against this Plot; he did very well, and if he had since declared, he would have ventured his Life to have secured the King and Government against this Plot, I should have been glad to find him of that Mind, I pray God you may find him to be so. But from the Evidence, even of that *Frenchman*, it seems there was some Jealousy in the World, and that he lay under hard Censures as well as other People. For speaking of the Plot, the Advice given him was this. My Lord *Grey* is gone, and the Duke of *Monmouth* is gone, why won't you go? Why should that Advice be given, if there were no Suspicion of his being concerned? That he said, *I will not go*, and so they would make his staying here to be an Instance and Proof of his Innocence; Why, Gentlemen, if that should be so, then there was the same Innocency in my Lord *Ruffel*, and Colonel *Sidney*, and all of them: For all the Council of Six, every one of them, stay'd, except the Duke of *Monmouth*, and he indeed did abscond. And the same Evidence that made the Duke of *Monmouth* fly, and my Lord *Effex* cut his own Throat, convicted my Lord *Ruffel* and Colonel *Sidney*, and is now brought against the Defendant, and has from time to time been given against the rest. We know no reason that they had to stay more than *West* or *Rumsey* had to stay and be taken, and yet that is not used by them as an Argument of their Innocency.

These are the Evidences that have been given on the Defendant's Part; and I tell you as I go along what Answers are given to it on the Part of the King. As to what is spoken of his Intention to go again into *France*, if he designed to go, why did he not go before all this Mischief broke out? He came here at *Michaelmas*, and I may

may say he came, it may be at an unlucky time when the City and its Neighbourhood was in a Distemper, and some Men were blown with Fears and Jealousies. These might animate him, and inspirit him as they did other People, and put them into a Ferment; but you find him attending in Town constantly here 'till the Matter was discovered; whatsoever his Intentions were, 'tis much he did not put them into Action, 'tis strange he did not go all this while, it had been much for his Advantage that he had never came out of *France*, or that he had returned thither much sooner.

Against all this that has been urged for the Defendant about my Lord *Howard*, I will tell you what is the Answer to it; and truly first I say, I am apt to believe my Lord *Howard* did tell these Gentlemen what they here testify; but was it ever thought, that any Man that was guilty of High Treason would presently proclaim his own Guilt? Is it reasonable to imagine, my Lord *Howard* would tell Dr. *Burnet* I am in a Plot, and Colonel *Sidney* is in a Plot, and Mr. *Hampden* is in a Plot, and make it his common Talk? Nay, it is so far from being an Argument of his Innocency, that more naturally it may be turned upon them as an Argument of his Guilt. For if a Man had not been concerned in the Business at all, but were an honest Man, and free from Suspicion, what need I talk or concern myself to proclaim my own Innocency, not being accused? Why must I tell Colonel *Sidney's* Footman, this Man, the other Man, that I know nothing of the Plot, and neither I nor any other Man I am sure is concerned in it? But that shews there was a Dread and Apprehension upon him of something that he was conscious of, and that lying within must have some Vent, and this Over-caution is an Intimation that there was something more than ordinary in the Matter. We take notice of it as a great Evidence against a Man that is accused for an Highway-man, if he comes to such an Ale-house or Inn, and bids the People take notice I am here at such a Time of the Day, and that is a Circumstance of Time that will serve to answer a Proof, it may be, that may be brought against him of a Robbery done at such a Time; but we always look upon that Industry of theirs, as a Piece of Artifice designed to patch up a Testimony to evade a Proof. So that the Argument will turn the other way; and 'tis more for the Advantage of these worthy Gentlemen, that it should be turned the other way, for otherwise they would be thought to be Persons ill affected to the Government; that is, Dr. *Burnet*, my Lord *Paget*, my Lord *Clare*, and the rest. And if they have a Mind to be thought otherwise, they must let the Argument run that way as I say, and in Charity we ought to believe the best of all Mankind, 'till we find otherwise by them. We say then in Charity, we suppose he thought it not fit to intrust you with his Confessions; for you are all loyal Men, I know 'tis the best Answer that can be given, and that which they ought to value themselves upon for their own Credit and Reputation, and not to make it an Argument against my Lord *Howard*, or against the Credibility of his Testimony in the Matter.

I don't know, truly, Gentlemen, that I have omitted any one Thing that is material, on the one Side or on the other, of which there hath been any Proof, but I must only repeat to you this, Here is a Matter of great Concern and Consequence,

a Matter wherein the Peace of the Government and the Kingdom is concerned in a very high degree; a Matter, that if there were another Witness as positive against the Defendant as my Lord *Howard*; would amount to no less than High-Treason. But as there is but one Witness, backed with these Circumstances to corroborate his Testimony, 'tis but only a Trespass; but I tell you it treads very nigh upon High-Treason, and the Tendency of it was to bring us all into Confusion; and what would be the Consequence of that, but to lay us open to the same Mischiefs that we were under in the Times of the late Rebellion? For tho' Men pretend never so fair, and veil it under the Names of the *Security of the Government and the Protestant Religion*; yet they would have done well to have tarried 'till they had a legal Authority to call them to consult of these high Matters that they pretend to secure; that had been well. What had these Gentlemen to do to take upon themselves this Power without Authority?

Gentlemen, you have heard the Evidence, and you see what it is. And I must say, the late Evidences you have had concerning another Business of this Nature, I wish that might be said to preserve and support the Credit of some Persons upon whose Testimonies Lives have been taken away, as has been said, and is evident for the Advantage of my Lord *Howard*. I do not find that he has been guilty of Perjury, as being concerned in taking Oaths one way, and then giving Evidence another. I mean, first taking Oaths of Secrecy and then revealing; not but that notwithstanding all this, they may be believed, and God forbid but they should be believed according to Truth. But I say, if Objections of this Nature are to prevail, we must never expect any great Crime to be punished, because we must stay 'till Persons that are Strangers to the Guilt of the Fact come to give Evidence of it, which is impossible to be done.

Therefore, Gentlemen, I must resolve it all into one Head; You have the Case of a Gentleman of Quality on the one Side, and the Peace and Preservation of the Government on the other Side. You hear what is proved against him, the Evidence given on this behalf, the Objections that have been made by the Counsel, which all of them, as near as I can remember, I have repeated to you, and I ask your Pardon and theirs if I have omitted any thing, and I desire to be minded of it. You hear the Answers that have been given. And because the Counsel were unwilling to give the Court trouble, or themselves to make long Speeches and Observations, therefore I have been necessitated to do it as well as I can.

Upon the whole matter, my Lord *Howard* has thus positively sworn the Matter of Fact charged in the Indictment against the Defendant; he has been supported by the Witnesses that confirm the Circumstances of *Smith's* going into *Scotland*, the *Scotchmen's* being here in *June*, and the *Sham* and *Cant of Carolina*. All which you have heard, and I make no Question observed, and is not contradicted by any thing I hear that carries any Probability of an Answer. Therefore, Gentlemen, I leave it to you, whether upon this Evidence you will take it upon your Consciences and Oaths, that my Lord *Howard* is guilty of wilful and corrupt Perjury, then you must find the Defendant not Guilty; but if you think he has proved the Matter fully, and his Testimony is supported by those

four Witnesses, *Atterbury*, *Sir Andrew Foster*, *Sheriffe*, and *Bell*, then, Gentlemen, you must find the Defendant Guilty.

Juryman. My Lord, we desire to ask one Question. At the Meeting at Mr. *Hampden's* House, I think my Lord *Howard* says they went to Dinner.

Mr. Just. Holloway. No, it was at Col. *Sidney's* they went to Dinner.

L. C. J. I know not whether you have taken notice of it, but I have, it was at Col. *Sidney's* they dined, not at Mr. *Hampden's*.

Then the Jury withdrew from the Bar, and within half an Hour the Jury returned, and being called over answered to their Names, and gave in their Verdict thus.

Cl. of Cr. Are you all agreed of your Verdict?
Ommes. Yes.

Cl. of Cr. Who shall say for you?

Ommes. Foreman.

Cl. of Cr. How say you? Is the Defendant Guilty of the Trespass and Misdemeanour whereof he is impeached, or Not Guilty?

Foreman. Guilty.

Which Verdict being Recorded, the Court rose.

Martis 12. Februarii, An. 1683. B. R.

L. C. J. **M**R. *Attorney*, Have you any thing to move?

Mr. Att. Gen. I pray your Judgment against Mr. *Hampden*, my Lord, who was Convicted the other Day of a great Misdemeanour.

L. C. J. Let Mr. *Hampden* come into the Court then. *[Which he did.]*

Mr. Att. Gen. My Lord, I need not aggravate the Heinousness of the Offence; for it appears both by the Information, and upon the Evidence to be beyond all Aggravation, wherefore I shall only pray your Judgment for the King, that you would please to set a good Fine upon him, and that he find Sureties for his good Behaviour during his Life.

Mr. Williams. May it please your Lordship, I am of Counsel for Mr. *Hampden*.

L. C. J. Are the Rules out in this Cause?

Mr. Williams. Yes, my Lord, they are out.

L. C. J. Well then, what say you for Mr. *Hampden*?

Mr. Williams. Mr. *Hampden* does attend here according to the Condition of his Recognizance, and since Mr. *Attorney* hath prayed your Judgment, I shall not stir any thing as to the Indictment or the Verdict, but all I have to say for him is this, Mr. *Hampden* is but Heir apparent, his Father is alive; and so tho' he has the Prospect of a good Estate, yet he has but little at present in Possession; your Lordship knows what *Magna Charta* says, that there should be a *Salvo Contentamento* in all Fines, and how far that may be an Ingredient into your Lordship's Judgment, I leave to your Consideration.

L. C. J. For that matter, I cannot tell what his Estate is, I have no Knowledge of him, nor of his Estate, whether it be great or small, but Mr. *Williams* knows very well, that the Crime, in Conscience as well as Law, in case it had been proved by two Witnesses, would not only have wrought a Forfeiture of all his Estate, but a Forfeiture of his Life too, and all his Reputation, would have bastardized his Children, would have attainted and corrupted his Blood. So that there is no sort of Imagination but that the Crime was high enough of Conscience; and certainly deserves, if we can

impose it adequate to its Desert, a very great Punishment. Mr. *Hampden* nor his Counsel can deny but that they had a fair and a full Hearing, they had the Liberty to say and prove all that they could, and you cannot but say, Mr. *Attorney* was very fair in making several Concessions that he might very lawfully and rightfully have insisted upon. So that there can be no Exception of that kind. I am sorry that Mr. *Hampden*, a Gentleman of good Quality as he is by Birth, tho' he be a Person I never saw before he came here the last Day of the last Term upon his *Habeas Corpus*, that I know of. I say, I am sorry one of his Quality and Education, a studious Person, as it seems, by his own natural Inclination, and a learned Man, should be so unhappily engaged in a Design of this horridly evil Nature. But on the one Side as well as we must take care of the Subject, so on the other we must take care of the Government. Here was a Design of destroying the King, and subverting the Government, and bringing all into Confusion. Of this Design the Defendant is convicted, and we must take care to proportion the Punishment, and according to our Consciences and Oaths, and as we ought to have regard to the Offender, so also we are to have regard to the Government that he has offended.

Mr. Just. Withins. Mr. *Williams*, it was Amercements that were spoken of there in *Magna Charta*.

L. C. J. Ay, it was never meant of Fines for great Offences.

Then the Judges consulted together.

Mr. Just. Withins. Mr. *Hampden*, you know you are convicted of a very great Offence, as great an Offence as can be I think committed, unless it were High-Treason. For the Matter of it would have made you Guilty, if there had been two Witnesses. It was for conspiring to levy War against his Majesty, and for Conspiring to raise an Insurrection and Rebellion within the Kingdom, a Conspiracy, of which some other Persons being lawfully convicted, they have suffered Death for it. You are a Person of an extraordinary good Family, and I am sorry one of your Family that has flourished so long and through so many Generations in great Honour and Reputation, and great Prosperity under the Monarchy of *England*, should come to conspire to deprive that King of his Government, whose Ancestors have protected and defended your Family, and to spoil that Monarchy that has been the Fountain of so much Prosperity and Honour to it. I am sorry it comes to my turn to pronounce the Sentence of the Court upon you, Mr. *Hampden*. I have not any personal Knowledge of you, but I have heard of you, and heard heretofore very well of you. You have had a good Education, and the Report of a learned and ingenious Person, which makes me yet wonder the more that you should engage in such a horrid Design as this was. Indeed, Mr. *Hampden*, I am satisfied no Fine can be too great, if any can be great enough for such an Offence. We cannot take Cognizance what your Estate is, 'tis reported there is a great Estate in your Family, it has been always represented to be so.

Mr. Hampden. I have nothing but for Life, and that is but little neither.

Mr. Just. Withins. I know not what it is truly, Sir. But it was always reported to me to be a very great Estate, but whatsoever it is, we are to look after the proportioning the Punishment as near as we can to the Offence. My Lord, and the Court have

have considered of the Matter, and they think fit to give this Judgment upon you.

They set the Fine of Forty Thousand Pounds upon you, to be paid to the King, and you must be committed till you pay it.

L. C. J. And that you find Sureties for your good Behaviour during your Life.

Mr. Att. Gen. I pray he may be committed for his Fine.

L. C. J. Let it be so. Mr. Hampden, if you will apply yourself to the King, you may, and there perhaps you may find Mercy; we must, according to the Duty of our Places and Oaths, give such Judgment as the Law requires.

Mr. Just. Withins. Ay, in God's Name. You are in the King's Hands, and he may do what he pleases in it.

L. C. J. If a Crime of this Nature should have a little Punishment, it might encourage Offenders, and if we were to judge according to some Verdicts that have been given here for less Offences, where Gentlemen have given very much greater

Damages than this Fine amounts to, this would be thought a moderate Fine. I am sorry any Man should bring himself into these Circumstances: The King as he is the Fountain of Justice, so he is also of Mercy, and you and all the rest of his Subjects have Cause to bless God that you live under a Monarch that is very merciful. No doubt, if you give Account of your Contrition and Sorrow for your great Offence, and decently apply yourself to the King, he will think of shewing Mercy to you; but Justice is our Work that are Judges; and according to the Methods of Justice we think we cannot inflict less than we have done.

Mr. Williams. My Lord, I pray his Bail may be discharged.

L. C. J. Ay, his Bail is discharged, he being committed.

Mr. Williams. And for the High-Treason, he is discharged by the Habeas Corpus Act.

L. C. J. Yes, he is so, for there is no Prosecution.

Then Mr. Hampden was carried by the Marshal away Prisoner.



CXXIV. *The Trial of Laurence Braddon † and Hugh Speke at the King's-Bench for a Misdemeanour, in suborning Witnesses to prove the Earl of Essex * was murdered by his Keepers, Feb. 7, 1683. Hill. 36 Car. II.*

THE Defendants, who had pleaded *Not Guilty* to an Information filed last Term, were now brought to Trial.

Cl. of Cr. Crier, Call the Defendants, Laurence Braddon, and Hugh Speke.

Crier. Laurence Braddon and Hugh Speke, come forth, or else this Inquest shall be taken by your Default.

Mr. Wallop. They appear.

Cl. of Cr. Gardez voirez Challenges. Swear Sir Hugh Middleton. [Which was done.] And there being no Challenges, the twelve Gentlemen sworn to try this Cause, were these.

Sir Hugh Middleton, Thomas Harriott, Thomas Earsby, Joshua Galliard, Richard Shoreditch, Charles Good,	}	Jur ^s	Samuel Rouse, Hugh Squire, Nebemiah Arnold, John Bisfield, William Wait, and James Supple.
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Who being counted, Proclamation was made in usual Form for Information.

Cl. of Cr. Gentlemen, you of the Jury hearken to the Record. His Majesty's Attorney-General in this Court has exhibited an Information against the Defendants by the Names of Laurence Braddon of the Middle-Temple, Gentleman, and Hugh Speke of Lincoln's-Inn, Gentleman.

And the Information sets forth,

That whereas Arthur Earl of Essex, the 12th of July, in the 35th Year of the Reign of our Sovereign Lord Charles II. by the Grace of God, of England,

Scotland, France and Ireland, King, Defender of the Faith, &c. was committed to the Prison of our Lord the King, in the Tower of London, for certain High-Treasons by him supposed to be committed. And the said Arthur Earl of Essex being a Prisoner in the Tower of London aforesaid, for the High-Treason aforesaid, the 13th Day of July, in the aforesaid 35th Year of the Reign of our said Sovereign Lord the King, that now is; not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil at the Tower of London aforesaid, in the County of Middlesex aforesaid, himself feloniously, and as a Felon of himself, did kill and murder, as by an Inquisition taken at the Tower of London aforesaid, in the County of Middlesex aforesaid, the 14th Day of July, in the Year aforesaid, before Edward Fernham, Esq; then Coroner of our Lord the King, of the Liberty of the Tower of London aforesaid, upon the View of the Body of the said Arthur Earl of Essex; and now in this Court remaining of Record more plainly does appear. They the said Laurence Braddon and Hugh Speke not being ignorant of the Premises, but contriving, and maliciously and seditiously intending the Government of our said Lord the King of this Kingdom of England, into Hatred, Disgrace and Contempt to bring the 15th Day of August, in the aforesaid 35th Year of the Reign of our said Sovereign Lord the King that now is, and divers other Days and Times as well before as after, at the Parish of St. Clement Danes in the County of Middlesex, with Force and Arms, &c. falsely, unlawfully, maliciously and seditiously did Conspire, and endeavour

* Burnet's History of his Own Times, Vol. 1. p. 569.

† Ibid. 552, 553.

to make the Subjects of our said Lord the King of this Kingdom of England, to believe that the Inquisition aforesaid was unduly taken, and that the said Arthur Earl of Essex, by certain Persons unknown, in whose Custody he was, was killed and murdered. And to perfect and bring to effect their malicious and seditious Contrivances aforesaid; they the said Laurence Braddon and Hugh Speke at the Parish of St. Clement Danes in the County of Middlesex aforesaid, the 15th Day of August, in the 35th Year aforesaid, falsely, unlawfully, unjustly, maliciously and seditiously did Conspire to procure certain false Witnesses to prove, that the said Arthur Earl of Essex, was not a Felon of himself, but that the said Earl of Essex, by the said Persons unknown was killed and murdered: And to persuade other Subjects of our said Lord the King to believe this to be true, they, the said Laurence Braddon and Hugh Speke, falsely, maliciously, and seditiously, then and there in Writing did declare, and cause to be declared, the said Laurence Braddon to be a Person that would prosecute the Murder of the said Earl of Essex; to the great Scandal and Contempt of the Government of our Lord the King of this Kingdom of England, to the evil Example of all other in the like Case offending, and against the Peace of our Sovereign Lord the King, his Crown and Dignity. To this Information the Defendants have severally pleaded Not Guilty, and for their Trial have put themselves upon the Country, and His Majesty's Attorney-General likewise, which Country you are: Your Charge is to enquire, whether the Defendants or either of them, are Guilty of this great Misdemeanour whereof they are impeached, or Not Guilty? If you find them, or either of them Guilty, you are to say so; if you find them, or either of them Not Guilty, you are to say so, and no more, and hear your Evidence.

Then Proclamation was made for Evidence.

Mr. Dolben. May it please your Lordship, and you Gentlemen that are sworn: This is an Information preferred by Mr. Attorney-General, against the Defendants *Laurence Braddon* and *Hugh Speke*, and the Information does set forth, that whereas *Arthur* late Earl of *Essex* the 12th of *July* last was committed to the *Tower* of *London* for certain Treasons supposed to have been by him done: And the said Earl being so committed Prisoner to the *Tower* for Treason, not having the Fear of God before his Eyes, feloniously and as a Felon did kill and murder himself, as by an Inquisition taken before the Coroner of the *Tower* Liberty may more fully appear; yet the Defendants *Laurence Braddon* and *Hugh Speke* not being ignorant of the Premises, but designing to bring the Government into Hatred and Contempt, the 15th Day of *August* last, in the Parish of *St. Clement Danes* in this County, with Force and Arms, falsely, unlawfully, maliciously and seditiously did conspire together to make the King's Subjects believe, that the Inquisition aforesaid was unduly taken, and that the said Earl of *Essex* did not murder himself, but was by certain Persons unknown, in whose Custody he was, murdered. And it further sets forth, that these Defendants, *Laurence Braddon* and *Hugh Speke*, designed to disturb and disquiet the Minds of the King's Subjects and to spread false Reports, did Conspire to procure certain false Witnesses to prove that the said Earl of *Essex* was not a Felon of himself, but was by some Persons unknown, killed and murdered: And to persuade other Subjects of our Sovereign Lord the King to believe the said Report, they did

falsely, maliciously, unlawfully and seditiously cause to be declared in Writing, that the said *Laurence Braddon* was the Person that did prosecute the said Earl's Murder. And this was to the great Scandal of the Government, to the evil Example of all Persons in like case offending, and against the Peace of the King, his Crown and Dignity. To this the Defendants have pleaded Not Guilty; if we prove it upon them, we make no question you will find it.

Mr. Att. Gen. May it please your Lordship, and you Gentlemen of this Jury, *Mr. Speke* and *Mr. Braddon*, these two Gentlemen, are accused of as High Conspiracy as ever has or could well happen in our Days, of throwing the Murder of a Person that killed himself, upon the Government. And I must acquaint you, their Design was of an higher nature than barely that; for this Gentleman, my Lord of *Essex*, was committed to the *Tower* for the late Plot, and being so committed, when he had killed himself there, that was more than a thousand Witnesses to open the Eyes of the People; and confirm the Belief of the Conspiracy: And one would have thought, after that there had been an end of the Design, that these Protestant Gentlemen, as they call themselves, were carrying on; when the Earl of *Essex*, a Person of that Quality and Worth, should go to murder himself upon the sense of what he was Guilty of. So that the Design, Gentlemen, was to stifle the Plot, and at the same time they must throw this ill thing that the Earl had committed upon himself, upon the Government: That, Gentlemen, was the main Disgrace in order to stifle that great Evidence of the Plot. And *Mr. Braddon* must of his own Head, not being put on by any of the Friends of the Earl of *Essex*, who were all very sensible the Earl had done this Fact, committed this Murder upon himself; but I say, he out of a true Principle to manage the Protestant Cause as they call it, but indeed it was the Plot, he becomes the Prosecutor of this Business, and you will find him by the Proofs in the Case, a Man of many like Projects. For you will find him value himself upon these Titles, that he is the Prosecutor of the Earl of *Essex*'s Murder, and the Inventor of the Protestants Flails, an Instrument, I suppose Gentlemen you have all heard of.

Now, Gentlemen, To make this appear to the World, Letters are sent into all parts of *England* of this Bruit and Report. He himself goes about to find Evidence; for it was so great a Truth, and there was such a plain Proof that the Earl of *Essex* had killed himself, that he must labour it to get Evidence. And he goes about it accordingly, and at length he meets with a little Child of twelve Years of Age, and he prepares for him all with his own Hand-writing, a Disposition, which is a feigned Story all of it, and in every part of it will appear to be false, and there he mightily solicites this young Boy to sign it. He comes to his Father's House, carries him in a Coach, forces him away, and forces him to sign this Paper that he had thus prepared for him, all of his own Invention and Writing; and with the like Confidence as he appears here, (for so he does appear with very great Confidence, as you may observe,) he attests it himself. And, Gentlemen, we shall shew you, that here up and down the Town he makes it his common Discourse what he was in hand with, and makes his boast of

Sir Robert Sawyer.

of himself to be the Prosecutor of the Earl of *Essex's* Murder, and he had as good a Confederate as himself, Mr. *Speke*, and he having an Interest in the Country, whither the News must be sent all abroad, and Mr. *Braddon* must go to pick up Evidence, I know not where a great way off, of a Murder committed in the *Tower*. We shall prove to you, he had Letters Missive and Recommenda-tory from Mr. *Speke* to a Gentleman with whom Mr. *Braddon* was to advise; for they looked upon it to be as dangerous an Enterprize almost as the Plot itself, as indeed it was; therefore they must be wary, and Mr. *Braddon* is advised to go by a wrong Name, so this Mr. *Speke* and *Braddon* were to carry on and make up this Tragi-Comedy, for I can call it nothing else, for the Ridiculousness as well as the Dangerousness of the Design. The Report was to be, that this Murder of the Earl of *Essex* was committed by the Officers that at-tended my Lord, and to fall out in time when His Majesty was in the *Tower*, as if the King himself had a hand in it. We shall trace it in all Parts of it by several Witnesses, and hope you will make them an Example, first by finding them Guilty, and the Court afterwards by a severe Punishment for such a villainous Practice, to scan-dalize the Government with the Murder of a No-ble Peer. We shall begin with shewing you the Inquisition, or rather first with the Convictment of the Earl of *Essex* for High-Treason, because that is said in the Record by way of Inducement. Call Mr. *Reynolds*. [*Who was sworn.*] Have you the Warrant of Commitment of my Lord of *Essex*?

Mr. *Reynolds*. Yes.

Mr. *Att. Gen.* Shew it the Court. Let the Clerk read it.

Mr. *Reynolds*. This is the Commitment that was delivered the Lieutenant of the *Tower*, together with my Lord of *Essex*.

Cl. of Cr. This is directed to *Thomas Check*, Esq; Lieutenant of His Majesty's *Tower of London*. Subscribed *Leolin Jenkins*, and dated —

Sir *Leolin Jenkins* Knight, of His Majesty's most Honourable Privy-Council, and Prin-cipal Secretary of State.

These are in His Majesty's Name to will and require you to receive into your Custody the Person of Arthur Earl of *Essex* herewith sent you, being committed for High-Treason, in Com-passing the Death of the King (whom God preserve) and Conspiring to Levy War against His Majesty. And him the said Earl of *Essex* to keep in safe Cu-stody, until he shall be delivered by due Course of Law. And for so doing this shall be your War-rant. Given under my Hand and Seal at White-hall, the 10th Day of July, 1683.

To *Thomas Check*, Esquire,
Lieutenant of His Ma-
jesty's *Tower of London*.

L. Jenkins.

Mr. *Att. Gen.* My Lord, we will then read the Inquisition, that the Earl, being thus in the *Tower*, killed himself.

Mr. *Sol. Gen.* Shew the Inquisition.

Mr. *Finch*. Where is Mr. *Farnham*?

Mr. *Farnham*. Here I am. The Inquisition is returned here, and is upon Record.

Cl. of Cr. Here it is, Number 11. [*He reads.*]

London ff. *An Inquisition indented, taken at the*
Vo L. III.

Tower of London aforesaid, in the County of Mid-dlesex, the 14th Day of July, in the Year of the Reign of our Sovereign Lord Charles II. by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. the 35th; before Edward Farnham, Esq; Coroner of our said Lord the King, of the Liberty of the Tower of London, aforesaid, upon View of the Body of Arthur Earl of Essex, then and there lying dead; by the Oaths of Samuel Colwel, Esq; William Fisher, Thomas Godsel, Esq; Thomas Hunt, Nathaniel Mount-ney, Esq; Thomas Potter, William How, Rob. Burgoine, Eleazer Wickins, Thomas Hogsflesh, Henry Cripps, Richard Rudder, William Knipes, John Hudson, John Kettlebeter, Lancelot Cole-son, Morgan Cowarn, Thomas Bryan, William Thackston, Richard Cliffe, Zebediah Pritchard, William Baford and Theophilus Carter, good and lawful Men of the Liberty of the Tower of London aforesaid, who being charged and sworn to enquire for our said Lord the King, when, by what means, and how, the said Arthur Earl of Essex came to his Death, upon their Oaths do say, that the said Ar-thur Earl of Essex, the 13th Day of July, in the Thirty fifth Year of the Reign of our said Sovereign Lord the King aforesaid, at the Tower of London aforesaid, in the County of Middlesex aforesaid, a-bout the Hour of nine in the Forenoon of the same Day, not having the Fear of God before his Eyes, but be-ing seduced and moved by the Instigation of the Devil, of his Malice aforethought, at the Tower of Lon-don aforesaid, in the County aforesaid, then and there being alone in his Chamber, with a Razor of the Value of One Shilling, voluntarily and feloniously did cut his Throat, giving unto himself one mortal Wound, cut from one Jugular to the other, and by the Aspera Arteria, and the Wind-Pipe, to the Ver-tebres of the Neck, both the Jugulars being throughly divided, of which said mortal Wound the said Ar-thur Earl of Essex, instantly died; and so the Ju-rors aforesaid, say upon their Oaths, that the said Ar-thur Earl of Essex, in Manner and Form aforesaid, then and there, voluntarily and feloniously as a Felon of himself, did kill and murder himself, against the Peace of our Sovereign Lord the King, his Crown and Dignity. In Witness whereof, as well I the Coro-ner aforesaid, as the Jurors aforesaid, to this Inqui-sition, have interchangeably put our Seals, the Day and Year aforesaid.

Mr. *Att. Gen.* Call Mr. *Evans* and Mr. *Edwards*. After this, my Lord, we shall shew you, that Mr. *Braddon* went about the Town, and declared the Earl was murdered, and he was the Prosecutor. There is Mr. *Evans*, swear him.

[Which was done.]

Pray will you give an Account to my Lord and the Jury, what you know of Mr. *Braddon's* going about and declaring he was the Prosecutor of my Lord of *Essex's* Murder?

Mr. *Evans*. My Lord, all that I know of this Matter, is this. About the 17th of July last —

L. C. J. When is the Inquisition?

Cl. of Cr. It is the 14th of July.

Sir George
Jefferies.

L. C. J. Well, go on.

Mr. *Evans*. The 17th of July last I was at the Custom-house Key shipping off some Lead, and the Person that brought me the Warrant, I told him I could not execute it without one of the Commissioners Officers; and I bid him go to Mr. *Edwards*, who was the next Officer adjoining to the Key, and he went to his House, and told him I was at the Water-side, and had a Warrant,

which I desired him to be present while I executed it; Mr. *Braddon* it seems was then present in the Place with Mr. *Edwards* when this was told him, and hearing my Name, Mr. *Braddon* came down with Mr. *Edwards*, and found me then at *Smith's* Coffee-house, and Mr. *Edwards* told me Mr. *Braddon* had been with him examining his Son, in relation to a Matter of a Razor that was thrown out of my Lord of *Effex's* Window, and I presently replied, I desired they would not speak of any such Matter to me, for I had seen the *Coroner's* Inquisition upon Oath, where it was declared, the Thing was so and so, and two Persons had sworn what seemed to be contrary to this; and therefore I desired they would forbear any such Discourse to me.

L. C. J. Who they?

Mr. Evans. *Braddon* and he were together.

L. C. J. Who, he? Man.

Mr. Evans. Mr. *Edwards*. And withal I made my Application to Mr. *Braddon*, and I desired him he would not meddle with such a Matter, for I thought it might be prejudicial to him and Mr. *Edwards* too. Mr. *Braddon* made me no Answer, but went directly out of the Room.

L. C. J. What do you mean by so and so, and a Razor thrown out of a Window? We do not understand your so and so.

Mr. Evans. Relating to a Matter of a Razor.

L. C. J. Pr'ythee, we don't know what that Matter of a Razor is.

Mr. Evans. A Razor that was said to be thrown out of my Lord of *Effex's* Window.

L. C. J. Tell us what the Story was, Man.

Mr. Evans. Mr. *Edwards* told me, that Mr. *Braddon* was with him to examine his Son, relating to a Matter of throwing a Razor out of my Lord of *Effex's* Window: This is that he said, to the best of my Remembrance.

Mr. Sol. Gen. Was *Braddon* present there?

Mr. Evans. Yes, Mr. *Braddon* and Mr. *Edwards* were both present.

L. C. J. Well, What was the Discourse between you? Tell us plainly.

Mr. Evans. Says Mr. *Edwards* to me, Mr. *Braddon* has been to examine my Son about such a Matter, so I desired he would not discourse any thing of that Matter to me, and I told him, I advise you not to proceed; for I told him, it would be prejudicial both to him and Mr. *Edwards* too.

L. C. J. What is meant by this Matter? He examined my Son about a Matter, and I desired him he would not discourse of this Matter; What is all that Matter?

Mr. Just. Holloway. What did you apprehend by it?

Mr. Evans. I apprehend that Mr. *Braddon* had been to examine Mr. *Edwards's* Son about such a Matter.

L. C. J. What Matter, Man?

Mr. Evans. His dispersing of any such Report.

L. C. J. What Report?

Mr. Evans. A Report of throwing a Razor out of my Lord of *Effex's* Window.

L. C. J. Here is a Razor thrown out of a Window, and a Matter of I know not what.

Mr. Just. Withins. Suppose a Man should throw a Razor out of a Window, what signifies that?

L. C. J. Where heard he of that Matter?

Mr. Evans. This is all I heard, my Lord, I am upon my Oath.

L. C. J. But I wish thou wouldst let us know what it is thou didst hear.

Mr. Jones. Was there no Talk of a bloody Razor?

Mr. Evans. No, not a Word of it.

L. C. J. How came you to be frightened then, and to be unwilling to hear of that Matter, and to tell him, you thought it might be prejudicial to him and Mr. *Edwards*.

Mr. Evans. I told him I had seen the *Coroner's* Inquest, where it was proved, that the Razor lay in such a Place; therefore I desired they would not speak to me of any such Matter, and I desired Mr. *Braddon* not to proceed in it, for you may do your self and Mr. *Edwards* too some Prejudice.

Mr. Att. Gen. Look you, Mr. *Evans*, what did you understand by the throwing the Razor out of the Window, and giving him Caution not to proceed? The Razor might be found there, what was the Meaning of it?

Mr. Evans. May it please your Lordship, there was a Report at the Custom-house that very Morning the Earl of *Effex* cut his Throat, that there was a Razor thrown out of the Window.

Mr. Jones. You did advise *Braddon*, you say, not to proceed in it?

Mr. Evans. Yes.

Mr. Jones. How came you to advise him so?

Mr. Evans. Because it might be prejudicial to him and Mr. *Edwards* too.

Mr. Att. Gen. Was there no Talk between Mr. *Edwards*, Mr. *Braddon* and you, that Mr. *Braddon* would be a Prosecutor of the Murder of the Earl of *Effex*, upon your Oath?

Mr. Evans. Not one Word or Syllable. For Mr. *Braddon* spake not one Word, good or bad: I gave an Account to Secretary *Jenkins*, of every Word that passed.

Mr. Att. Gen. Did not you advise him not to prosecute the Business?

Mr. Evans. I did advise him not to disperse such a Report.

L. C. J. What Report?

Mr. Evans. Of a Razor being thrown out of my Lord of *Effex's* Window.

Mr. Att. Gen. Why, suppose there had been a Razor thrown out of the Window, What then?

Mr. Evans. Then it was contrary to the Information and Evidence given before the *Coroner*.

L. C. J. Why so? Why might it not be thrown out after it was found in the Place where the Inquisition says? Thou art a wonderful cautelous Man; Where is the Danger of the Report of a Razor being thrown out of a Window? There must be something more in it, if we could but get it out of him.

Mr. Evans. Will your Lordship be pleased to hear me?

L. C. J. Ay, I do hear thee, but I do not understand thee.

Mr. Evans. May it please your Lordship, I will read the Words *verbatim* that I gave to the Secretary.

L. C. J. Why, I believe you can read, and I make no doubt you can write too, or you are not fit to be a Custom-house Officer.

Mr. Evans. I put in this Paper to the Secretary, and will repeat what I said then, as near as I can, upon my Oath.

L. C. J.

L. C. J. I care not a Farthing what you delivered to the Secretary; tell us what thou hast to say plainly.

Mr. Evans. May it please your Lordship, I will read it what it is.

Mr. Sol. Gen. You may look upon your Paper to refresh your Memory, but you must not read it here.

Mr. Evans. If it please you, I will tell you the Reason and Occasion I had to go to the Secretary.

L. C. J. I know not what Occasion thou hadst to go to the Secretary, nor do I care what thou didst when thou camest there, it may be thou madest three Legs, it may be never a one; what is that to us? What canst thou say to the Matter here before us?

Mr. Evans. That is all I can say, my Lord. It was an Accident that they came into my Company. And to tell you the Manner and the Occasion. That Person that brought me the Warrant, saying to Mr. Edwards that I was below, Mr. Braddon hearing my Name named, comes down with Mr. Edwards, for he had told Mr. Edwards I was related to him, and they both came to the Coffee-House, and there they began to discourse about this Matter.

Mr. Just. Withins. Who began to discourse?

Mr. Evans. Mr. Edwards.

L. C. J. Well, what was it he said to thee?

Mr. Evans. Mr. Edwards began thus. Says he, Mr. Evans, this Gentleman has been at my House to examine my Son concerning a Report that is spread abroad concerning a Razor that was thrown out of the Window of the Earl of Essex's Lodgings, that Morning he cut his Throat. I hearing of that, said I, Gentlemen, I have read the Coroner's Inquest that is in print, and it is otherwise declared there: And therefore let there be no Discourse of any such Matter, for I believe no such Thing. And, said I to that Gentleman, Mr. Braddon, pray forbear meddling in any such Thing, for Mr. Edwards is a poor Man, and has divers Children, he may be ruined, and you likewise may be ruined your self, if you proceed any farther in it.

Mr. Att. Gen. We shall interpret this Matter by our other Witnesses.

L. C. J. Ay, so you had need, for there is nothing to me made of this Fellow's Evidence.

Mr. North. Pray, by the Oath you have taken, when you gave that Advice, did Mr. Braddon make you no Answer?

Mr. Evans. No, none at all.

Mr. Braddon. [*Lifting up his Hands in an unusual manner.*]

Mr. Evans, Pray, will you answer one Thing?

L. C. J. Pray, Sir, let us have no Elevation of Hands. Your Confidence does not so well become you in a Court of Justice, this is not a Cause wherein you need use so much Confidence.

Mr. Braddon. Sir, pray answer, did not I —

L. C. J. What is it you would ask him?

Mr. Braddon. My Lord, I desire he may be asked, whether I, with a Brother of his, did not come to his Country-House, on the Monday immediately after my Lord of Essex's Death, and whether at his Table there was not a Report then of a Razor being seen to be thrown out of my Lord of Essex's Window?

L. C. J. Pray ask by your Counsel, they are

most proper to ask Questions for you. Tell them what you would have asked, and don't make long Stories your self.

Mr. Wallop. Were you not in Company with Mr. Braddon, the Monday after my Lord of Essex's Death?

Mr. Freke. What was the Report, Sir, at your Table, upon the Monday next after my Lord of Essex's Death?

Mr. Evans. My Lord, if your Lordship please —

L. C. J. Pray, Sir, make a short and plain Answer to what Questions are asked you, and let us have none of your Circumlocutions, and your Discourses of the Matter; but let us understand what you say.

Mr. Evans. I will, my Lord.

L. C. J. What is your Question?

Mr. Braddon. Whether I was not upon the Monday after the Earl of Essex's Death at his Table, where there was a Discourse of a Report that a Razor was thrown out of the Window, before Murder was cried out, and concerning a Boy which went to take it up?

L. C. J. What a Story is here! Pray ask him a fair and a short Question, if he can remember what was said at his House? We are got quite to the Custom-house and the Coffee-house again, and I know not where.

Mr. Freke. What Discourse was there at your Table, Sir, the immediate Monday after the Earl of Essex's Death, concerning a Razor thrown out of a Window?

Mr. Evans. My Lord, this, to the best of my Remembrance, is what I have to say, and remember of the thing, that a Gentleman being with him —

L. C. J. Who?

Mr. Evans. Mr. Braddon.

Mr. Wallop. Where was this?

Mr. Evans. In the Country.

Mr. Wallop. Where, in what Country?

Mr. Evans. In Essex.

Mr. Wallop. What was the Place's Name?

Mr. Evans. At *Wansted*, my Lord; and being there, and he plucking out a Paper.

L. C. J. He, who?

Mr. Evans. A Brother of mine, that that Gentleman came down with to see me.

L. C. J. What is his Name?

Mr. Evans. His Name is Mr. *William Hatfell*.

L. C. J. With whom did he come?

Mr. Evans. With this Person.

L. C. J. With this Person, who is this Person?

Mr. Evans. Mr. Braddon.

L. C. J. Why canst thou not name him, without this wire-drawing? Thou art a most exact Custom-house Officer, I'll warrant thee, thou canst not make a plain Answer to a plain Question.

Mr. Evans. My Lord, I beg your Pardon, I do not know the Methods of the Court.

L. C. J. Pr'ythee, I care not for thy Methods, nor thy Matter; but deal plainly with us.

Mr. Evans. My Brother, Mr. *Hatfell*, came down along with Mr. Braddon to my House at *Wansted* in *Essex*, on the Monday after my Lord of Essex's Death, and coming down, my Brother Mr. *Hatfell* pulled out the Coroner's Inquest upon Oath that was printed, and shewing of it to me, I read it; and as soon as ever I had read it, said I, Mr. *Edwards*, that was at the Custom-house that very Morning when the Earl

of *Effex's* Throat was cut, did declare to me upon the Custom-house Key, That his Son did declare that the Razor was thrown out of the Window, which seems to contradict this Paper, that says, it was found lying by him.

Mr. Freke. Was this before *Mr. Braddon* was with *Mr. Edwards*?

Mr. Evans. I can't tell that.

Mr. Freke. Was it before *Mr. Braddon* and *Mr. Edwards* came to you to the Coffee-house?

Mr. Evans. Yes, I believe it was.

Mr. Att. Gen. You say *Mr. Braddon* came with *Mr. Hatfel* to your House at *Wansted*?

Mr. Evans. Yes.

Mr. Att. Gen. Who was the Person that told this Story?

Mr. Evans. He brought down the printed Paper with him, and upon plucking out that Paper, and reading of it, the Story was told.

Mr. Att. Gen. Pray, who was the Person that told him it was so reported at the Custom-house?

Mr. Evans. I made that Answer my self, immediately upon reading the Paper; for I observed what the Coroner's Inquest had returned, and upon that I made this Observation, That it seemed to contradict what was declared at the Custom-house that Morning my Lord of *Effex* cut his Throat.

Mr. Att. Gen. Pray, who declared there that the Razor was thrown out of the Window?

Mr. Evans. It was *Mr. Edwards* told me.

L. C. J. Why consider with your self now, You say first of all *Edwards* and *Braddon* came to me to the Coffee-house.

Mr. Evans. That was at another Day.

L. C. J. I am sure you swore so at first.

Mr. Evans. With your Lordship's Favour —

L. C. J. And with your Favour too, Sir. Pray will you hear me? I have heard you a great while I am sure to no purpose. But consider with your self, and pray be pleased to reconcile what you say now with what you said at first, if you can. You say first of all *Edwards* and *Braddon* came to me to the Custom-house, and found me out at the Coffee-house, and that *Edwards* should say, Somebody had been with his Son, in order to examine him about a Razor that was thrown out of my Lord of *Effex's* Window, and that you immediately cried out, Have a care of that, for that contradicts the Inquisition that I have seen in Print, which declares as though the Razor was found in the Room. And after that you say, it was that you saw the Inquisition when *Hatfel* came down from *Braddon*, and you told him of the Report at the Custom-house. How came you, if you had not seen the Inquisition 'till then, to give out such Words at the Custom-house: Have a care of meddling with that, because that contradicts the Inquisition?

Mr. Evans. My Lord, this was several Days before that.

Mr. Att. Gen. Yes, my Lord, this Discourse at *Wansted* was before that at the Custom-house.

Mr. Wallop. This that he now speaks of is an Answer to *Mr. Braddon's* Question, which was about a Discourse that has passed before this other at the Custom-house. This that he speaks of, the Discourse at a Coffee-house, was afterward, but indeed he first spake of it; but these were two distinct Matters at several Times. This last of the Custom-house was, when he had made the Examination of the Boy, as that Witness says.

L. C. J. Therefore I think it was fit to explain it, for it looked very inconsistent before, what thou saidst at first, and what thou say'st now; but if thou tellest me thy *Effex*-matter was before thy Coffee-house-matter it is well, otherwise the Matter, I assure you, looked very ill.

Mr. Evans. This is the Truth, my Lord, and I can tell no more.

Mr. Att. Gen. Take the Times, my Lord, and you will see he does speak very notably. The 13th of *July* my Lord of *Effex* murder'd himself, the 14th of *July* the Inquisition was taken before the Coroner; pray, what was the Day that *Hatfel* and this Gentleman came down to you to *Effex*?

Mr. Evans. I can't tell that, Sir, truly; but it was before this Matter of the Examination of the Boy.

L. C. J. But pray let me ask you one Question, if your Matter about the Inquisition in the Country was before the Matter of your cautious Discourse at the Custom-house, how came you to tell them, I heard this Report of a Razor thrown out of the Window that Morning the Earl of *Effex* cut his own Throat?

Mr. Evans. *Mr. Edwards* reported this same Thing that very same Morning to me and several others at the Custom-house Key.

L. C. J. Why did you not tell us this before?

Mr. Evans. I beg your Pardon, my Lord, I do not understand the Methods of the Court.

Mr. Wallop. *Mr. Hatfel* gave the Occasion by pulling out the Inquisition.

L. C. J. Pray, Sir, make your Observations anon, let the King's Counsel go on with their Evidence.

Mr. Att. Gen. What Discourse had *Mr. Braddon* with you then at that Time, when *Hatfel* came down with him to your House you say, and pulling out the Inquisition you read it, and made Answer, you heard at the Custom-house Key such a Report that very Morning the Earl murdered himself.

Mr. Evans. *Mr. Braddon* was walking up and down the Room, I did not speak it to him, but I spake it to *Mr. Hatfel*, but I believe *Braddon* over-heard and took notice of it.

Mr. Just. Withins. Did he concern himself about it?

Mr. Evans. No, not much, I did not hear him say any thing, but he walked up and down the Room.

L. C. J. Now after all this Discourse of the Matter, for aught I can understand, the Matter is but this: He says, *Edwards* before the Meetings either at his House in *Effex*, or at the Coffee-house by the Custom-house, reported to him, as though the Earl of *Effex* had not murdered himself, but somebody else had done it for him. And this was reported at the Custom-house that Morning the Earl of *Effex* cut his own Throat, and he hearing this Report at the Custom-house at that Time, afterwards comes *Braddon* and *Hatfel* to his House into *Effex*, and after *Hatfel* had shew'd him the Paper of the Inquisition in Print, he said, I heard some Discourse from *Mr. Edwards* at the Custom-house of a quite other Nature; and then he says, *Braddon* and *Edwards* came to the Coffee-house, and there it was he desired them not to talk of that Matter, for, said he, that contradicts the Inquisition I saw before. This is the Substance of what he said.

Mr. Att. Gen.

Mr. Att. Gen. And hereby it does appear, that *Braddon*, and *Evans*, and *Edwards*, and *Hatsel*, are all of a Gang.

L. C. J. Have you the Information he gave in to the Secretary, Mr. Attorney-General, that that was given before the Council?

Mr. Att. Gen. Yes, 'tis much the same with what he hath said now.

Mr. Evans. Yes, my Lord, 'tis *verbatim* as I have declared now.

Mr. Att. Gen. Only this other part of *Hatsel* and the Meeting in *Effex* was spoken of since, that was not declared before.

Mr. Evans. No, my Lord, that I did not speak of, because I was not examined about it.

Mr. Att. Gen. That was part of the Secret.

Mr. Evans. No, it was common Discourse with me. And I did not think any thing of it, what *Mr. Edwards* said at the Custom-house, was spoken to a great many others as well as me, and the People seemed to be surprized with an account of the thing at the first News of my Lord of *Effex's* Death. And if I had thought it material, I could have brought a great many that were by then; but *Mr. Edwards* is here brought himself, I suppose he will not deny it.

Mr. Sol. Gen. Look you, Sir, you say that very Morning my Lord of *Effex* killed himself, *Mr. Edwards* discoursed, and made this Report to you at the Custom-house, pray tell what the Discourse was; what he said to you; and then tell us what time of Day it was.

Mr. Evans. To the best of my Remembrance it was about Eleven o' Clock; there were several Persons standing together, among the rest Captain *Goodland*, and some of the Searchers, and *Mr. Edwards* was there, and said he, I am informed from Home, That my Boy has been at Home, and given an Account to my Wife, that being in the *Tower*, he saw a Hand throw a Razor out of a Window, and he named my Lord of *Effex's* Window; and this *Mr. Edwards* did not only tell me, but to a whole Coffee-house of People, this Matter of Fact.

Mr. Just. Holloway. Did not *Mr. Edwards* tell you, That some body had been examining his Boy about that Report?

Mr. Evans. That was the second time, when *Mr. Braddon* and *Mr. Edwards* came together.

Mr. Just. Holloway. Who was it had been examining his Boy did he say?

Mr. Evans. *Mr. Braddon*, he said, had been to examine his Son.

Mr. Just. Holloway. That was after the Discourse at *Effex* that *Braddon* came to examine his Son concerning the Razor.

Mr. Wallop. Yes, it was after the Discourse at *Effex*, where *Hatsel* plucking out the Paper, *Evans* told *Mr. Braddon* first of this Razor.

L. C. J. Well, make your Defence by and by, *Mr. Wallop*: Do not make your Remarks now.

Mr. Att. Gen. Come, *Mr. Edwards*. Crier swear him. [Which was done.]

L. C. J. What do you ask him, *Mr. Attorney*?

Mr. Att. Gen. *Mr. Edwards*, Pray will you give the Court an Account of this Business; for I don't know whether you heard what that Gentleman that went out last said, he says, you

raised this Story, Pray give an Account what you know of it.

Mr. Sol. Gen. Pray tell what you know of *Mr. Braddon's* coming to your Son, and what Discourse he or you had about the Murder of the Earl of *Effex*.

Mr. Edwards. The Report that *Mr. Braddon* came to enquire after, was with us some three Days before; it was in our Family three Days before, and upon the 17th of *July* ———

L. C. J. What was the Report, *Mr. Edwards*, before *Mr. Braddon* came to you?

Mr. Edwards. The Report I have already declared before the Council.

L. C. J. But you must tell us too what it was.

Mr. Edwards. The Report of the Boy the 13th of *July* about 10 o' Clock, as I was informed by my Family, and by the Boy afterwards by Word of Mouth, was this, He comes in about ten o' Clock, says he, I have been at the *Tower* (to one of his Sisters,) and have seen His Majesty and the Duke of *York*, and the Earl of *Effex* has cut his Throat, and I see an Hand throw a Razor out of the Window, and one came out of the House, a Maid, or a Woman in a White Hood and a Stuff Coat, and took it up, and went in again, and then I heard a Noise as of Murder cried out. This was the Boy's Report, and more than as his Report I cannot speak to it.

L. C. J. This was your Son, was it not?

Mr. Edwards. Yes, the younger of them. The two Boys were that Morning going to *Merchant-Taylor's* School together as they used to do, and by the way hearing the King was in the *Tower*, this younger Boy that was well acquainted with the *Tower*, gave his elder Brother the slip and went into the *Tower*, and rambled about from Place to Place.

Mr. Att. Gen. Did not you examine him?

Mr. Edwards. Ay, I did examine him.

Mr. Att. Gen. Did not you find that he denied it again?

Mr. Edwards. No, I did examine him, and I found no denial of any thing at all that he had reported till *Mr. Braddon* came to make Enquiry. As soon as he came to make the Enquiry, and I understood what *Mr. Braddon's* Business was, I begged of him that he would not insist upon it by no means, I begged of him as if I had begged for my Life, but he was so zealous in the Business, that nothing would satisfy him. And after I had told *Mr. Braddon* that which I could not deny, which was the Boy's Report, I left him and went down to the Custom-house, and some of my Family discoursed the Boy at that rate, that he began to deny it, and in less than half an Hour's time recollected himself and began to own it again, and so the Boy was off and on till the time he was before the Council; and to this Day he seems to stand in the Denial, whether he will do it now or no I can't tell.

Mr. Att. Gen. Did you acquaint *Mr. Braddon*, That you had found this Boy to be a lying Boy, and detected him in Lies several times?

Mr. Edwards. May it please you, Sir, I acquainted him with thus much: Said I, *Mr. Braddon*, As I have dealt ingenuously with you, to let you know what the Boy's Report was, so I must likewise tell you, that I cannot nor will

will undertake to assert the truth of it, and presently upon that my Daughters told me, the Boy had many times excused his playing Truant by false Stories.

Mr. Att. Gen. Did you acquaint Mr. Braddon, that your Boy was a lying Boy at that time?

Mr. Edwards. I think I did not at that instant of time.

L. C. J. How old is this Boy you talk of?

Mr. Edwards. About 13 Years of Age, my Lord.

Mr. Att. Gen. What do you know of Mr. Braddon's forcing your Boy to sign any thing that he had prepared after this?

Mr. Sol. Gen. When you told him your Boy had deny'd it, what did he say? Was he pleased and satisfied?

Mr. Edwards. He was not told it by me, but some of my Family.

Mr. Sol. Gen. How did he behave himself?

Mr. Edwards. At the same time they told him he denied it, at the same time they told him he owned it again.

Mr. Sol. Gen. How did Mr. Braddon behave himself?

Mr. Edwards. Like a civil Gentleman. I saw nothing else by him, but that he was very zealous in the Business, that is the truth of it, nothing could persuade him to desist.

Mr. Just. Holloway. Pray did you ask Mr. Braddon, or did he tell you, what was the reason that he was so inquisitive about this Razor, and the Report of the Boy?

Mr. Edwards. As to that he told me, he would let me know the reason of it, which was, out of Conscience.

Mr. Jones. Did not Mr. Braddon carry your Son before several Justices of Peace?

Mr. Edwards. Before none as I know of, not one truly to my knowledge.

Mr. Att. Gen. Did you understand he had taken your Boy from your House in a Coach?

Mr. Edwards. Never till he carried him into His Majesty's Presence before the Council, and I knew not that till the Boy came Home.

Mr. Thompson. Mr. Attorney, Have you done with him? May I ask him a Question?

Mr. Att. Gen. Ay, ask him what you will.

Mr. Thompson. If I understand you right, Sir, this Report of the Boy's was that Morning that the Earl of *Essex* was murdered ———

L. C. J. Was murdered, murdered himself, Man.

Mr. Thompson. My Lord, I mean the Day of his Death. Now I would ask you, Sir, when that was?

Mr. Edwards. The Boy's Report was this, Sir, ———

Mr. Thompson. I ask you not what his Report was, but when? What Day it was?

Mr. Edwards. The 13th of *July*. That Day the Earl of *Essex* cut his Throat.

Mr. Thompson. How many Days after that was it when Mr. Braddon came to you?

Mr. Edwards. It was not till the 17th of *July*.

Mr. Thompson. Had you discoursed of the Report of your Boy at the Custom-house, or any where else, that same Day he came to you?

Mr. Edwards. I cannot say that.

Mr. Thompson. Had you discoursed it before Mr. Braddon spake to you, upon your Oath?

Mr. Edwards. Yes, I believe I had.

Mr. Sol. Gen. Had you discoursed it before your Boy told you?

Mr. Edwards. I should then indeed have been the Contriver of the Story.

Mr. Att. Gen. So it is like enough you were.

Mr. Sol. Gen. Had you discoursed it to any body before you went home to your own House, upon your Oath, Sir?

Mr. Edwards. Upon my Oath then I discoursed nothing of that Nature, not a Tittle of it, nor knew nothing of it, till I had it from my own Family.

Mr. Sol. Gen. Did you not discourse of it before you went home?

Mr. Edwards. No, when I came Home they told me of it.

L. C. J. I ask you again, Sir, Did not you tell it before you came Home.

Mr. Edwards. About 10 o' Clock, I having heard the news of the Earl of *Essex's* cutting his Throat, at the Custom-house, I stepped Home, being very near to my own House, and as soon as I came in at the Door, the Family began to give me an Account what News the Boy brought in.

L. C. J. That was the first time you heard of it?

Mr. Edwards. Yes, that was the first time I heard of it.

L. C. J. And did you not discourse of it till after that?

Mr. Edwards. No.

L. C. J. Call Mr. *Evans*, let him come in again then.

Mr. Att. Gen. Let Mr. *Evans* come in again.

L. C. J. Mr. *Evans*, I would ask you this Question, There were three times that you say, I think, that you had Discourse with *Edwards* about the Matter, as you call it, once at *Essex*, and twice at the Custom-house?

Mr. Sol. Gen. No, not in *Essex*, it was *Hatfel* and *Braddon*, my Lord, that came to him there, *Edwards* was not there.

L. C. J. When you first had a Discourse with *Edwards* about this Matter, what was it that *Edwards* did say to you?

Mr. Evans. Being upon Custom-house Key, and Captain *Goodland* and several others standing upon the Key, that very Morning my Lord of *Essex's* Throat was cut, about 11 o' Clock *Mr. Edwards* came to us, being standing upon the Key, and told us, That he was informed his Boy had been at the *Tower*, and came Home and told his Mother, he saw a Hand throw a Razor out of a Window, and that he went to take it up, and a Maid or a Woman came and took it up, and went in again.

L. C. J. *Evans*, Did he tell you this as if he had been at Home?

Mr. Evans. No, I think it was that he had it from Home by some Hand or other.

Mr. Edwards. I was at Home.

Mr. Evans. My Lord, At two o' Clock in the Afternoon, when he came again to the Custom-house, he did tell us, he had been at Home, and his Boy did tell him the same Story.

L. C. J. But when he had told you before he had dined, did he say, he had been at Home?

Mr. Edwards. My Family can testify I was at Home between 10 and 11 o' Clock.

Mr. Evans. To the best of my remembrance be told me he heard so from Home.

L. C. J. Before he went Home, you say, he told you of this, and that was 10 o' Clock in the Morning, and about two o' Clock in the Afternoon, he said, he had been at Home, and it was true.

Mr. Evans. Yes, my Lord.

Mr. Edwards. My Lord, I was at Home.

L. C. J. *Mr. Edwards,* Did you tell him so, or did you not?

Mr. Edwards. It is like I might say so about 10 o' Clock, but not before I had received the Report at Home.

Mr. Evans. I understood it so, my Lord, That he had heard from Home.

L. C. J. I ask you this upon your Oath, mind the Question, and answer me plainly, Did you speak to him, that you had such a Report from Home, or did you not?

Mr. Edwards. When I told it him, I had it from Home, for I brought it from Home.

L. C. J. Nay, Did you tell him you had such a Report from Home at 10 o' Clock, or no?

Mr. Edwards. I told him that I had met with such a Report.

L. C. J. From whom?

Mr. Edwards. From my Family at Home, for the Boy came not to me to tell it.

L. C. J. Then did you see *Mr. Evans* about two o' Clock that Afternoon?

Mr. Edwards. 'Tis probable I did.

L. C. J. Did you, or did you not?

Mr. Edwards. Yes, I believe I might, I beseech your Lordship give me leave to speak. *Mr. Evans* and I am conversant Forenoon and Afternoon every Day, we have Business together.

Mr. Evans. We have Business, my Lord, about shipping of Goods.

Mr. Edwards. But, my Lord, if you please, I will tell you, that is the Occasion of our being together.

L. C. J. Answer me my Question, Did you, or did you not tell him so?

Mr. Edwards. I did not acquaint him with it before I had been at Home, and received it from my own Family.

L. C. J. Look you, Sir, Don't you go about to evade the Question, to trifle with the Court, you must answer me my Question directly, and upon your Oath, Did you tell him you had Notice from Home of such a Report, or no?

Mr. Edwards. I did not receive Notice from Home, but I brought it from Home.

L. C. J. Did you tell him you had it from Home.

Mr. Edwards. I told him I had it from my Family, who told me the Boy had made such a Report.

L. C. J. Did you tell him you had it from your Boy, or received Notice from Home about it?

Mr. Edwards. I did not tell him any thing before I had been at Home.

L. C. J. Well, then, answer me this Question. Did you tell him in the Afternoon at two o' Clock; Now I have been at Home and examined my Boy, and find it so as I told you?

Mr. Edwards. I examined my Boy at Dinner, and I found the Boy agreed with the Report of my Daughter, and confirmed it.

L. C. J. I ask you what you told *Mr. Evans,* not what your Boy or your Daughter told you?

Mr. Edwards. It is probable I might tell *Mr. Evans* the same Story after Dinner at two o' Clock, that I did before.

L. C. J. Now tell us the Passage again, *Mr. Evans,* as you heard it.

Mr. Evans. To the best of my remembrance, at two o' Clock in the Afternoon, *Mr. Edwards* came and told us, he had examined the Boy, and says he, the Boy has confirmed all that I told you.

L. C. J. But before that in the Morning what did he say?

Mr. Evans. I cannot say exactly the Time, but I think it was about ten o' Clock. There were four or five more besides myself, standing at Custom-house Key, and *Mr. Edwards* came to us, and told us, says he, I am informed from Home, as I understood it, not that he had been at Home, but that he heard it from Home, that his Boy had been at the Tower, had seen an Hand throw a Razor out of a Window.

L. C. J. What said he at two of the Clock?

Mr. Evans. He said he had examined his Boy, and he said the same thing, that he told us he had heard in the Morning.

Mr. Att. Gen. My Lord, we are now but upon the Entrance of our Evidence, to shew upon what slender Grounds, how slight a Foundation there was for this Gentleman to undertake this Prosecution.

Mr. Sol. Gen. *Mr. Edwards,* Pray let me ask you a Question, Did *Mr. Braddon* tender any Paper to your Son to sign?

Mr. Edwards. I was informed he did do it afterwards, but I saw him not do any such Thing.

Mr. Sol. Gen. Did you never say that *Mr. Braddon* had tendered a Paper to your Son to sign?

Mr. Edwards. I do not believe I ever did say so, I do not remember any such Thing.

Mr. Sol. Gen. Pray recollect your Memory, and tell us whether you did, or did not.

Mr. Edwards. I thank God, Sir, that he has given me my Memory and my Understanding, I bless him for it.

Mr. Att. Gen. But it were well if thou hadst any Honesty too.

Mr. Edwards. And Honesty too, Sir: I have not lived these 39 Years at the Custom-house without Honesty. I never had my Honesty questioned to this Day. I am sure no body can tax me with Dishonesty.

Mr. Sol. Gen. Pray *Mr. Edwards* let your Anger alone for a while, and answer the Question that I shall ask you: Did your Son refuse to sign that Paper?

Mr. Edwards. He did sign it at last.

Mr. Sol. Gen. Did he refuse to sign it?

Mr. Edwards. I do not know whether he refused it or no.

Mr. Just. Withins. Did you hear that your Son refused it?

Mr. Edwards. I did hear that he had signed it.

Mr. Just. Withins. But did you hear that he refused to sign it?

Mr. Edwards. The Boy did not tell me he had refused to sign it. I did not hear him refuse it.

L. C. J. Thou dost prevaricate very strangely, I must tell thee that, notwithstanding thy Reputation of 39 Years of Honesty: Prithee, answer plainly, Did you hear at any time, that your Son had refused to sign it?

Mr. Edwards. No, my Lord, I did not, to the best of my remembrance.

L. C. J. That is a plain Answer, Man, but thou dost so shuffle up and down, one can't tell what to make of what thou sayest.

Mr. Thompson. Sir, I desire to ask you one Question, Whether ever *Mr. Braddon* and you had any former Acquaintance?

Mr. Sol. Gen. Pray, stay, Sir, and if you please, spare your Question a little, for we have not yet done with *Mr. Edwards.* *Mr. Edwards,* pray answer me, Did *Mr. Braddon* ever tell you, that he had other Informations to confirm this Report of your Son from others?

Mr. Edwards. Truly, I do not remember he said any such Thing.

Mr. Sol. Gen. Did you ever say he told you so? Consider of it, and remember your former Examination.

Mr. Edwards. 'Tis like since he may have said so, but not at his first coming.

Mr. Sol. Gen. At his first coming did your Son sign his Paper then?

Mr. Edwards. No, he did not, as I am informed, I saw it not.

Mr. Sol. Gen. But afterwards you say, *Mr. Braddon* did tell you, he had other Evidence to confirm it.

Mr. Edwards. It may be he might, I can't say it positively.

Mr. Att. Gen. You say he did not sign the Paper at his first coming?

Mr. Edwards. No, I am informed he did not.

Mr. Sol. Gen. How do you know he did sign it at last?

Mr. Edwards. My Wife and Daughters Information.

L. C. J. But how then can you say, That you never heard he did refuse it?

Mr. Edwards. My Lord, he did not tender a Paper to him to sign, till he had been two or three times there, as I have heard, it was not tender'd the first time he came.

L. C. J. I wonder how thou hast escaped 39 Years with such a Reputation.

Mr. Edwards. My Lord, I never was thought otherwise, nor I hope never gave any Occasion for such a Thought.

L. C. J. I assure thee, I do not, nor can take thee for one.

Mr. Edwards. I hope I have done nothing to make your Lordship think the contrary.

L. C. J. Yes, thou hast. Thou didst nothing but shuffle up and down, thou art to consider thou art upon thy Oath, and must answer Questions plainly.

Mr. Edwards. My Lord, I do answer as truly as I can.

Mr. Att. Gen. Hark you then, *Mr. Edwards,* answer me.

L. C. J. Speak the Truth, and nothing but the Truth, that is all that is required of thee; no Court of Justice ought to be afraid to hear Truth. Let Truth come out of God's Name.

Mr. Att. Gen. Did *Mr. Braddon* ever tell you, That he had other Evidence besides your Son?

Mr. Edwards. I do not remember he said any such thing at his first coming.

L. C. J. How thou dost shuffle again. Answer plainly.

Mr. Att. Gen. I ask you, Whether ever he did say it?

Mr. Edwards. Yes, he did say so afterwards.

Mr. Sol. Gen. I must ask you one Question more, (for I see 'tis very difficult to get it out of you) Pray did he tell you that he had other Evidence besides your Son, before he signed the Paper, or after?

Mr. Edwards. It was before, as I take it. I speak to the best of my Knowledge, my Lord, I can say no more.

L. C. J. If thou hast a mind to continue the Reputation thou hast got, as thou sayest, the way is to answer Questions, and speak the Truth plainly, let it concern whom it will.

Mr. Edwards. I labour to do it, my Lord, to the best of my Understanding and Capacity.

L. C. J. I would not have thee say a Tittle more than the Truth, but let the Truth come out.

Mr. Freke. Now, Sir, I would ask you, if they have done with you, Did you ever know *Mr. Braddon* before the 17th of July? Or did you ever see him before?

Mr. Edwards. No, I never had any Knowledge of him, nor ever heard a Word of him.

Mr. Wallop. *Mr. Edwards,* the Question was asked of you, Whether *Mr. Braddon* did say, There was other Evidence besides your Son; Pray when was that?

Mr. Edwards. He did not at the first time, but afterwards he did.

Mr. Wallop. That was a good while after, he had been with the Boy first.

L. C. J. Make your Observations by and by, *Mr. Wallop.* This is not a Time for them.

Mr. Att. Gen. Then where is *Edwards,* the Boy? [Who was brought forthwith into Court.]

Mr. Edwards. I charge you in the Presence of Almighty God, speak Truth, Child.

Mr. Sol. Gen. And so should you too.

Mr. Edwards. Be sure to say nothing but the Truth.

L. C. J. And Child, turn about, and say, Father, be sure you say nothing but the Truth.

Mr. Att. Gen. My Lord, This is the Boy, he is very little and very young, will your Lordship have him sworn? What Age are you of?

William Edwards. I am 13, my Lord.

Mr. Att. Gen. Do you know what an Oath is?

William Edwards. No.

L. C. J. Suppose you should tell a Lye, do you know who is the Father of Liars?

William Edwards. Yes.

L. C. J. Who is it?

William Edwards. The Devil.

L. C. J. And if you should tell a Lye, do you know what will become of you?

William Edwards. Yes.

L. C. J. What if you should swear to a Lye? If you should call God to witness to a Lye, what would become of you then?

William Edwards. I should go to Hell-fire.

L. C. J. That is a terrible Thing. And therefore, Child, if you take an Oath, be sure you say nothing but what is Truth, for no Party, nor Side, nor any thing in the World; for that God that you say will call you to an Account, and cast you into Hell-fire, if you tell a Lye, and witness to a Falshood, knows and sees all you do, therefore have a care, the Truth you must say, and nothing but the Truth.

Crier. Pull off your Glove, and hearken to your Oath.

[Then he was sworn.]

Mr.

Mr. Sol. Gen. And now remember you call God to witness to the Truth of what you say.

Mr. Att. Gen. Young Man, look upon that Paper, is that your Hand?

William Edwards. Yes.

Mr. Att. Gen. Did you sign that?

William Edwards. Yes.

Mr. Att. Gen. Prithee tell the Court, how thou camest to sign it?

L. C. J. Ay, Child, be not afraid. Tell the Truth, for if thou tellest the Truth, thou needest not be afraid; but if thou tellest a Lye, thou hast need to be afraid; let no body, whatever has been said to thee, affright thee from telling the Truth.

Mr. Sol. Gen. Don't be afraid of thy Father, or any body, but tell plainly what thou knowest, and speak only the Truth.

Mr. Att. Gen. How came you to sign that Paper?

William Edwards. Mr. Braddon bid me sign it when he had writ it.

L. C. J. Hearn thee, Child, Did he take it from thee what he writ, or did he write it from himself; Come hither, Child, be not afraid, no body here will do thee any hurt.

Then the Boy was lifted up upon the Table before the Judges.

L. C. J. Look upon that Paper, didst thou put thy Name to that Paper, Child?

William Edwards. Yes.

L. C. J. Whose Hand-writing is that Paper, besides thy Name?

William Edwards. Mr. Braddon's.

L. C. J. Did he bring it ready written?

William Edwards. He writ it in our Parlour.

L. C. J. How came he to write it?

William Edwards. He said it was for the Earl of Essex, to give to his Wife.

L. C. J. And what did he ask thee before he writ that?

William Edwards. He asked me, whether I saw any thing at the Tower, and so I told him, yes.

L. C. J. Ay, tell us what you told him, and be not afraid, Child, but tell the Truth.

William Edwards. I told him, I was in the Tower, and saw a Razor thrown out of a Window.

L. C. J. You told him so, and then what said he to you?

William Edwards. He bid me speak the Truth.

L. C. J. Was that all the Words you had?

William Edwards. I afterwards went with my Brother into the Tower, and I shewed my Brother the Place, and then afterwards Mr. Braddon writ this, and he said it was to give to the Countess of Essex.

Mr. Just. Holloway. Did he read it to you after he had writ it?

William Edwards. Yes.

Mr. Just. Holloway. And did he ask thee, whether it were true?

William Edwards. Yes.

L. C. J. And didst thou tell him it was true?

William Edwards. Yes.

L. C. J. And didst thou tell him all that was in that Paper was true?

William Edwards. Yes.

L. C. J. Did you tell him all that was writ in that Paper before he writ it down.

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William Edwards. Yes.

L. C. J. Prithee mind the Question, and speak Truth, Didst thou tell him all that was in that Paper before he writ it down?

William Edwards. Yes, I told him, and so he writ it down.

Mr. Just. Holloway. You heard it all read to you, you say.

William Edwards. Yes.

L. C. J. Then I ask you again, Did you tell him all that was in that Paper was read to you, before he writ it down?

William Edwards. Yes.

L. C. J. And after you had told him, he writ it down?

William Edwards. I told him as he writ it down.

L. C. J. And after such time as he had writ it down, did he read it to you?

William Edwards. Yes.

L. C. J. And then you put your Name to it?

William Edwards. Yes.

Mr. Att. Gen. I pray, my Lord, he may be asked this Question, Whether or no, when he first brought it in, the Boy did not deny to sign it?

L. C. J. Did he bring the Paper thither before thou signedst it?

William Edwards. It was upon the Table.

L. C. J. Didst not thou refuse to put thy Name to it?

William Edwards. Yes.

L. C. J. Why?

William Edwards. I was afraid.

L. C. J. Why?

William Edwards. For fear of coming into Danger.

L. C. J. Why, what Danger could there be? There was no Danger if it was Truth.

William Edwards. That was not the Truth.

L. C. J. Which was not the Truth? Was not the Paper that he had written Truth?

William Edwards. No.

L. C. J. How so, Child? Was not that thou toldest him the Truth?

William Edwards. No.

L. C. J. Tell the Truth now then.

William Edwards. So I do.

Mr. Sol. Gen. Then he offered it first to you, and bid you sign it, and you denied to put your Hand to it, because it was not true?

William Edwards. Yes.

L. C. J. And how long after did he offer it to you again?

William Edwards. A little while after.

L. C. J. But did you tell Mr. Braddon it was not true, when you refused to sign it?

William Edwards. No, I did not.

L. C. J. Why didst thou refuse to sign it then?

William Edwards. I was afraid, because it was not true.

L. C. J. Didst not thou tell Mr. Braddon it was not true?

William Edwards. I did not tell Mr. Braddon it was not true.

L. C. J. Why then, wast thou afraid to sign it because it was not true at one time, and yet didst sign it, though it was not true at another time?

Mr. Sol. Gen. Child, Didst thou give Mr. Braddon any Reason, why thou didst not sign it at that time?

William Edwards. No, Sir.

Mr. Sol. Gen. How didst thou come to sign it? Did any body speak to thee between that first Time thou refusedst to sign it, and the second Time thou didst sign it?

William Edwards. He would fain have got my Aunt to have signed it.

L. C. J. Thou sayest, thou didst first refuse it, because it was not true?

William Edwards. Yes.

L. C. J. And then afterwards thou didst sign it?

William Edwards. Yes.

L. C. J. Then I ask thee, who persuaded thee to sign it after that time that thou still refusedst it?

William Edwards. My Mother was afraid to have me sign it.

L. C. J. Who persuaded you to sign it?

William Edwards. Mr. *Braddon* said there was no Harm in it, so I did it.

L. C. J. Did Mr. *Braddon* then persuade you to sign it?

William Edwards. He said there was no Harm in it, that was all.

L. C. J. Did you do it at his Desire?

William Edwards. Yes.

L. C. J. And you refused it at first when he desired it?

William Edwards. Yes.

L. C. J. What, because it was false?

William Edwards. Yes.

L. C. J. Why then wouldst thou sign it afterwards, if some body did not persuade thee to it?

William Edwards. He told me there was nothing of Harm in it.

Mr. Att. Gen. Hadst thou any Money offered thee by Mr. *Braddon*?

William Edwards. No.

Mr. Att. Gen. Hadst thou any Money promised thee?

William Edwards. No.

Mr. Att. Gen. Hadst thou any thing else offered or promised thee?

William Edwards. No, nothing at all.

L. C. J. You have heard what he has said, Gentlemen?

Jury. No, my Lord, we have not heard a Word.

L. C. J. Then I will tell you what he has said exactly. He says, that Mr. *Braddon* writ it from him; that he writ it in the Room while he was there; that after such time as he had writ it, Mr. *Braddon* read it to him: He says, that he had carried his Brother to shew him the Place where he assigned that the Razor was found in the *Tower*; he says, that after such time as the Writing was finished, Mr. *Braddon* offered it him to sign, and he refused to sign it, and I asked him the Reason why, and he says, because it was false; he says, some short time afterwards Mr. *Braddon* came to him again.

William Edwards. No, Sir, it was the same time.

L. C. J. Well, the same time *Braddon* was at him again, and told him there was no Harm in it, and therefore desired him to sign it, and because he would not, he would have had his Aunt to have signed it; and he says, that *Braddon* telling him there was no Harm in it, he did sign it.

Mr. Sol. Gen. But withal he says, that it is false.

L. C. J. Ay, he swears now 'tis all false.

Mr. Freke. Did you tell Mr. *Braddon* it was false?

L. C. J. No, he says he did not.

Mr. Freke. Did your Sister at all discourse with

you after you had dictated to Mr. *Braddon*? Pray what Discourse had you with her after Mr. *Braddon* writ that Paper, before you refused to sign it?

L. C. J. Do not ask any leading Question, Sir, but propose a fair plain Question.

Mr. Freke. Did you discourse with your Sister at all, after Mr. *Braddon* had been at your House?

William Edwards. Yes, I had been at School, and when I came home, they said that a Gentleman that came from the Earl of *Essex*'s Brother, had been to inquire of the Truth of the Report I had raised.

Mr. Freke. What did your Sister say to you?

William Edwards. That was all.

Mr. Sol. Gen. Did she name the Gentleman, and did you see him afterwards?

William Edwards. Yes.

Mr. Sol. Gen. Who was it?

William Edwards. That Gentleman, Mr. *Braddon*.

Jury. My Lord, We don't hear a Word he says.

L. C. J. He says, he had been at School, and when he came Home, they told him a Gentleman came from the Earl's Brother, to inquire of the Truth of what he had reported: It was asked him who the Gentleman was, and he says, it was that Gentleman, Mr. *Braddon*.

Mr. Thompson. Before such time as Mr. *Braddon* came to you, what did you tell your Father about this Razor, and when?

William Edwards. Sir, I told him the King and Duke of *York* were at the *Tower*, and while I was there, I said, I saw a Hand cast out a bloody Razor, and a Maid come out and take it up, and go in again.

Mr. Thompson. Did you see any such thing as a bloody Razor cast out?

William Edwards. No.

L. C. J. What a Dust has such a trivial Report made in the World! Admit the Boy had said any such thing, what an Age do we live in, that the Report of every Child shall blow us up after this rate? It would make a body tremble to think what sort of People we live among: To what an Heat does Zeal transport some People, beyond all Reason and Sobriety? If such a little Boy had said so, 'tis not an Half-penny matter, but presently all the Government is to be libelled for a Boy, which, whether he speaks true or false, is of no great Weight, and he swears 'tis all false.

Mr. Sol. Gen. My Lord, We shall next call Dr. *Hawkins*'s Son of the *Tower*. Where is *Thomas Hawkins*? [Who was sworn.]

Mr. At. Gen. My Lord, Agreeable to what the Boy has now said, to shew you that what Mr. *Braddon* got him to sign was all false, here is the young Man that truanted with him the same Morning, that was with him all the Time, the whole Morning, that says, there was no such Thing, and he saw no such Thing; and how could it enter into the Boy's Head such a malicious Lye, if it had not been dictated? Pray Mr. *Hawkins*, will you acquaint my Lord, and the Jury, whether you play'd Truant that Morning with this other Boy, and where you were.

L. C. J. Ay, tell the Truth in God's Name, young Man, be it one way or t'other, let the Truth come out.

Hawkins. In the Morning, Sir, I met with him at the *Tower*, going round with the King, and we walked round the *Tower* as long as the King walked, and then the King going into the Constable's House, we and some more Boys were playing——

L. C. J. Prithee speak out, as tho' thou wert at play at Chuck-Farthing.

Hawkins. After we had been at play, I went Home, and after I had been there a little while, News was brought to my Father, that the Earl of *Essex* had killed himself. My Father went down, and I followed him, and after I had been there a little while, *William Edwards* came Home, and there we stood looking up at the Window an Hour or two at least, and after we had tarried there a great while, I went out of the *Tower* Gate a little after Eleven.

Mr. Att. Gen. Was there no Razor thrown out of the Window?

Hawkins. No, there was no Razor thrown out.

L. C. J. Didst not thou see a Razor thrown out of the Window? and a Maid come and take it up?

Hawkins. No, there was no such Thing.

L. C. J. Were you there before *Edwards* came?

Hawkins. Yes.

L. C. J. And you went out with him?

Hawkins. Yes.

L. C. J. Did you and *Edwards* go away together?

Hawkins. Yes.

Mr. Thompson. Did he tell you of any such Thing?

Hawkins. No.

Mr. Sol. Gen. What time of the Day was it that you went out of the *Tower*?

Hawkins. Almost Eleven o'Clock.

Mr. Wallop. The Boy does say, he did tell his Father and Mother, and all the Family of it. And 'tis plain by the Father, that it was known in the Family by Ten of the Clock.

Mr. Sol. Gen. Was this young Man with you, all the Time that you was there, *Edwards*?

William Edwards. Yes.

Mr. Att. Gen. Did not you tell your Father of this Story when you came from the *Tower*?

William Edwards. Yes.

Mr. Att. Gen. And that was the same time you came out of the *Tower* with *Hawkins*?

William Edwards. Yes.

Mr. Att. Gen. And you *Hawkins*, was this young Man with you all the time you were at my Lord *Essex's* Window?

Hawkins. He came thither while I stood there.

Mr. Att. Gen. My Lord, this is but the beginning of our Evidence, your Lordship sees what a fine Case it is, and how all this Noise and Buffle has come to be made in the World. The Rumour did first arise in a Fanatick Family, and was propagated by that Party.

Mr. Jones. Ay, 'tis easily known whence it came.

L. C. J. Gentlemen, Pray will you go on with your Evidence, and make no Descants.

Mr. Freke. You, *Hawkins*, when you came from your Father's House, did you find that Boy in the *Tower*?

Hawkins. Yes, Sir, a going round with the King.

L. C. J. That was before this Thing happened.

Mr. Freke. Were you with him all the while he was in the *Tower*?

Hawkins. Just before my Lord *Essex* cut his Throat I went Home.

Mr. Freke. Were you with him all the time or no? And how long were you with him?

Hawkins. I went with him round the *Tower* with the King. And after we were at play, and then I went Home, and then when I had been at Home a little time, the Rumour and Noise came, that the Earl of *Essex* had killed himself, so I went with my Father, and stood before the Window, and I tarried there a while before he came Home, and I stayed with him looking at the Window a great while, and we went out of the *Tower* together.

Mr. Freke. You little Boy, *Edwards*, was this Mr. *Hawkins* with you all the Time that you were in the *Tower*?

William Edwards. Yes, but only a little while that I was at the Mills.

Mr. Att. Gen. My Lord, we had not laid so much Weight upon Mr. *Braddon* for this Matter, but that he could not be quiet, but must inform the King of it, and this Matter was all examined before the King, the Boy was sent for, and before his Face the Boy declared it was a Lye. And after he knew this, and after the Boy had twice in the Presence of the King denied it, yet notwithstanding all this, then was the Project between him and *Speke*. We shall first prove the Examination of this Matter before the Council, and how he was acquainted with it. Pray call Mr. *Blathwaite* and Mr. *Monstevens*.

Mr. Blathwaite was Sworn.

Mr. Att. Gen. Pray Mr. *Blathwaite* will you give an Account whether you were present at the Council, when Mr. *Braddon* brought this Information, and how the Matter was Examined there, and what was done.

Mr. Blathwaite. My Lord, it was on the 20th of *July*, that Mr. *Braddon* came to *Whitehall*, he may remember I was there, for he could not but see me attending on the King. This little Boy was brought before his Majesty, and was asked what Information he had given Mr. *Braddon*? And whether the matter of the Information was true? The Boy said it was a Lye, and that upon his Faith it was not true. Mr. *Braddon* knew all this, for he was called in and informed of it; and I believe Mr. *Braddon* will remember, that he heard the Boy deny it. The whole Examination could not but shew that it was an Invention of his, as he said, it was to excuse himself for having play'd Truant that Day, and that because he was afraid to go Home, he invented that Lye. After this Mr. *Braddon*, as it appears, did nevertheless pursue this Business.

L. C. J. Pray only tell what you know of your own Knowledge, both before, and after.

Mr. Blathwaite. I know, my Lord, that Mr. *Braddon* (having been in the Country) came afterwards before the King, and was again Examined upon this matter, by which it appear'd, that he did continue in his Pursuit, though he was always informed of the Denial the Boy made, and that it was understood to be a Lye by the whole Family of the *Edwards's*, as well as from the Denial of the little Boy; for they did confess, that the Boy used to tell Lies, and one of the Sisters said he had denied it at first, but afterwards was brought to say it. And if I

remember right, the Words of one of the Sisters were, *BRADDON COMPELLED THE BOY TO SIGN IT*. Those are the Words in the Minutes that I took at the Examination, therefore I believe it was so, that the Boy had denied before to sign it. But this I only mention, as what the Sister said.

L. C. J. Have you any more Questions to ask Mr. *Blathwaite*, Gentlemen?

Mr. North. Because we will not trouble Mr. *Blathwaite* to call him again, pray produce the Letter.

Mr. Att. Gen. Pray, Sir, will you look upon that Letter, and tell the Court what you know of it, and whose Hand it is.

Mr. Blathwaite. My Lord, This is a Letter that was produced before the King, when Mr. *Speke* attended there. It was then put into my Hands; and I do well remember, and likewise I have written upon it, That Mr. *Speke* owned it to be his Letter.

L. C. J. Did he own it to be his Letter, Sir?

Mr. Blathwaite. Yes, he did own it to be his Letter.

Mr. Att. Gen. That is all we have to trouble you with at present, Sir: We will now call Mr. *Monstevens*.

[*Who standing up by the Crier was sworn.*]

And we call him to prove, That Mr. *Braddon* had Notice the Boy had disowned this Matter.

Mr. Sol. Gen. You hear the Question, Sir, pray acquaint my Lord and the Jury, what you know of this Boy's Examination before the Council, and this Gentleman's having Notice the Boy disowned the Thing.

Mr. Monstevens. My Lord, About 5 or 6 Days after my Lord of *Essex* had murdered himself in the *Tower*, I saw Mr. *Braddon* at the Secretary's Lodgings, my Lord *Sunderland's* Lodgings at *Whiteball*, with a young Woman, and a Boy about 12 or 13 Years old. The Boy was just now in Court, I saw him there. He came to me, and told me, he had earnest Business to speak with my Lord *Sunderland*, That he came from Sir *Henry Capell*, and he told me, he came with an Information, that the Boy had given relating to the Earl of *Essex's* Death. (The Information I believe is in Court.) He gave me the Information, and I read it, and I remember there was something in the Information of a Razor thrown out of a Window, a bloody Razor thrown out of my Lord *Essex's* Window, and after I had read the Information, I told Mr. *Braddon*, I wonder Sir *Henry Capell* had not appeared himself in a matter of that Moment, wherein the Reputation of his Family was so much concerned; and I took the liberty to tell him, That I believed if Sir *Henry Capell* had thought that to be true, that was contained in that Paper, he would doubtless have come to my Lord *Sunderland* himself. Thereupon he told me, That Sir *Henry Capell* had not been well, and did not stir abroad. Then I told Mr. *Braddon* again, as I very well remember, That I was confident he had been abroad lately, and had been to wait upon the King, since the Death of my Lord of *Essex*. Then, my Lord, he had little or nothing to say to that, but he said, what he did he was obliged to do in Conscience, and out of the Duty he owed to the Memory of my Lord of *Essex*. Upon that, my Lord *Sunderland* came by, and I went with him

to my Lord *Sunderland*, and he gave him that Paper, as I suppose, which I read, and my Lord *Sunderland* took the Information, and afterwards Mr. *Braddon* was committed in Custody, and then the thing was brought before the King, and the Lords of the Council, which Mr. *Blathwaite* has given you an account of.

Mr. Att. Gen. My Lord, I pray that a Word of the Information may be read, we will first prove the Information taken by him, and then call Sir *Henry Capell*, who will prove that he never had any Order from him, as he said he had, but it was only his own busy Inclinations.

Cl. of Cr. This is subscribed, *William Edwards*.

L. C. J. Call the Boy in again.

Mr. Braddon. May I ask Mr. *Monstevens* a Question, my Lord?

L. C. J. Ay, ask him what you will.

Mr. Braddon. Sir, Did not I come to you the *Thursday* Evening, and waited at the Dutches of *Portsmouth's* Lodgings, before I brought the Boy and the Girl to *Whiteball*?

Mr. Monstevens. No, I did not see you there.

Mr. Braddon. You are positive in that, Sir?

Mr. Monstevens. Yes, I will take my Oath again of it, if you will.

Mr. Braddon. Then I will prove I was, and that I saw you at Ten of the Clock that Morning.

Mr. Monstevens. I remember, my Lord, very well, That I was surpris'd to see him at the Lodgings at *Whiteball*. I never saw him, to the best of my Remembrance, but once in my Life.

Mr. Braddon. What time was it, pray, you first saw me?

Mr. Monstevens. It was in the Afternoon, as I remember.

L. C. J. Hark you, young Man, do you know my Lord *Gerard*?

William Edwards. Yes.

L. C. J. Which Lord *Gerard* do you know?

William Edwards. My Lord *Brandon Gerard*.

L. C. J. How came you to know him?

William Edwards. By sight I know him.

L. C. J. Do you know where he lodged in the *Tower*?

William Edwards. Yes.

L. C. J. Where?

William Edwards. At one Mr. *Sam's*.

L. C. J. Was you ever in his Lodging?

William Edwards. No.

L. C. J. Never at all?

William Edwards. No.

L. C. J. Did you never tell any body you were in my Lord *Brandon Gerard's* Lodgings?

William Edwards. Never in my Life.

L. C. J. Did you never tell *Braddon*, that you went to see his Lodgings?

William Edwards. Into the House I never went.

L. C. J. Did you never tell *Braddon*, That you went to see my Lord *Brandon Gerard's* Lodgings? Never in your life?

William Edwards. No, Sir.

L. C. J. Now read it.

Cl. of Cr. [*Reads.*]——— The Information of *William Edwards*, second Son to *Thomas Edwards*, of the Parish of *All-hallows Barkin*, *London*, taken the 18th Day of *July*, in the 35th Year of the Reign of our Sovereign Lord King *Charles II.* Anno 1683, says: That this Informant on Friday the 13th of this instant *July*, as he was going

to School, with his Brother Edward, he heard that His Majesty, and His Royal Highness the Duke of York, were going to the Tower. Whereupon this Informant left his Brother, and went to the Tower to see His Majesty, and His Royal Highness. And when this Informant had seen His Majesty and his Royal Highness, this Informant about nine of the Clock in the Morning of the same Day, went to see my Lord Brandon Gerard's Lodgings; and as this Informant was standing almost over against my Lord Gerard's Lodgings, between the Lord Gerard's and the late Lord of Essex's Lodgings, this Informant saw a Hand cast out a bloody Razor out of the said Earl of Essex's Lodgings. And this Informant was going to take up the said Razor, which he saw on the Ground to be bloody, but before this Informant came to the Razor, there came a Maid running out of Captain Hawley's House, where the said Lord of Essex lodged, and took up the said Razor, which she carried into the said Captain Hawley's House. And this Informant believes that it was the said Maid, who he first heard cry out Murder. And this Informant further saith, That he heard the said Maid say to some which were about the Door, after the Murder was cry'd, That she did hear the said Lord of Essex to groan three times that Morning. The Father, three Sisters, and Brother will swear, That the said William Edwards did declare the Substance of this Information to them on Friday the 13th Instant, and never in the least denied it till Tuesday after, when being chid and threatened by the eldest Sister, he did deny it, but soon after confessed it, and signed it in the Presence of five or six Witnesses.

Mr. Just. Withins. Thus you see, he persuaded him to tell a fine Story of going to see my Lord Brandon Gerard's Lodgings, but the Boy never told any such thing.

L. C. J. No, he never told him a Word of it, he swears.

Mr. Att. Gen. My Lord, Your Lordship has heard from Mr. Monstevens, That this Gentleman Mr. Braddon made use of the Name of an honourable Person Sir Henry Capell, and so at the Secretary's and at Edwards's House, made use of the Name of my Lady Essex. We shall now call Sir Henry Capell. [*Who was sworn.*] Sir Henry Capell, Will you please to give an account, whether ever you employed this Gentleman Mr. Braddon about any such Business as he has here undertaken?

Sir H. Capell. I hope you will give me as short a Dispatch as you can, Sir, for 'tis very uneasy for me to be here in this Crowd.

Mr. Sol. Gen. We give you some trouble, Sir Henry, but indeed 'tis not we, but this Gentleman, that has been pleased to use your Name, has necessitated it.

Mr. Att. Gen. We ask you a short Question, Whether you employed Mr. Braddon to go to Mr. Edwards's House or to the Secretary's, or any where else to prosecute this Matter of your Brother's Death?

Sir H. Capell. My Lord, I know very little of Mr. Braddon. He was to speak with me twice. The first time he took me in very great Disorder, both as to the Circumstance of Time and Place, which are so tender with me, that truly I cannot express, nor do I very well know what I did say, or what he said to me; but the second time he came to me, I do very well remember

what I did say. And that which I did say the second time is the most material Thing I have to say in the matter. He came to me and spake of such a Business as the Court is well apprized of already, (I hope you will pardon me if I do not repeat it,) I made Answer to him, Mr. Braddon, I am under great Grief and under a great Burden of Business in my private Family, whatsoever you have to say in the matter, I desire you would go to a Secretary of State and acquaint him with it. This is the most material thing that was said that I remember.

Mr. Att. Gen. But you never employed him to go about to prosecute any such thing?

Mr. Just. Withins. Sir Henry, Pray answer me, Did you desire him to go to Edwards's House and ask him any Questions about it?

Sir H. Capell. I know nothing of Edwards, nor his House at all.

Mr. Braddon. Sir Henry Capell, Will you please to let me ask you one Question? Do you not remember I came to Essex-House on the Monday Night, and that I came and told you of such a Report, and that I had not been with the Father of the Boy as yet, but if you would then send one with me I would go, and in his Presence examine the Boy, and you, Sir, promised me that you would; and whether you did not appoint me to tarry at such a Place, where you promised to send one to go along with me?

Sir H. Capell. My Lord, I have a gross Idea of that which he speaks of concerning his having one to meet him, and that I told him such an one should meet him, and the Person did desire to be excused, and I did excuse him, and so he did not go; upon which this Gentleman Mr. Braddon came to me the second time, which was after Dinner, and I directed him to go to a Secretary of State and acquaint him with what he had to say in the Business.

Mr. Braddon. Did not you promise, Sir, to send one to me to go with me, and desired me to meet at such a Place?

Sir H. Capell. I remember no more but what I have said.

Mr. Braddon. Upon the Oath you have taken, Sir Henry Capell, I desire you would recollect your Memory, whether you did not promise me in the Morning to meet at such a Place, and was not I twice with you that Day?

Sir H. Capell. Sir, I know no more.

Mr. Just. Withins. Do you think Sir Henry Capell would forswear himself, Mr. Braddon?

Mr. Braddon. My Lord, I only desire him to recollect his Memory.

Sir H. Capell. Only I do farther remember, he seemed to be very willing to go to the Secretary of State.

Mr. Att. Gen. And if he had acquiesced there he had done very well, and there had been no farther Trouble.

Mr. Jones. But that was not the Way he intended, that would not do his Work.

Mr. Sol. Gen. Pray, Mr. Blatbwaite, do you give my Lord and the Jury an account, whether this Information was ever carried before any Justice of Peace in order to have it sworn before him, and the Circumstance of it.

Mr. Blatbwaite. My Lord, I do very well remember, when this Information was before the King, and was shew'd to Mr. Braddon, he there confess'd,

confess'd, That he had gone about to find some Justice of Peace to take it upon Oath. He nam'd Sir *Robert Clayton*, and Sir *John Lawrence*. And I do very well remember, and 'tis upon my Minutes, That he confess'd that Sir *Robert Clayton*, being asked by him to take the Information in private, alone without Company, being by Sir *Robert Clayton* refus'd to take it unless he might take it more publickly, and Sir *Robert Clayton* refusing to take it alone, in private, he would not let him take it at all, but went away with it. I remember this for Sir *Robert Clayton*, and it may be Mr. *Braddon* may remember the same of Sir *John Lawrence*, but I can't tell that.

Mr. At. Gen. My Lord, now we are come to the 20th of *July*, when this Business was heard before his Majesty, and the Boy declar'd it was a Lye, and then he had full notice it was a Lye. But after this Mr. *Speke* and he consult together, and he must be sent as an Emissary into the Country to pick up Informations and Evidences, and with this, and some other Informations in his Pocket, to possess the People, that the Government had murdered my Lord of *Essex*. And he must be sent I know not how far, as if the farther he went from *London* the better Intelligence he was like to have of a thing done at the *Tower*. The Justice of Peace that took him was summon'd, but is since dead. But we will call the Persons that were present when he was taken, where is Mr. *Beech*? [*He was sworn.*] Mr. *Beech*, Will you acquaint the Court and the Jury with the manner of apprehending this Gentleman, and what Papers were found about him?

Mr. Beech. My Lord, I was present when Mr. *Braddon* was apprehended in *Wiltshire*, and several Papers were found upon him, and upon Examination he was committed to the County Goal, and from thence removed by *Habeas Corpus* hither up to *London*. I have Copies of all the Papers that were taken about him, which I examined with the Originals. The one was the Copy of a Letter sent by one *Speke* to Sir *Robert Atkyns*, and there were other Papers in the nature of Informations; another was a Letter to one *Cumpton*, Post-master at *Frome*. Mr. *Braddon* upon his Examination said, his Business was to inquire after the Murder of the Earl of *Essex*, and that one Mr. *Burgis* had sent him a Letter to this purpose, That it was reported at *Frome* that very Day the Earl of *Essex* cut his own Throat, that he had so done, the News of which could not so soon come down thither.

Mr. At. Gen. Pray speak out, Sir, Tell us what his Business he said, was, and as to the Letters he had about him, tell us what he said.

Mr. Beech. He told me, that he had a Letter from one Mr. *Burgis* of *Marlborough*, to go to one *Cumpton* at *Frome*, who is Post-master there, to inquire about a Report, that it was said was reported in *Frome*, the 13th Day of *July*, the same Day the Earl of *Essex* murdered himself, that he was murdered. Mr. *Braddon* had that Letter about him. I went afterwards to that *Cumpton* at *Frome*, he said, he never heard any thing of it, or that there was any Noise of the Earl of *Essex's* Murder, until the *Sunday* following, which was two or three Days after. From

thence I went to my Lord *Weymouth*, a Person of Quality that lives near *Frome*, and acquainted his Lordship with it, and he then said that he had an Account on the *Sunday* of my Lord of *Essex's* Murder, and he believed that was one of the first Letters of it that was in the Country.

Mr. Sol. Gen. Are these the Papers you found about him, Sir?

Mr. Beech. I examined these Copies with the Originals, and they were true Copies.

Mr. At. Gen. Well, put them in.

Mr. Beech. Truly, Mr. *Braddon* gave a very ill account of his Journey to those that did examine him.

Mr. At. Gen. Pray look upon those Papers that are the Originals.

Mr. Beech. One Colonel *Airs* was the Justice of Peace, before whom Mr. *Braddon* was examined, and by whom he was committed, he is since dead, but I do believe this was the Original Letter that was taken about Mr. *Braddon*.

L. C. J. Do you believe that was the Original?

Mr. Beech. I do, I have a true Copy of it.

Mr. At. Gen. Besides, We will prove it otherwise to be Mr. *Speke's* Hand. It was proved by Mr. *Blathwaite* that Mr. *Speke* upon his Examination did own it, what say you, Mr. *Blathwaite*?

Mr. Blathwaite. He did own it, and said in these Words, as I remember, he believed it to be his Hand.

Mr. At. Gen. What, that Paper?

Mr. Blathwaite. Yes, and I have put my Hand upon it, that it was owned by him.

L. C. J. Read it.

Cl. of Cr. This is subscribed by *Hugh Speke*, and dated *London, Lincoln's-Inn, August 15th, 1683, Wednesday Night Ten o'clock*, and directed, *For the Ever-Honoured Sir Robert Atkyns, Knight of the Bath, at his House at Netherwell near Stow on the Old in Gloucestershire.*

Honoured Sir,

THE Bearer hereof is one Mr. *Braddon*, a very honest Gentleman, whose Father has at least Eight Hundred per Ann. in *Cornwall*; It seems it is his Fate to be the only Person that follows, and prosecutes the Murder of the Earl of *Essex*, and he has made a very considerable Discovery already of it, notwithstanding the hard Stream he rows against, as things stand and are carried on at present. But indeed I think it could never have fallen on so fit a Man, for he has been a very hard Student, and is a Person of a very good Reputation, Life and Conversation, and has a great deal of Prudence, and has as much Courage as any one living whatsoever. He went away on a sudden hence Post towards *Marlborough* to make some farther Discovery, and what he has discovered he will give you a full Account, and of all the Transactions hitherto about it. I lent him my Man to go with him for fear he should come to any Mischief, for most here fear he will either be stabbed or knock'd on the head, if he do not take great care of himself; seeing he came into these Parts, I thought it not amiss to go and advise with you how he had best to proceed in it, and I did charge him not to let any body know who he was, that it might not be known that he had been with you; for I would not for the whole World that

you

you should come to any Prejudice in the least for your Kindness towards us. For we labour under many Difficulties as the Tide runs at present.

Pray call Mr. Braddon by the Name of Johnson when he is with you, I have given him the same Item. We hope we can bring on the Earl of Essex's Murder on the Stage, before they can any of those in the Tower to a Trial. He being in great haste, I have not time to write more, but to assure that Mr. Braddon is a Person of that Integrity and Courage that no body needs fear to trust him. I was very willing that he should take your Advice in this Case which is of so great a Moment, seeing he came within twenty or thirty Miles or thereabouts of your House. He will give you a full and clear Relation of every thing in that Affair, and how hard they have been upon him. Sir Henry Capell told him, that it was a thing too great for him, &c. All which Mr. Braddon (that you are to call Johnson whilst he is with you at your House) will give you a true Relation of. Mr. Braddon hath been at a great Trouble and Charge already about it; I know few that would have ventured to have undertaken this Affair besides himself, as Times go. I received yours this Day, with the great pains you took, and the Letter to the Lady Ruffel, which finding unsealed, I sealed, without looking into it, and carried it my self: She returns you ten thousand Thanks, and says, she knows not what Return to make you for your most extraordinary Kindness. I have not time to write any more at present by reason that Mr. Braddon alias Johnson, stays only for this my Letter. I am, Sir,

Your most obliged Friend
and most humble Servant,

Hugh Speke.

I am writing a Letter to send to you by the Carrier.

Mr. At. Gen. This Gentleman brings in Mr. Speke to be the Author of all this Contrivance. But we shall prove to you, That at the same time this Letter was taken about him, this Gentleman had others that were likewise taken. These Examinations, which I desire may be likewise read.

Mr. — My Lord, I came lately from Sir Robert Atkyns, He is an utter Stranger to all this, he is now in the Country and knows nothing of it.

L. C. J. If they will use his Name, I can't help it.

Mr. — My Lord, I would not have any Reflexion upon him, for he knows nothing at all of this matter.

Mr. Sol. Gen. The Letter was never received by Sir Robert Atkyns, but taken before it came to him.

Mr. At. Gen. All the matter is, 'tis an unhappy thing to be thought well of by such sort of People.

L. C. J. I see nothing of Sir Robert Atkyns in the Case, but only my Name is used, and notice is taken of the great Obligations some People have to him, for his great Kindness to his Friends.

Cl. of Cr. Here is an Information.

L. C. J. Was this found about him too?

Mr. Beech. Yes, I believe that is the very Paper, I have no Copy of that Paper, but I well remember the Contents of it.

Mr. At. Gen. Did you sign it or mark it?

L. C. J. He may believe it to be without signing.

Mr. Beech. I presume Mr Braddon will own it.

Cl. of Cr. The Information of Mrs. Edwards, Wife to Thomas Edwards, saith, That about 10 of the Clock in the Morning on Friday the 13th of this Instant July, this Informant's youngest Son William Edwards, aged about 13 Years, came trembling to this Informant, and in great Amazement and Horrour told this Informant, that the Lord Essex had cut his Throat in the Tower, and further said, That he the said William Edwards in the Morning about nine of the Clock, did see a Hand cast out a Razor out of the said Lord of Essex's Lodging Window, which Razor he saw on the Ground to be bloody. And the said William Edwards was going to take up the said Razor, but before he came to it, there came a Maid running out of Captain Hawley's House, where the said Earl of Essex lodged, and took up the Razor which she the said Maid forthwith carried into the said Captain Hawley's House, and soon after he the said William Edwards heard her, as he the said William Edwards did believe, cry out Murder. And this Informant further saith, That the Substance of which the said William Edwards hath sworn in this Information, he the said William Edwards on Friday last did declare to this Informant and her whole Family, several times attesting it to be true, and several times since.

Cl. of Cr. Here is the Information of William Edwards second Son of Thomas Edwards.

Mr. At. Gen. That is the same with what was read already.

L. C. J. Ay, that is the Boy's Information.

Cl. of Cr. Here is another, 'tis dated August the 8th, 1683. The Information of Jane Lodeman, aged about 13 Years, did in the Presence of these, whose Names are here underwritten, declare as followeth, That the said Jane Lodeman was in the Tower on Friday Morning, the 13th of July last, and standing almost over-against the late Earl of Essex's Lodging Window, she saw a Hand cast out a Razor out of my Lord's Window, and immediately upon that she heard Sbricks, and that there was a Soldier by my Lord's Door, which cried out to those within the House, that somebody should come and take up a Razor which was thrown out of the Window, whereupon there came a Maid with a white Hood out of the House, but who took up the Razor she can't tell.

This is subscribed

John Boom, and
William Smith.

Cl. of Cr. Here is another Paper August the 8th, 83. Mr. William Glasbrooke does declare, That one Jane Lodeman, aged about 13 Years inhabiting in the same House where he the said William Glasbrooke lodged, did on Friday the 13th of July last past, between the Hours of 10 and 11 in the Morning, in the Presence and Hearing of him the said William Glasbrooke declare to her Aunt, That the Earl of Essex had cut his Throat, upon which her Aunt was very angry with her, whereupon she the said Girl did declare, that she was sure of it, for she saw him throw the Razor out of the Window, and that the Razor was bloody, and that she heard two Groans or Sbricks (which of the two Words she used, he the said William Glasbrooke is not certain;)

tain;) of this be the said William Glasbrooke is ready to make Oath.

This is subscribed

*William Glasbrooke,
Margaret Smith.*

Mr. At. Gen. He carried his Stuff about him, it seems, wherever he went.

L. C. J. 'Tis Stuff indeed. Good God, what an Age do we live in!

Mr. At. Gen. It is not taken upon Oath before any Magistrate, but cooked up to amuse the Country, as if they were formal Informations. Here is another Letter, *Mr. Beech*, was this Letter found about him?

Mr. Beech. Yes, this Letter was found about him.

Mr. At. Gen. It is from one *Burgis*, a Man of the same Kidney.

Cl. of Cr. This is directed for *Mr. Cumpen* at the *Dolphin* at *Frome*, and 'tis subscribed *Jeremiah Burgis*, and dated *Marlb. Oct. 21.*

Mr. Cumpen,

M*y kind Love to you. These are to desire you to call to mind, that I was in Frome the 6th of July, being Friday, where I heard the Report that the Earl of Essex had cut his own Throat; I would desire you to inquire in'o it, to know who first reported it, and give this Gentleman the truth of it. And in so doing you will oblige me, who am*

Your Friend,

Jeremiah Burgis.

Mr. Beech. Under favour, my Lord, This Letter talks of a Report that was the 13th Day, the very Day the Earl of *Essex* murdered himself, I went directly to *Frome* and spake with this *Cumpen*, and he told me, he did not speak with *Burgis* nor see him, nor was there any such Report before the *Sunday* Morning. From thence I went to my Lord *Weymouth's*, as I told you.

Mr. At. Gen. My Lord, We have gone through our Evidence for the present, to shew how this Man has endeavour'd to spread this Matter to the Scandal of the Government. We shall end here at present to see how he has improved his Confidence, by what Defence he will make to all this Proof. Afterwards, if there be Occasion, We shall give an Account of the Earl's Death, how he murdered himself. And for that we have a Cloud of Witnessess, though this Gentleman has taken upon him so much Confidence as to contest it.

L. C. J. That would be very fit, *Mr. Attorney*, because they have raised a Doubt in some People's Mind about it.

Mr. At. Gen. I thought it best to reserve it till after I see what Defence he will make.

L. C. J. Take your time.

Mr. Wallop. May it please your Lordship, and you Gentlemen of the Jury, I am of Counsel for *Mr. Braddon* and *Mr. Speke*, the Defendants here. You see what the Issue is before you, *Mr. Speke* and *Mr. Braddon*, they are in the Information charged, That they did Conspire together to make the People believe, That whereas the Earl of *Essex* murdered himself, and so it was found by the Inquisition, yet they would have

the People believe, that that Inquisition was taken unduly, and that they did Conspire to procure false Witnessess to make these Things out. Now, Gentlemen, the only Point that you are to inquire of, is this, Whether these two Gentlemen did maliciously, factiously, and seditiously set these Things on Foot. This Report that the Earl was murdered, or whether there were such Intimations offered to them accidentally and casually, without Officiousness, or any of their own seeking, that might induce a good Man, or a wise Man to follow the Business upon such Information given. For our Parts that are for the Defendants, we say this for our Clients, we are not so much to make any Men guilty of this Murder, that is not our Business, but to prove our own Innocency and fair dealing in this matter. Now, Gentlemen, if these two Persons had no Inducement to lead them on to this, but did of their own heads, that is Criminal in them; but if they had that which might induce a wise and good Man, though they were much mistaken, yet they are not to be found Guilty of this Offence that is charged on them. I shall leave it, Gentlemen, to you, who I question not have observed the Evidence that has been given, and whole proper Work it is to make your Judgment upon it. But in our Defence, the Steps we go are these, and we desire you would please to observe them. First, we say, That the Report of this Murder was the Day before, two or three Days before, and that very Day, so many Miles distant from *London*, that hearing of such a Report, we might very easily be induced to make some Inquiry after it; and of this four Instances we shall give in the Course of our Evidence, that this was a great many Miles off *London* talked of at the Day, and immediately after the Day, before the News could reach those Places, after the Fact committed. Then we shall proceed to those Passages concerning the Boy, and produce Evidence to set forth the true State of that matter, That this Boy, as he says himself, did tell the Family this Story, that very Day that my Lord murdered himself, immediately upon his coming home. Now this Original Story is impossible to be contrived by *Mr. Braddon*, be it true or be it false. Then *Mr. Braddon* coming into *Essex*, to *Mr. Evans's* House at *Warsted*, there what was said by the Boy was spoken of. Then *Mr. Braddon* finding this Information of the Boy, which he had given merely of himself, and which contradicted the Inquisition, and put him upon this Inquiry. Now how far this Intimation has weight, and may be an Inducement to a good and a wise Man, as I say, that we must leave to you. But besides that, there is a Girl, a Stranger to the Boy, that at the same time, upon the matter, and to this same Effect and Substance, delivered such an Evidence, as might very well serve to confirm us in our Inquiry, and this is the Course of our Evidence, in the Substance of it. And we shall apply our selves to your Lordship and the Jury after the Evidence given, and make our Observations upon it, and submit it to you, Gentlemen.

Mr. Williams. Will your Lordship please to spare me one Word that is an Objection that we would make from the Record it self. The Information that does recite, That the Earl of *Essex* was imprisoned in the *Tower*, and during his

his Imprisonment there, cut his own Throat, and became *Felo de se*. And that there was an Inquisition taken before such an one, before *Edward Farnham* Coroner of the Liberty of the *Tower*: My Lord, I was not here when the Inquisition was read, if I had I should have made the Objection then, but this is that I say, if we can falsify that part of the Record, if there be a Mistake there, that is, if *Farnham* was not Coroner, then they fail in their Proof, and we must be found Not Guilty, for so it is in the Information.

L. C. J. It is said to be before him as Coroner of the Liberty.

Mr. Williams. Yes, my Lord, They recite that he is Coroner, and that the Inquisition was taken before him as Coroner, and *Mr. Braddon* knowing of it, did thus, and thus.

L. C. J. Why, Is he not Coroner?

Mr. Williams. My Lord, I desire the Inquisition may be looked into, I cannot go to contradict the Inquisition, but my Instructions only are that he is Deputy-Coroner, and if it be so they are mistaken in their Information.

Cl. of Cr. It is *Coram Edwardo Farnham Coronatore*.

Mr. Williams. Then we can't help it. But there are these Things that we say to it, One Part of the Information is, That we should go about to persuade the People, that this Inquisition was not duly taken; another Part is, That we did procure false Witnesses to prove it; now what Proof is offered as to the Matter of persuading the People, I must submit to you, whether it be such as comes up to the Charge in the Information. There is some kind of Proof, but what it is, you see. Then for the other Matter, which is the procuring of false Witnesses, that, under favour, I think I may affirm, That there is no Proof at all of, That *Mr. Braddon* or *Mr. Speke* did procure false Witnesses. Gentlemen, we shall endeavour to acquit ourselves of all, if we cannot of all, yet of Part, especially that Part which seems to be the most Criminal. And I must needs say, I have not heard any Proof of procuring false Witnesses, by either of the Defendants. Then there is a Third Thing charged, and indeed in the Evidence there is something that looks towards it, That he should go about by Papers, and otherwise to publish it, That he was a Person employed to prosecute the Murder of the Earl of *Essex*. Now as to this Matter, all I shall say for *Mr. Braddon* is this, If he have done something more, it may be by a Transport of Zeal, than became him, that must be submitted how far it is Criminal. If he did what did not become a mighty wise and discreet Man; yet if he did what became a rational Man of ordinary Capacity to do, if he had this Information, and so many other Informations, and he did search innocently a little into it, if he did not do it Seditiously and Factiously with an ill Mind, we hope there is no such great Harm done. And indeed, Gentlemen, his Mind is to be try'd in this matter. And 'tis an hard matter to try a Man's Mind, *quo animo*, a Man did such an Action; that he did it, there is some Sort of Evidence, but if he did it not out of an ill Principle, and with an evil Intention, then, under Favour, we take it he is Not Guilty of this Information. And we shall endeavour to make it out thus, This Gentleman hearing of

this Report of the Boy, makes his Application first to Sir *Henry Capell*, who was a Person well known, to be nearly related to this unfortunate Lord, the Earl of *Essex*, and he tells him what Information he had received. Sir *Henry Capell* puts him into an excellent Course, and desires him to go and inform the Secretary of State, and he did so, and if he had gone only this way, all that he had done had been innocent. Then the matter is only this; He has gone a little out of the way, and has taken some Informations and Examinations in Writing: Why, though he has gone a Step or two awry, yet if it was with a Design to prepare the Matter the better for the Secretary, by laying these Papers before him, we hope there is no Crime; if we did it not Seditiously, but only with an Intention, That Mr. Secretary might receive a more clear and full Information; I hope the Jury will acquit us.

L. C. J. You say well. Come, prove your Matter.

Mr. Thompson. Call Mr. *Fielder*, and Mrs. *Mewes*, and Mr. *Lewes*.

Lewes appeared.

Crier. Lay your Hand on the Book.

Lewes. My Lord, I desire my Charges may be paid, before I Swear.

L. C. J. Pr'ythee, what have I to do with thy Charges? I won't make Bargains between you. If you have any Evidence to give, and will give it, do; if not, let it alone.

Lewes. My Lord, I shall not give any Evidence 'till I have my Charges.

L. C. J. Mr. *Braddon*, If you will have your Witnesses swear, you must pay them their Charges.

Mr. Braddon. My Lord, I am ready to pay it, I never refused it; but what shall I give him?

L. C. J. Nay, I am not to make Bargains between you, agree as you can.

Mr. Thompson. My Lord, we are willing to do what is reasonable. You, *Lewes*, What do you demand?

Lewes. He can't give me less than Six Shillings a Day.

L. C. J. Why, where dost thou live?

Lewes. At *Marlborough*.

L. C. J. Why, canst thou earn Six Shillings a Day by thy own Labour at *Marlborough*?

Lewes. My Lord, I am at Forty Shillings or Three Pound a Week Charge with my Family and Servants.

L. C. J. What Trade art thou?

Lewes. A Stapler.

L. C. J. And does your Trade stand still while you are here in Town?

Lewes. Yes, to be sure it can't go well on.

L. C. J. Well, I say that for you, you value your Labour high enough, I know not what your Evidence may be; but, Mr. *Braddon*, you must pay your Witness, if you will have him.

Mr. Braddon. I will, my Lord, very readily. What will you have? I have paid you something already.

Lewes. Give me Twenty Shillings more then. You can't give me less.

Then Mr. *Braddon* paid him Twenty Shillings, and he was Sworn.

L. C. J. Well, what do you ask him, *Mr. Thompson*?

Mr. Thompson. We ask him, What Report he heard of the Earl of *Essex's* Death, and when?

L. C. J. What is your Name, Friend?

Lewes. Lewes.

L. C. J. Well, what is it you say?

Lewes. My Lord, as I was riding up *Husband*, within three or four Miles of *Andover* —

Mr. Wallop. How many Miles is that off of *London*?

Lewes. Fifty-two.

Mr. Wallop. Well, go on.

Lewes. Between the Hours of Three and Five, but it is so long ago that I cannot exactly tell the certain time; a Man asked me what News I heard in the Country, I told him, I heard none. Says he, I hear the Earl of *Essex* has cut his Throat: It was upon a *Friday* in the Summer, I forget the Day of the Month, I can't tell what Month it was certainly.

Mr. Thompson. What Day of the Week was it?

Lewes. I remember it was upon a *Friday*.

Mr. Thompson. Can't you tell what Month it was?

Lewes. I can't tell what Month it was, it was in the Summer I know.

Mr. Braddon. My Lord, I desire to ask him a Question.

L. C. J. Do, if you will: Ask him what you will.

Mr. Braddon. Did not you go to *Marlborough* on the *Saturday*?

Lewes. I did go to *Marlborough* the next Day, which was *Saturday*.

Mr. Braddon. I desire to know of him, whether he did meet with the News of it there then?

Lewes. My Lord, as to that, when I came Home, my Neighbours asked me if I had heard any News? I told them, says I, I hear the Earl of *Essex* hath cut his Throat. Why when did you hear it, say they? I heard it Yesterday, said I. Said they, It was done but Yesterday, how could you hear it so soon? That is all I have to say, my Lord.

Mr. Williams. By the best Conjecture you can make, was it that very Day the Earl of *Essex* cut his Throat?

Lewes. I do not know that ever any such Man cut his Throat, but this I heard, and I tell you the Time as well as I can.

Mr. Williams. Then, pray, let us have our Money again.

L. C. J. Thou art well paid, I will say that for thee.

Mr. Williams. Where is *Mr. Fielder*? Swear him. [*Which was done.*] Pray, Sir, what did you hear, and when, of the Earl of *Essex's* Death?

Mr. Fielder. The *Wednesday* and the *Thursday* of the same Week that the Earl of *Essex* cut his Throat, it was reported in our Town of *Andover*, that he had so done. The Women, as they came in and out of the Town, talked of it one to another.

L. C. J. What was talked of that *Wednesday* and *Thursday*?

Mr. Fielder. That my Lord of *Essex* cut his Throat in the *Tower*.

Mr. Just. Withins. What, before he had cut his Throat?

Mr. Fielder. Yes.

Mr. Just. Withins. That is very strange indeed.

L. C. J. Lord, what a Story is here!

Mr. Williams. My Lord, if you please, I will tell you what Use we would make of it. —

L. C. J. I know what Use you would make of it, the Use is just the same, as you make use of all sorts of ridiculous and shamming Stories, to set us together by the Ears, and rake into all the Dunghills that can be, to pick up Matter to put us into Confusion.

Mr. Williams. But, my Lord, if there was such a Report so long before —

L. C. J. *Mr. Williams*, you were here in Town at that time, I am sure.

Mr. Williams. My Lord, I heard it at Eleven o'clock that Day, that is the soonest I heard it.

L. C. J. What an Age do we live in! What Stuff is here picked up, on purpose to kindle the Fire, and set us all into a Flame!

Mr. Att. Gen. What Day of the Month was it, *Fielder*, upon your Oath?

Mr. Fielder. I did not mind the Day of the Month, I can't tell that.

Mr. Sol. Gen. How do you know it was that Week?

Mr. Fielder. Because on the *Saturday* Night that Week, we had the certain News of it.

Mr. Sol. Gen. You say somebody told you then of it on *Saturday*?

Mr. Fielder. Yes, on *Saturday* we had certain News of it.

Mr. Sol. Gen. Who gave you the certain Intelligence?

Mr. Fielder. Some Clothiers.

Mr. Williams. Was *Gadbury* your Countryman?

L. C. J. Ay, pr'ythee ask him that, whether *Gadbury* told it him, or *Erra Pater*, if you will.

Mr. Att. Gen. From what Market-People was it reported?

Mr. Fielder. Some Women.

Mr. Att. Gen. It was only Women's Stories then?

Mr. Fielder. Yes, they talked of it among themselves.

Mr. Att. Gen. Was it the Forenoon or the Afternoon?

Mr. Fielder. The *Wednesday* and *Thursday* both, it was the common Talk of the Town all Day long.

Mr. Just. Withins. Name one that spake it to you

Mr. Att. Gen. Ay, name one of any Credit, if you can.

Mr. Fielder. I cannot, it was the Women as they came in and out of my Shop, and as they went up and down the Town.

Mr. Wallop. My Lord, we leave it with your Lordship and the Jury. He swears he then heard such a Report.

Mr. Just. Withins. Do you believe this, *Mr. Wallop*, yourself? You are a Man of Ingenuity, I appeal to you.

Mr. Wallop. I believe that *Mr. Braddon* in his Prosecution of this Matter, went upon the ground of this Report, for he had heard the like Evidence

dence was given in my Lord *Stafford's* Trial, about the News of Sir *Edmundbury Godfrey's* being killed, before it was known here what was become of him, and that perhaps misled him, if he be misled.

Mr. Just. Withins. Do you believe that this Man can speak Truth, when he says it was reported all about their Town, for two Days before it was done, and yet can't name one Person that spake it?

Mr. Fielder. I keep a publick Shop, and don't take notice of every one that comes in and out, to remember particularly.

Mr. Just. Withins. You heard it up and down the Town you say, surely you might remember somebody.

Mr. Wallop. He might hear it, and not take notice of one, but it was the common Fame at *Andover*.

Mr. Williams. Let it go as it will. Your Lordship and the Jury hear what he says —

L. C. J. But, under Favour, Mr *Williams*, it ought not to pass so easily; 'tis a Contrivance to deceive the King's Subjects, and shews a Design to pick up Evidence to amuse the unwary, and fill their Heads with Fears and Jealousies of I know not what.

Mr. Wallop. My Lord, I would excuse my Client from Malice as well as ever I can, and therefore we produce these Witnesses, to shew what grounds he had for what he did.

Mr. Williams. We will next call some Women that live near the *Tower*, that might give him some occasion for his concerning himself in this Business, *Jane Lodeman*, and *Margaret Smith*. This Voice and Rumour in the Country, made him to go into the Country, but it shews he was no Contriver of the Report.

Mr. Att. Gen. I would fain know of *Fielder*, when he told Mr. *Braddon* of this.

Mr. Braddon. My Lord, I desire the Family of the *Edwards's* may be called.

L. C. J. Name them, Who are they? How can we tell who your Witnesses are?

Mr. Braddon. Crier call them, Mrs. *Edwards*, and her Daughter. Will your Lordship give me leave to make my own Defence?

L. C. J. Ay, if you will, but then take notice your Counsel are discharged from making any Defence for you.

Mr. Braddon. May it please your Lordship, and you Gentlemen of the Jury, These were the Inducements following, that put me upon engaging in this Matter. —

Mr. Att. Gen. Call your Witnesses first, and then speak.

Mr. Braddon. Mr. *Edwards*, and Mrs. *Edwards*.

[Who came into Court.

Mr. Just. Withins. Pray, Mr. *Braddon*, answer me this one Question. What was the Matter that encouraged you to proceed after you knew the Boy had denied it, and said it was all a Lye?

Mr. Braddon. I was bound to answer to an Information after I had been examined at the Council; I had not otherwise stirred in it again.

L. C. J. Well, What do you ask *Edwards*?

Mr. Braddon. What Day was the first Day I saw you, and had Discourse with you, and what was the Discourse I had with you?

Mr. Edwards. It was the Seventeenth of July.

Mr. Braddon. What did you tell me then that your Boy reported?

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Mr. Edwards. I told you what I acquainted the Court withal before, that the Boy had brought Home such a Report.

Mr. Braddon. Had the Boy ever denied it before I saw you?

Mr. Edwards. That Day you came to speak with me about it, as I was informed by my Wife and my Daughter, the Boy did deny it.

Mr. Braddon. Was it before I came, or after I came that he denied it?

Mr. Edwards. It was after you came.

Mr. Braddon. What were the Inducements that made him to deny it?

L. C. J. He tells you himself, because it was false

Mr. Braddon. I desire the elder Sister *Sarah Edwards* may be called.

Mr. Wallop. It is apparent the Boy did affirm it —

L. C. J. I thought Mr. *Braddon* would have made his Defence himself, Mr. *Wallop*, but you will be breaking in upon him with your Remarks. Make your Remarks by and by, this is a Time for Evidence.

Mr. Wallop. My Lord, I only say this, 'Tis apparent the Boy did first affirm it, and we shall shew how he came to deny it

L. C. J. 'Tis not proper for you to make Remarks, when you are examining your Witnesses; but when you sum up, You may take what Notes you will, and reserve them 'till that time, but do not break in upon the Evidence.

Crier. Here is *Sarah Edwards* now.

[Who was sworn.

Mr. Att. Gen. This is not the Sister, this is the Mother of the Boy.

L. C. J. Well, what do you ask her?

Mr. Braddon. What Discourse had you with your Boy about Ten of the Clock that *Friday* Morning I met you?

Mrs. Edwards. I had no Discourse, but what my Child told me.

Mr. Braddon. What did your Child tell you?

Mrs. Edwards. I gave an Account to my Lord-Keeper, he had it in Writing, I gave him an Account in Writing.

Mr. Braddon. But you are now called upon your Oath, and are to speak the Truth, and must give an Account to his Lordship and the Jury upon your Oath, what it was the Boy told you.

Mrs. Edwards. What was it, Sir, he came and told me? Why, the Boy told me, Mother, says he, I have been at the *Tower*, and seen the King's Majesty, and his Royal Highness, and, says he, the Earl of *Effex* has cut his Throat; and Lord, Mother, says he, and wept. Lord, Child, said I, I am afraid you are going to make some Excuse to me, that I should not beat you, being you have play'd Truant; no, Mother, says he, I did not. He continued in this for a little while, and then afterwards did deny it.

Mr. Braddon. What did he deny?

Mrs. Edwards. What he had said to me.

Mr. Braddon. Did he deny that he had been at the *Tower*? Or that the Earl of *Effex* had cut his Throat?

Mrs. Edwards. No, he denied what he said he saw.

Mr. Braddon. What was that?

Mrs. Edwards. He said, He saw an Hand out of a Window, and a Razor fell down, and he went to take it up, and there came out a Woman,

man, or a Maid, a short fat Woman came out, and took it up, and went in again.

Mr. Wallop. And he said this crying and weeping you say?

Mrs. Edwards. Yes, he did so.

Mr. Braddon. Did he deny it before such time as I had been there?

Mrs. Edwards. No, you was once at my House before, and spake to my Husband, and then you came the same Day again.

Mr. Braddon. Pray, what was the Discourse your eldest Daughter had with the Boy between the time of my first coming, and the time of my second coming?

L. C. J. 'Tis impossible for her to answer any such Question, what Discourse two other People had.

Mr. Att. Gen. Bring the Daughter herself, and let her tell.

L. C. J. Hark you, *Mrs. Edwards*, before you go. The Boy denied it, it seems, in two or three Days after he had given out such a Report?

Mrs. Edwards. Yes, my Lord, he did.

L. C. J. How came he to deny it?

Mrs. Edwards. I will tell you how, When this Gentleman came and acquainted my Husband with his Business, it put us all into a great Damp; and my Husband said, Now both my Boys were gone to School, and says he, after the Gentleman was gone, to my Daughter *Sarah*, Don't you say any thing to your Brother when he comes in, but let him alone, and we will talk to him. So with that she was so grievously affrighted, and so amazed, that as soon as he came in, she said, pr'ythee, *Billy*, deal truly, and don't you tell any Lye to save your Breech, for here has been a Gentleman to inquire something about what you said; why, Sister, says he, will any thing of Harm come? Truly, Child, says she, I don't know, and upon that he did deny it.

L. C. J. Did you tell *Mr. Braddon* he had denied it?

Mrs. Edwards. He was told he had denied it.

L. C. J. Did you tell *Mr. Braddon*, before the Paper was signed, that he did deny it?

Mrs. Edwards. Yes, my Lord, he knew that before the Paper was signed.

Mr. Braddon. *Mrs. Edwards*, Did not the Boy come to you, and cry out, he should be hang'd, and then did deny it?

Mrs. Edwards. Yes, that he did.

Mr. Braddon. From whence did he come, that he was in such a Fright?

Mrs. Edwards. I can't tell that, Sir.

Mr. Braddon. Did not your eldest Daughter chide him and threaten him?

Mrs. Edwards. Yes, she did bid him speak the Truth.

Mr. Att. Gen. And then he denied it?

Mrs. Edwards. Yes.

L. C. J. Ay, says she to him, *Billy*, do not, to save thy Breech, tell a Lye, but speak the Truth; why then, says he, the Truth of it is, there was no such Thing.

Mr. Braddon. My Lord, she says it was after his Sister had chid and threatned him.

Mr. Sol. Gen. You are a little too fierce upon the Woman, *Mr. Braddon*, you do not observe what she says.

L. C. J. Yes, he is wonderful zealous, flourishing his Hands, ———

Mr. Sol. Gen. She says, the Daughter did tell the Son that he must speak the Truth, and not tell a Lye to save his Breech, for there had been a Gentleman to inquire about it; Why, says the Boy, will there come any harm of it? I don't know, says his Sister; Why then, says he, I tell you the Truth, there was no such thing.

L. C. J. Ay, when she engaged him to tell the Truth, and not Tell a Lye to save his Breech, then the Truth comes out.

Mr. Braddon. Pray call *Sarah Edwards* the Daughter. My Lord, they told me in the House that she had frightened him into a Denial.

L. C. J. Pray, good Sir, how came you to be a Justice of Peace, and to turn Examiner? You live in the *Temple*, or belong to the *Temple*, how come you to take Examinations here in *London*, but that some People are so very zealous and officious in Matters that concern them not, on purpose to raise a Dust?

Then Sarah Edwards the Younger was sworn.

Mr. Braddon. Did not your Brother deny what he had said by your means?

L. C. J. Pray, ask a fair Question.

Mr. Braddon. Mistress, Pray tell your Knowledge of what the Boy declared?

L. C. J. Ay, ay, Tell what you know, what your Brother said concerning his seeing a Razor, and his denying of it afterwards. Tell all from the Beginning to the End, and tell Truth in God's Name, and nothing but the Truth. We desire the Truth may come out, let it be of which Side it will.

Sarah Edwards. My Brother came home and said he had been at the *Tower*, and that he had seen His Majesty and His Royal Highness, and the Earl of *Essex* had cut his Throat, and that he saw an Hand fling a Razor out of a Window, and that a Maid, or a Woman, came out and took it up, and went in again, and presently after he heard a Noise of Murder cried; so I knowing he was very apt to tell Lies, I did not believe it.

Mr. Braddon. Pray, Mistress, Did you prevail with him to deny it afterwards?

L. C. J. You are so wonderful full of Zeal and Heat in this Matter, you cannot let your own Witnesses tell their own Story, but you must interrupt them. You have been bred to the Law, and you have been before here present, I suppose, at many Trials, and what Pretence can you have to be more indulged in an extraordinary way of Proceeding than others? 'Tis not for the Integrity of your Conversation, I am sure, that you ought to have it, but only because you have more Impudence.

Mr. Braddon. My Lord, I have nothing of Confidence, but what is grounded upon Innocence.

L. C. J. I tell you, you are too confident, and pray know where you are, and behave yourself as you ought.

Mr. Braddon. My Lord, I hope I do no otherwise.

L. C. J. We must give such Liberty and Toleration because of the Extravagance of his Confidence, as to let him break in upon all Rules and Methods. When you behave yourself as you ought to do, the Court will indulge you, and give you all just Liberty; but don't expect for your Zeal sake, and the flinging of your Hands, to do what you list. Go on, Mistress.

Sarah

Sarah Edwards. So, Sir, this Mr. *Braddon* came on *Tuesday* following, about one or two of the Clock, and asked for my Father, and coming, my Sister *Mary* went to the Door, and called my Father out to him. When my Father came to him, he told my Father he came from Sir *Henry Capell*, and the Countess of *Essex*, to know the Truth of my Brother's Report. So my Father told him the Boy had reported such a thing, but he would not assert the Truth of it, for he had been informed by us that the Boy was apt to tell Lies to excuse his playing Truant; so the Child was gone to School when Mr. *Braddon* came, and when he came home from School they went to the Child, said I, *Billy*, will you be sure to tell me the Truth of this Report, why Sister, said he, will any Harm come of it? Nay, said I, I do not know, for there has been a Gentleman to enquire about it. So then the Child denied it.

L. C. J. Did he know this before he made the Boy sign the Paper?

Sarah Edwards. Yes. This was on the *Tuesday* after Mr. *Braddon* had been first there. And I spake to him, said I, *Billy*, say nothing but the Truth be sure, and don't tell a Lye, to save your Breech. So, Sir, as soon as ever the Child denied it Mr. *Braddon* came in again the same Day, and coming in found us, my Mother and all of us, daunted hearing the Boy deny it; but he asked the Child and bid him speak the Truth, and told him it was a dreadful thing to be a Liar, and bid him read the 5th of the *Acts*, telling him he would find there two were struck dead for telling of a Lye, and several other such Expressions that I cannot remember. Upon *Wednesday*, about Noon, he comes again, and then my Brother did own it again, and he writ down what the Boy owned, and went away, saying he would go to Sir *Henry Capell* and the Countess of *Essex*. And on *Thursday*, he comes again and brings a Paper written over again, not the same he writ at our House, and then the Child set his Hand to it. The Child was something unwilling, so says he to him, It will be no harm to you, if any Danger does come of it, it will come to me and not to you.

L. C. J. The Child was unwilling to sign it you say, but by his Persuasion?

Sarah Edwards. Yes, Mr. *Braddon* told him it would be no harm to him, all the harm would come to himself.

Mr. Braddon. When the Child had owned to me what he first said, and upon your saying that he denied it, I asked him the reason why he denied it; pray will you tell what Answer he made to that Question. Pray tell the Truth, and nothing but the Truth.

Sarah Edwards. Upon my Word, Sir, I can't recollect that.

Mr. Braddon. Pray Mistress, what Answer did he make?

Sarah Edwards. I have told you what I know, to the best of my remembrance.

Mr. Braddon. Did not you hear your Brother run to his Mother, and cry out I shall be hang-ed?

Sarah Edwards. Yes.

Mr. Braddon. What was the reason of his crying out so?

Sarah Edwards. Why, the Child had that Fear and Dread upon his Spirits, knowing it was Lye, I suppose, he told.

Mr. Braddon. What was the reason of his Fear?

L. C. J. She tells you, it was the Falshood of the Story.

Mr. Wallop. Mistress, Did not you tell him, that his Father would be in danger of losing his Place?

Sarah Edwards. Yes, Sir, we did.

Mr. Wallop. Did you tell him, the King will hang your Father if you do not deny it?

L. C. J. Why, you have a mind to have it believed that it was true then, Mr. *Wallop*.

Mr. Wallop. My Lord, the Boy best knows that.

L. C. J. But do you believe that if it had been true, that the King would hang his Father, or turn him out of his Place if he did not deny it, as tho' the King would force People to deny the Truth?

Mr. Wallop. My Lord, I do not say nor believe any such thing.

L. C. J. But your Question seems to carry it so.

Mr. Wallop. My Lord, I ask the Question of her, whether she did not say so to him, I ask Questions according to my Instructions.

L. C. J. Nay, Mr. *Wallop*, be as angry as you will, you shan't hector the Court out of their Understandings. We see plainly enough whither that Question tends. You that are Gentlemen of the Robe, should carry your selves with greater Respect to the Government, and while you do so, the Court will carry themselves as becomes them to you.

Mr. Wallop. I refer myself to all that hear me, if I attempted any such thing as to hector the Court.

L. C. J. Refer yourself to all that hear you, refer yourself to the Court; 'tis a Reflection upon the Government, I tell you your Question is, and you shan't do any such thing while I sit here, by the Grace of God, if I can help it.

Mr. Wallop. I am sorry for that, I never intended any such thing, my Lord.

L. C. J. Pray behave yourself as you ought, Mr. *Wallop*, you must not think to huff and swagger here.

Mr. Just. Withins. Mr. *Braddon*, You hear what the reason was of his crying out so. She said he was afraid, because he knew he had told a Lye.

Mr. Wallop. Pray, Mistress, who told him the Family would be ruined by it?

Mr. Just. Withins. Mr. *Wallop*, I asked this Gentlewoman, whether she did say it, and she said she could not tell.

Sarah Edwards. Indeed I cannot tell, my Lord.

Mrs. Edwards. She did indeed say so, my Lord.

Mr. Wallop. Pray let it go, my Lord, as it is, what was it she said? Did she speak about turning her Father out of his Place?

Mrs. Edwards. I cannot say that, but she said, when the Boy asked whether there would be any harm by it, she could not tell, but it may be her Father and Family might be ruined.

L. C. J. And is not this a Reflection upon the Government, to say the King would ruin any one if they did not tell a Lye?

Mr. Wallop. My Lord, for a false Report he might be ruined, but it seems upon this Saying he did deny it.

Mr. Just. Withins. Was there a Word said of his being turned out of his Place?

Mrs. Edwards. I cannot say there was.

L. C. J. No, not a Word, but only *Mr. Wallop* is so impetuous in the worst of Causes.

Mr. Wallop. I am in the Judgment of the Court, whether I do any thing but what becomes an Advocate for his Client, according to my Instructions.

L. C. J. Yes, you are so, and shall know that you are under the Correction of the Court too.

Mr. Wallop. My Lord, I know where I am.

L. C. J. Ay, you know well enough, but you would do well to carry yourself as you should do.

Mr. Wallop. With humble Submission, my Lord, I appeal to all that hear me.

L. C. J. Appeal to whom you will, I know the Business of the Bar is to appeal to the Court.

Mr. Just. Withins. What is the matter with *Mr. Wallop*, that makes him so earnest in this Cause?

L. C. J. There is such an Heat in this Cause, I wonder whence it should come, I am sure 'tis not from the Honesty of it.

Mr. Braddon. Young *Mrs. Edwards*, If I suffer any thing by reason of the falsity of your Testimony, it will return upon you.

Sarah Edwards. Sir, I do tell you all I know.

Mr. Braddon. Then I desire you to answer me this Question, Whether or no when the Boy did own what he first said, and I asked him the reason of his Denial whether the Falsity of the thing, or Fear caused him to deny it, did not he say it was Fear through your Discouragements and Threatnings?

Sarah Edwards. No, he did not say it, did he, Mother?

L. C. J. Why, we are got into a way of appealing and appealing, here is appealing to the People, and appealing to the Witnesses; pray keep to the Business, and within the Bounds of Decency. Before such time as the Boy denied it, did you desire him to speak Truth?

Sarah Edwards. Yes, I did.

Mr. Thompson. And when *Mr. Braddon* examined him, did he desire him to speak Truth?

Sarah Edwards. Yes, he did.

L. C. J. But he knew before he examined him that he had denied it, did not he?

Sarah Edwards. Yes, the second time before he came into the House.

Mr. Braddon. I desire the old Gentleman may be asked this Question.

Mr. Thompson. Call *Mr. Edwards* again.

L. C. J. The Spirit of the Client was got into the Counsel I think just now, and now 'tis got into the Client again. 'Tis an hard matter to lay it, I perceive.

Mr. Wallop. My Lord, I am here of Counsel for *Mr. Braddon*, and I only ask Questions as they are in my Breviate.

L. C. J. But, Sir, if you have any thing in your Breviate that reflects upon the Government, you ought not to vent it, nor shan't be permitted to vent it as long as I sit here.

Mr. Wallop. My Lord, with Submission, I hope I never did, nor never shall let any such thing come from me.

L. C. J. Nay, be as angry, or as pleased as you will, 'tis all one to me, you shall not have liberty to broach your seditious Tenets here.

Mr. Braddon. *Mr. Edwards*, Pray will you answer this Question? Did not your Son, when he was asked why he denied it, say that it was Fear and Discouragement, through his Sister's Threats, was the Cause? Pray speak the Truth.

Mr. Edwards. I cannot tell whether the Child did say so, something of that Nature he did say.

Mr. Thompson. Call *Anne Burt*.

L. C. J. We have got such strange kind of Notions now-a-days, that forsooth Men think they may say any thing because they are Counsel. I tell you, *Mr. Wallop*, your Questions did reflect upon the Government, as tho' the King had a mind to turn a Man out of his Employment, if he did not swear a Falsity. What can be a greater Reflection than that? But all the matter is, what has been done must be avouched and justified, though it be never so ill. But we plainly see through all. This was the Design from the beginning, the King and the Duke of *York* were in the *Tower* at that time, and it must be thought and believed that they had designed this Matter, and so then all People must be ruined in case they would not say the Earl murdered himself, tho' indeed others had done it.

Mr. Wallop. *Mr. Edwards* did not delight to have such a Report, as might create trouble, first come out of his House.

Mr. Braddon. My Lord, As to the making such an Inference, or any Reflection as your Lordship mentions, I am as far from it as any body here.

L. C. J. We must give a wonderful deal of Countenance to such barbarous and horrid Practices, and I warrant you must suffer the Government to be reflected upon at the Will and Pleasure of every Man. No, let us hear the Truth, but not in the face of a Court permit Men to asperse the Government as they please, by asking such Questions.

Mr. Att. Gen. And the Witnesses say nothing to it neither.

L. C. J. No, nothing at all like it, but 'tis Aspersions for Aspersions sake. And we must sit still and hear it.

Mr. Wallop. My Lord, I think 'tis for the Honour of the Government to have all things fairly inquired into.

L. C. J. And 'tis for the Honour of all Courts of Justice not to suffer Reflections upon the Government, let them be by whom they will. And in Gentlemen of the Bar 'tis worse than others.

Mr. Just. Withins. Truly, I do not see where there is any countenance for asking such a Question.

L. C. J. No, but some People are so wonderful zealous—

Mr. Wallop. My Lord, Zeal for the Truth is a good Zeal.

L. C. J. It is so, but Zeal for Faction and Sedition, I am sure, is a bad Zeal. I see nothing in

in all this Cause but Villany and Baseness. And I believe no Man that has heard it, but will readily acknowledge that it appears to be an untoward malicious ugly thing, as bad as ever I heard since I was born, on purpose to cast an Indignity upon the King and Government, and set us all in a Flame.

Then Anne Burt appeared, and was sworn.

Mr. Braddon. Mrs. Burt, I desire to know what Discourse you had with Mrs. Edwards, and that Family?

Mr. Att Gen. I beg your Pardon for that, here Mrs. Edwards is herself to tell what she has said.

Mr. Braddon. I desire to know what Discourse she had with any of the Family?

Mrs. Burt. I went to make a Visit to Mrs Edwards, and I had not been there half an Hour but in comes this Gentleman; now I had asked no Questions about the Business, but in he comes and desired to speak with Mrs. Edwards; Mr. Edwards was called, and when he came in with Mr. Edwards, the Gentleman sat down in the Room, and told Mr. Edwards he had heard a Report of something his Son had spoken, but he desired to have it from his Son's own Mouth, and the Boy was called in, (this is a real Truth, Sir, for I do not know whether I may stir from this Place where I am alive or no;) And when the Boy came in, the Gentleman said to him, if it be true that you have reported, own it; if not, do not own it; for, said he, it is a dreadful thing to be found in a Lye, I would have you read the 5th Chapter of the *Aets*, where a Man and a Woman were struck dead for telling a Lye. Sir, said the Boy, 'tis true, and what I said I will speak it before any Justice of Peace in the World. And then he asked him what he had reported, and the Boy made a Repetition of what he had seen and said before, that he went into the Tower and came to the first Row of Houses that goes along. And at the first House he saw no body look out at the Window, nor at the second House, but he looked up at the third House, and he took his Hand and shewed thus, said he, I saw a Man's Hand he did not say, but an Hand throw a Razor out, of this fashion, and he imitated it with his Hand. Said the Gentleman, was it not the wrong Window, or the wrong House? I will not take the thing upon this Credit, take your other Brother down, that was a bigger Boy than this, and, says he, go down to the House, and shew your Brother the Window where you saw this. The two Boys went down, and he shew'd his Brother the Place where he saw the Hand——

L. C. J. Were you present at his shewing?

Mrs. Burt. Will your Lordship please to give me leave——

L. C. J. And pray give me leave too, I ask you, Were you present? For you tell it as if you knew it yourself.

Mrs. Burt. Both the Boys came up and said so.

L. C. J. You should have said so then, that they told you it, for you are upon your Oath, and must affirm nothing but your own Knowledge.

Mrs. Burt. If I do misplace my Words I cannot help that——

L. C. J. You misplace your Evidence, Woman, you must not swear that to be true that you don't know to be true.

Mrs. Burt. My Lord, I heard what I say with my own Ears.

L. C. J. But you talk of a thing you did not see with your own Eyes, as if you had seen it.

Mrs. Burt. I beg your Pardon, my Lord, I can't tell how to place my Words so exactly.

L. C. J. I care not how thou placest thy Words, tell thy own Knowledge.

Mrs. Burt. I tell what is Truth, what I heard and saw; for, said Mr. Braddon, I believe it was not the right Window, when the Boy came up and said he had shewed the Window. And this Gentleman, I cannot hit his Name right, (he is a Stranger to me) he and Mr. Edwards went down with the Boy, to see whether it were the right Window of the House where my Lord died (which where it is I cannot tell any otherwise than has been reported, or whether there be one Room or two of a Floor I don't know;) and when he came up again he called for a Sheet of Paper, that he might write from the Boy's Mouth, and that he might not differ one Word from what the Boy had said himself. And when I saw Mr. Braddon begin to write I went away, for I thought it may be the Gentleman might expect I should set my Hand to it as a Witness, and I did not desire any Trouble.

Mr. Braddon. I desire this Question may be asked her, my Lord, Do not you remember it was said the Boy denied it?

Mrs. Burt. Yes, it was said, the Boy did deny it.

Mr. Braddon. What did his Sister say was the reason of his denying it?

Mr. Thompson. Ay, what did you hear the Sister say?

L. C. J. I told you before, that was no Evidence what another body did say.

Mr. Wallop. Mistress, The Boy denied it, for what Reason?

Mrs. Burt. Because his Sister, as his Mother told me, had been talking to him.

L. C. J. As his Mother told you, prithee, Woman, speak your own Knowledge, and not what another body told thee.

Mrs. Burt. Pray, give me leave, my Lord——

L. C. J. I tell thee, I will not give thee leave to say what thou should'st not say.

Mrs. Burt. I heard his Sister say——

L. C. J. It is not Evidence if thou didst hear never so many People say it.

Mrs. Burt. My Lord, I speak nothing but the Truth.

L. C. J. Shall we allow that in this Case for Evidence that we allow in no other Case, for what Reason, pray? I do not see it deserves any such extraordinary Favour.

Mr. Just. Withins. Mr. Wallop, we must not hear what another said, that is no Party to this Cause. You know it is no Evidence, therefore do not press it.

Mrs. Burt. My Lord, I have done, if that will satisfy you.

L. C. J. Prithee, satisfy thy self, good Woman.

Mrs. Burt. My Lord, I have done. I come here to speak the Truth, and so I do.

L. C. J. Nay, prithee be not so full of Tattle, so full of Clack.

Then

Then a little Girl came into Court.

L. C. J. What Age is this Girl of? How old art thou, Child?

Girl. I was 13 last Saturday.

L. C. J. Do you know the Danger of telling a Lye?

Girl. Yes.

L. C. J. Why, what will become of you if you tell a Lye?

Girl. The Devil will have me.

L. C. J. Give her her Oath. What is thy Name, Child?

Girl. Jane Lodeman.

Then she was sworn.

L. C. J. Child, do not be afraid of any thing in the World, but only of telling any thing but what is true; be sure you do not tell a Lye, for if, as you say, you shall be in danger of Hell-fire by telling a Lye, much more will you be in danger if you swear to a Lye. Now what do you ask her?

Mr. Braddon. What did you see in the Tower that Morning the Earl of *Effex* died?

Lodeman. I saw a Hand out of a Window, but I cannot tell what Window it was, but it was a Hand throw out a Razor.

Mr. Braddon. And what did you hear after that?

Lodeman. I can't well remember, but it was either two Shrieks or two Groans that I heard presently after.

L. C. J. What time of the Day was it, Child?

Lodeman. It was between nine and ten of the Clock.

L. C. J. Who was with you besides yourself there?

Lodeman. There were more besides me, but they went away.

L. C. J. Who were they, Child?

Lodeman. A great many that I did not know.

L. C. J. And how came you to take notice of it?

Lodeman. And there was a Coach flood just at the Door.

L. C. J. Tell us some of them, Child, that were there besides thy self, speak the Truth, be not afraid. Thou say'st a great many People were there, and all the People must necessarily see it.

Lodeman. They were People I did not know.

L. C. J. But they all saw it as well as you?

Lodeman. So I suppose they did.

L. C. J. And you heard a Shriek or two, you say?

Lodeman. Two Shrieks or two Groans, I can't well remember which.

L. C. J. How high was the Window?

Lodeman. Not above one pair of Stairs high.

L. C. J. How high from the Ground might it be?

Lodeman. Not above one Story.

Mr. Thompson. Whereabouts in the Tower was it?

Lodeman. Sir, it was as you go upon the Mount.

Mr. Wallop. Whose Lodging do you think it was?

Lodeman. I did not know whose it was, but Folks said it was the Earl of *Effex's*.

L. C. J. Who did you tell this to?

Lodeman. I told no body till I came to my Aunt, and I told her.

L. C. J. What is her Name?

Lodeman. Margaret Smith.

L. C. J. Did you ever tell this to that Man?

Lodeman. Yes, afterwards I did.

L. C. J. How came he to enquire of you about it?

Lodeman. He came and asked me, and I could not deny it.

L. C. J. Ay, but how came he to ask you?

Lodeman. There was a Gentlewoman that was at our House, and she heard of it, and spake of it at a Gentlewoman's at Dinner, and so he came to our House to inquire about it.

L. C. J. Who is that Gentlewoman? What is her Name?

Lodeman. Susan Gibbons.

L. C. J. Let me see the Information of this Girl, that Mr. *Braddon* had taken.

Cl. of Cr. Yes, my Lord, there it is.

L. C. J. Do you know my Lord of *Effex's* Lodgings?

Lodeman. They said it was his.

L. C. J. Did you know it of your own Knowledge?

Lodeman. No, Sir, I did not.

Mr. Thompson. Pray what became of the Razor that was thrown out of the Window, after it was thrown out?

Lodeman. I saw a Woman in a white Hood come out, but I did not see her take it up.

Mr. Sol. Gen. Girl, you say, that when you were at this Place in the Tower, and saw this Matter, there were a great many People there besides yourself.

Lodeman. Yes, Sir.

Mr. Sol. Gen. Did the Razor fall among the People that stood there, or did it fall out in the Street, or how?

Lodeman. Sir, it fell within the Pales.

Mr. Sol. Gen. And was the Passage easy into the Pales?

Lodeman. Yes.

Mr. Sol. Gen. What, they must climb over, must they?

Lodeman. No, you need not climb over, there is a Door to go in. And when People went in the Soldier opened the Door.

Mr. Sol. Gen. Who went in with the Soldier? Did you see any body go in?

Lodeman. There was a Man went in, but I know not who he was.

Mr. Sol. Gen. Did the Soldier stand at the Door when this Razor was thrown out?

Lodeman. I cannot tell that, a Soldier used to be at the Door.

Mr. Sol. Gen. The Woman came out of the Lodging, did she not?

Lodeman. Yes.

Mr. Sol. Gen. Did she go in again?

Lodeman. I did not see her go in again.

Mr. Sol. Gen. Did she go into the Pale?

Lodeman. I did not see her go into the Pales.

Mr. Sol. Gen. Did you see the Razor after it fell upon the Ground?

Lodeman. No.

Mr. Sol. Gen. Was it bloody?

Lodeman. Yes.

Mr. Sol. Gen. Very Bloody?

Lodeman. Yes.

Mr. Sol. Gen. Did you see no body take it up?

Lodeman.

Lodeman. No, I did not.

Mr. Sol. Gen. Come hither, Child; Are you sure it was a Razor, or a Knife?

Lodeman. I am sure it was a Razor.

Mr. Sol. Gen. Was it open, or shut?

Lodeman. It was open.

Mr. Sol. Gen. What Colour was the Handle.

Lodeman. Sir, I can't tell, I see it but as it flew out.

Mr. Sol. Gen. Was it all over bloody?

Lodeman. No.

Mr. Sol. Gen. All but a little Speck?

Lodeman. It was very bloody.

L. C. J. Blessed God, What an Age do we live in! Girl, you say, you did not know it to be my Lord of *Essex's* Window.

Lodeman. No, but as they told me.

L. C. J. Nor you did not see any body take up the Razor?

Lodeman. No.

L. C. J. But you are sure you did not?

Lodeman. I am sure I did not.

L. C. J. But, Child, recollect thyself, sure thou didst see somebody take it up?

Lodeman. No, I did not.

L. C. J. I ask thee again, Didst not thou know it to be my Lord of *Essex's* Window?

Lodeman. No, but as they told me.

L. C. J. Did you hear no body speak to the Maid that came out?

Lodeman. No body at all.

L. C. J. No, pr'ythee is that thy Hand, Child? Shew her the Paper, the uppermost Part of it.

Lodeman. Sir, I can't write.

L. C. J. Who put thy Name to it?

Lodeman. Sir, I don't know, no more than the Pope of *Rome*.

L. C. J. Whose Hand-writing is that?

Lodeman. I cannot tell, I never could write in my Life.

Mr. Braddon. Those are the Names of such as heard her say it.

Mr. Att. Gen. Yes, you have cooked it up bravely.

L. C. J. You shall see what a brave Managery you have made of this poor Child. Read the Information.

Cl. of Cr. Reads.— *The Eighth of August, 1683, Jane Lodeman, Aged about 13 Years, did in the Presence of these whose Names are under-written, declare as follows, That the said Jane Lodeman was in the Tower on Friday Morning, the 13th of July last, and standing almost over-against the late Earl of Essex's Lodging-Window, she saw a Hand cast out a Razor out of my Lord's Window, and immediately upon that she heard Shrieks; and that there was a Soldier by my Lord's Door, which cried out to those within the House, that somebody should come and take up a Razor, which was thrown out of the Window, whereupon there came a Maid with a white Hood out of the House, but who took up the Razor she cannot tell.*—

L. C. J. Here 'tis said the Soldier cried out, but now she says, the Soldier she does not know was there, and she heard no body speak to the Maid.

Mr. Braddon. With Submission, my Lord, I desire to ask her this Question.

L. C. J. Pr'ythee ask her what thou wilt. We hear what she says.

Mr. Braddon. Did you hear the Soldier cry out, or did you not?

Lodeman. No, I did not.

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Mr. Braddon. Did not you say, you heard him cry out?

Mr. Sol. Gen. My Lord, we cannot admit *Mr. Braddon* should ask such Questions, they are leading Questions. Ask her a general Question, and you shall have an Answer, but you shall not give her Words to Swear to.

L. C. J. No, upon my Word, you have given her too many Words to Swear to already.

Mr. Braddon. My Lord, I only writ what she declared.

Mr. Sol. Gen. Were you carried by *Mr. Braddon* before any Magistrate, or any Justice of Peace?

Lodeman. No.

Mr. Sol. Gen. Did he take the Examination himself?

Lodeman. Yes.

Mr. Att. Gen. Did not he desire you to go before a Justice of Peace to be Sworn?

Lodeman. No, Sir.

Mr. Sol. Gen. Did he write it himself?

Mr. Att. Gen. Ay, he writ it, and took it, and this Woman that is coming here, is a Witness to it.

L. C. J. What is this Woman's Name?

Mr. Braddon. This is the Aunt, *Margaret Smith*.
[Who was Sworn.]

L. C. J. Well, what say you to her?

Mr. Braddon. I desire to know, what this Girl said to you, when she returned from the Tower the 13th of July?

Mrs. Smith. She said to that effect that she speaks now.

Mr. Braddon. What was that? Tell the Court.

Mrs. Smith. I chid her, because she had been playing: That is all I can say.

Mr. Just. Withins. Did she tell you, the Soldier cried out for somebody to come and take up the Razor?

Mrs. Smith. I cannot say that.

Mr. Just. Withins. Did she say, she saw a Razor thrown out of my Lord of *Essex's* Window?

Mrs. Smith. She said, she saw a Razor thrown out of a Window; I can't tell whether she said out of my Lord of *Essex's* Window.

Mr. Freke. Did you set your Hand to that Paper?

L. C. J. Were you a Witness to that Paper?

Mrs. Smith. There were others heard what the Girl said, as well as I.

L. C. J. Who desired you to sign it?

Mr. Freke. Who writ that Paper, Mistress?

Mrs. Smith. Pray excuse me, Sir, I do not know.

Mr. Freke. Did you see it writ?

Mrs. Smith. No.

L. C. J. No: It was one got ready drawn by *Mr. Braddon*.

Mr. Just. Holloway. Pray let the Boy's Information be read again, for I observe there is a difference; she says, the Razor fell within the Pales; the Boy says, it fell without.

L. C. J. Ay, ay, the one says it was the Inside; the other, the Outside of the Pales.

Then the Information was read.

L. C. J. Go on now, and ask your Questions.

Mr. Braddon. Did the Girl say, That after the Razor was thrown out, the Soldier cried to somebody to take it up.

Mrs. Smith. Sir, I can say no more than what I have said.

Mr. Braddon. Did she, or did she not?

Mrs. Smith. Pray, Sir, excuse me; I have spoken what I know.

Mr. Att. Gen. You may see how he has managed this Matter, my Lord, by his urging the Witnesses with Questions they know nothing of.

L. C. J. Yes, yes, we see he would fain put Words into their Mouths.

Mr. Att. Gen. Mistress, Did you send to Mr. Braddon, to inform him of what the Girl had said? Or did he come to you?

Mrs. Smith. Sir, I never saw him before in my Days.

Mr. Att. Gen. He came first to you then?

Mrs. Smith. Yes: He hearing of it, came as a Stranger to me.

Mr. Braddon. Did I, directly or indirectly, offer you, or your Neice, any Thing?

Mrs. Smith. No, never in this World.

Mr. Braddon. Did I ever desire her, or you, to say any thing but what was true?

Mrs. Smith. No, Sir: You ever encouraged the Girl to speak Truth; and bid her speak nothing but what was Truth.

Mr. Att. Gen. You need not pay dear for a Lye; you are like to pay dear enough before you have done.

Mr. Braddon. My Lord, as to Personal Knowledge, I am as much a Stranger to this Matter, as any body here; and in all my Concern in it, I have done nothing but what was very fair.

L. C. J. Mind your Defence, Mr. Braddon, and leave commending yourself; or if you will, rather commend yourself by your Actions, than your Expressions: One good Action is worth Twenty good Expressions.

Mr. Braddon. Swear William Glasbrooke.

[Which was done.

L. C. J. Well, what do you ask him?

Mr. Freke. My Lord, we desire to know of him, whether he was by on the 13th of July, when the Girl gave this Report?

Mr. Glasbrooke. I was up two pair of Stairs when she came in.

L. C. J. What is your Name, Sir?

Mr. Glasbrooke. William Glasbrooke.

Cl. of Cr. Ay, here is his Information, among those that were taken about Braddon.

Mr. Glasbrooke. She came in to her Aunt, that went out just now before me, and I heard her very loud with her Aunt, saying, the Earl of *Effex* had cut his Throat in the Tower. Her Aunt chid her upon it; and her Aunt chiding her, she said, she was sure it was true; for she saw a bloody Razor, with a bloody Hand, thrown out of the Window.

Mr. Freke. Was this the Day of my Lord of *Effex's* Death?

Mr. Glasbrooke. It was the Day the King was in the Tower, and, as was reported, the Day he was killed.

Mr. Braddon. Were you present when I first discoursed the Girl?

Mr. Glasbrooke. Yes.

Mr. Braddon. Had you ever seen me before, or no?

Mr. Glasbrooke. No.

L. C. J. Did she say, my Lord of *Effex* cut his Throat at that Time?

Mr. Glasbrooke. Yes.

L. C. J. Are you a Witness to this Paper? Did you set your Hand to this Paper?

Mr. Glasbrooke. To the Paper Mr. Braddon writ, I did: I am a Witness to that.

L. C. J. Then read his Information.

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

L. C. J. Now my Lord of *Effex* cut his own Throat, and after threw the Razor out of the Window.

Mr. Glasbrooke. 'Tis what the Girl did declare.

Mr. Att. Gen. Does not this Girl usually tell Lies?

Mr. Glasbrooke. I have before that time taken her in a Lye.

Mr. Att. Gen. Did you acquaint Mr. Braddon with that?

Mr. Glasbrooke. I cannot tell that I did.

Mr. Att. Gen. Do you remember that you told Mr. Braddon, That she was a Girl that told Truth?

Mr. Glasbrooke. No, I never did that; for I was always of another Persuasion about her.

Mr. Sol. Gen. He never was of that Temper, to praise her; he was always of a contrary Persuasion.

L. C. J. I'll assure him, that I am of his Opinion too: I do believe she is a lying Girl, and hath told us a company of Lies now.

Mr. Braddon. These two Children told me, they never saw one another 'till they were examined at the Council.

L. C. J. Well, well: Go on with your Witnesses.

Mr. Braddon. Where is William Smith?

[Who appeared, and was sworn.

I desire to know of you, Mr. Smith, what you heard the Girl say, when I was there?

Mr. Smith. I heard the Girl tell us, That she saw a Hand cast out a Razor, and either the Hand was bloody, or the Razor, I can't tell which; but she said it was out of the Window, where she said the Earl of *Effex* lodged.

L. C. J. Did she say the Earl of *Effex* did it himself?

Mr. Smith. She said, she saw an Hand cast out a Razor.

L. C. J. Did she tell you, it was the Earl of *Effex's* Lodging Window?

Mr. Smith. She said it was that Lodging.

L. C. J. Ay, but she says now, she does not know it to be his Lodging.

Mr. Braddon. My Lord, she says she was told it was his Lodging.

L. C. J. But you have made her to say positively, it was his Lodging, and that he threw out the Razor.

Mr. Sol. Gen. Pray, Sir, where did you first hear this Report of this Girl?

Mr. Smith. There, at the House, where she was.

Mr. Sol. Gen.

Mr. Sol. Gen. Were you alone when you went to the Girl the first time?

Mr. Smith. No, I went with Mr. Braddon.

Mr. Sol. Gen. Did you hear any thing of it before? What did induce you to go along with Mr. Braddon? What were the Arguments that prevailed with you to go with him?

Mr. Smith. I did not know where he was going; Mr. Braddon called me at the Shop, as I stood at the Door, and asked me if I was busy, or would go with him? So I went with him to the Tavern.

Mr. Sol. Gen. You never heard one Word before of the Girl's Report?

Mr. Smith. No, I did not.

L. C. J. What else did the Girl tell you?

Mr. Smith. I can't say what else she said. This I remember, that I have told you.

L. C. J. Did she name the Earl of *Essex's* Lodgings?

Mr. Smith. I am sure she said the Lodging where the Earl of *Essex* lay.

L. C. J. Did she name the Earl of *Essex*?

Mr. Smith. She did name the Earl of *Essex's* Lodgings.

L. C. J. Did she in so many Words say, That it was the Earl of *Essex's* Lodgings?

Mr. Att. Gen. Your Lordship sees, they give one Evidence, and she another.

Mr. Smith. I cannot say whether she did in so many Words say so, or no; but she said, That she saw a Hand toss out a Razor, and either the Hand was bloody, or the Razor, and it was where my Lord of *Essex's* Lodgings was.

L. C. J. But did she name my Lord of *Essex's* Lodgings?

Mr. Smith. Yes, she did.

L. C. J. Well, what else did she say? Tell us all she said.

Mr. Smith. She said, There was a Man stood below, and she heard two Shrieks, and the Man did say, Here is a Razor; and a Woman came out, or one in Woman's Clothes, with white Head-clothes. Mr. Braddon asked if she see any body take it up, and she said, no; but she heard a Man say, here is the Razor, and she saw a Woman come out.

L. C. J. You are sure that is all you heard her say?

Mr. Smith. I think so.

L. C. J. Recollect yourself, pray good Mr. Smith.

Mr. Smith. I do not know that I heard any thing else.

L. C. J. Pray read his Information.

Cl. of Cr. Here is *William Smith* subscribed.

Mr. Smith. Mr. Braddon writ down what the Girl said, and we did read it over all, and then set our Hands to it.

L. C. J. Well, Sir, Read the Information then.

Cl. of Cr. Reads the Information as before—

L. C. J. You hear what you have affirmed in this Paper, that the Girl said; you have forgot in your Evidence now this long Business about the Soldier.

Mr. Smith. My Lord, I have told all I did remember.

L. C. J. Why, you have set your Hand to it.

Mr. Smith. I did read it over, and it was nothing but what the Girl said, I am sure.

L. C. J. Where do you live?

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Mr. Smith. In *Throgmorton-street.*

L. C. J. What Trade?

Mr. Smith. A Barber.

L. C. J. A notable Shaver, upon my Word! a special Fellow, I'll warrant him!

Mr. Braddon. Call Mrs. *Mewx.*

[*Who appeared and was sworn.*]

Pray what Day was it you went from *London* to *Berkshire*?

Mrs. Mewx. The Day before my Lord *Ruffel* was tried.

Mr. Braddon. What Expression did you hear from a Gentleman in the Coach?

L. C. J. We must not suffer such a Question to be asked, that is not Evidence.

Mr. Braddon. My Lord, I ask the Question in general Terms, what she heard such a Day?

L. C. J. Does she know any Thing of her own Knowledge?

Mr. Braddon. She can tell what she heard, my Lord.

L. C. J. 'Tis no Evidence.

Mr. Braddon. Will your Lordship please to hear what she says.

L. C. J. No, I will not hear what I should not hear; let her speak what she knows.

Mr. Braddon. She knows this, that a Woman told her—

L. C. J. Ask your Counsel, whether that be Evidence. If you will not be satisfied with what I say, ask them.

Mr. Wallop. She proves a Report.

L. C. J. I ask it of you, Mr. *Wallop*; Is what another said to her, Evidence in this Case?

Mr. Wallop. My Lord, if really there was such a Report—

L. C. J. Is that Evidence?

Mr. Wallop. 'Tis Evidence there was such a Talk, and that is Evidence of the Probability of the Thing.

L. C. J. I'll leave it to yourself, if you as a Lawyer say it is Evidence, we will hear it, because you say so; but I believe you, nor no body else will offer to say any such thing.

Mr. Wallop. My Lord, we lay it before the Court, as part of the Ground upon which we went, in our being concerned in this Business.

L. C. J. Is that a Justification of Mr. *Braddon*?

Mr. Wallop. Upon these Probabilities he engaged in this Matter, and to prove this Report, he brings this Gentlewoman to tell what she heard.

L. C. J. Why, is what the Woman told her, Evidence; She reported a Report to me, can that be Evidence?

Mr. Wallop. My Lord, with Submission, we think it justifies Mr. *Braddon*, that he went upon these grounds.

L. C. J. Where is the Woman that told her? Why is not she brought?

Mr. Wallop. They say, she is so big with Child she can't come.

L. C. J. Why, if that Woman were here herself, if she did say it, and would not Swear it, we could not hear her; how then can her saying be an Evidence before us? I wonder to hear any Man that wears a Gown, to make a doubt of it.

Mr. Braddon. I desire *Jeremy Burgis* may be called. [*Who appeared and was Sworn.*]

Mr. Wallop. What can you say about the Report in the Country?

Mr. Burgis. I was at *Frome* about my Business on a *Friday*——

L. C. J. Why, Gentlemen, what are we doing all this time? Do you think we sit here for nothing? Is not this the first time that a Report was given as Evidence in *Westminster-hall*?

Mr. Freke. My Lord, We are necessitated to use this Sort of Evidence.

L. C. J. I tell you, Sir, It is no Evidence, be necessitated what you will.

Mr. Freke. My Lord, They have produced this Man's Letter that was taken about *Mr. Braddon*, that is produced in Evidence against him: Now this Man comes to give an Account how he came to write that Letter.

L. C. J. But he shall not give an Account by a Report in the Country.

Mr. Burgis. It was written to the Landlord of the House where I quartered, that he might give notice to *Mr. Braddon* of a Discourse that passed in his House that *Friday*, of a Report that was there concerning the Earl of *Essex's* murdering himself.

Mr. Att. Gen. Had the Master of the House told you any such thing?

Mr. Burgis. No, he had not told me so; but I heard it in the House.

L. C. J. Of whom did you hear it? Who told you so?

Mr. Burgis. Sir, I was a Stranger there.

L. C. J. They can never tell any of them, who it was first reported it, nor particularly who told it them; but it was reported by some body, we don't know who.

Mr. Beech. Under Favour, my Lord, I rode directly to the Postmaster at *Frome*, whither this Letter was directed, and by the way, there is a Remark in the Letter of an Alteration of the Figure, 'tis interlined the 13th; it was not so before, to hit the Day exactly of the Murder of the Earl of *Essex*; and when I came thither, the Postmaster told me, There was no such Report in his House, nor in the whole Town at that Time.

L. C. J. I desire to know, upon your Oath, who told you that Report?

Mr. Beech. Sir, I do not know; I was a Stranger there.

L. C. J. Was it a Man or a Woman?

Mr. Burgis. He did not tell his Discourse to me.

L. C. J. But thou could'st guess by the Habit, whether it was a Man or a Woman.

Mr. Burgis. It was a Man.

L. C. J. Who did he tell it to?

Mr. Burgis. The Company in the House.

Mr. Att. Gen. Pray, let him tell how *Mr. Braddon* came to speak to him about it.

L. C. J. Shew him that Letter. Look upon it, Friend; Is that your Hand?

Mr. Burgis. Yes, it is.

L. C. J. When did you put that Figure of 13 in? There was another Figure before, and that is blotted out.

Mr. Burgis. It was a Mistake in me, I mistook the Day, and I corrected it.

L. C. J. When did you correct it? How soon did you correct it?

Mr. Burgis. Presently.

L. C. J. What Day had you put in first?

Mr. Burgis. The 6th Day.

L. C. J. Ay, but that was not the right Day, Man.

Mr. Burgis. It was a great while after, and I did not expect to be brought in question for any such thing.

L. C. J. How long after?

Mr. Burgis. Six Weeks.

L. C. J. How camest thou to recollect, to make it from the 6th to the 13th, six Weeks after?

Mr. Burgis. *Mr. Braddon* was there when I had writ it.

L. C. J. And he corrected it, did he?

Mr. Burgis. He said, that that was not the Day of my Lord's Death.

L. C. J. You had written it the 6th, and he put you in mind of the 13th.

Mr. Burgis. Yes.

Mr. Att. Gen. And he was to be the Messenger that carried the Letter himself?

Mr. Burgis. Yes, he was.

Mr. Sol. Gen. That is very well. I suppose, Gentlemen, you hear what he says, He says, *Mr. Braddon* was there, and told him that was not the Day.

L. C. J. Ay, *Mr. Braddon* said, You have mistaken the time, that will not do it, it must be the 13th.

Mr. Att. Gen. Pray let me know one thing, Who recommended *Braddon* to you?

Mr. Burgis. Indeed I can't tell.

L. C. J. Who did he say he came to you from? Tell the Truth, upon your Oath.

Mr. Burgis. Sir, I was at work at my Business, and knew nothing of his Coming.

L. C. J. What Trade art thou?

Mr. Burgis. A Pinmaker.

L. C. J. Where do you live?

Mr. Burgis. At *Marlborough*.

L. C. J. How came *Mr. Braddon* and you acquainted?

Mr. Burgis. Sir, I will tell you; I was at work at my Trade, and there came down a Gentleman that lives in our Town to me, and asked me——

L. C. J. What is that Gentleman's Name?

Mr. Burgis. *Mr. Butcher*.

L. C. J. What is that *Butcher*?

Mr. Burgis. A Gentleman that lives in *Marlborough*, a *Grafer* by Trade. He came and told me, There was a Gentleman came from *London*, about the Business now in Dispute——

L. C. J. Prithee, what was spoke of?

Mr. Burgis. It was concerning the Earl of *Essex's* Death. And he desired me to speak what I heard at such a time.

L. C. J. Who had you told what you heard first to? You must have told it to some body; who did you tell it to first?

Mr. Burgis. Indeed I can't directly say who I did tell it to.

L. C. J. Had you told that Gentleman of your Town, *Butcher*, as you call him?

Mr. Burgis. No, not that I know of.

L. C. J. Well, when he came to you, what then?

Mr. Burgis. He desired me to go to *Mr. Braddon* to the *White-Hart*. And so I went up to the *White-Hart*; and when I came to *Mr. Braddon*, I told him what I had heard at *Frome*.

L. C. J. And what then?

Mr. Burgis. Then *Mr. Braddon* asked me the same Night, Whether I would go down with him to *Frome*, and I could not; so then he desired

fired me to write a Letter to recommend him to the House where I had heard it.

Mr. Sol. Gen. And you did write that Letter?

Mr. Burgis. Yes, I did so.

Mr. Att. Gen. Your Lordship observes, this House was the Posthouse, to be sure to have it spread in Publick Places.

Mr. Sol. Gen. Did you tell *Butcher* of your Knowledge, before he carried you to *Braddon*?

Mr. Burgis. Yes, Sir, I did.

Mr. Sol. Gen. When?

Mr. Burgis. Then, at that time.

Mr. Sol. Gen. Did he ask you of your Knowledge, or did you tell him voluntarily?

Mr. Burgis. He asked me if I remember'd any such thing as I had spoken.

Mr. Sol. Gen. Why, had you spoke of it before?

Mr. Burgis. Yes, I had.

Mr. Sol. Gen. Did he tell you upon whose Recommendation he came to you?

Mr. Burgis. I do not know upon whose Recommendation he came.

L. C. J. When you writ this Letter, did he dictate it to you, or did you write it of yourself?

Mr. Burgis. I writ it of myself.

L. C. J. Did he tell you what you should write?

Mr. Burgis. I shewed him what I had written.

L. C. J. And when you writ it, of yourself you put in the 6th Day.

Mr. Burgis. Yes, I did so.

L. C. J. What did he say then?

Mr. Burgis. *Mr. Braddon* said, it was the 13th Day.

Mr. Sol. Gen. Why did you shew *Braddon* your Letter after you had written it?

Mr. Burgis. He came to my House before I had sealed it.

L. C. J. But why did you shew him the Letter?

Mr. Burgis. He desired a Letter to recommend him to that Man at whose House I heard it.

Mr. Sol. Gen. What was he to be recommended to him for?

Mr. Burgis. It was to desire him to inquire, who brought the News first to Town.

Mr. Sol. Gen. You say, he desired a Letter of Recommendation?

Mr. Burgis. Yes, it was to recommend him to that Man.

Mr. Sol. Gen. That you may not be in a Mistake, pray recollect yourself; for there is not one Word of Recommendation in the Letter. Tell the true Reason, why you shewed him the Letter?

Mr. Burgis. I can't tell any other, but only he came before I had sealed it.

Mr. Sol. Gen. Did he desire to see it?

Mr. Burgis. No, but the Letter lay writ upon the Table.

Mr. Sol. Gen. Was the Master of the Posthouse at *Frome* present, when that Report you talk of was made?

Mr. Burgis. I cannot rightly say, whether he was or no.

L. C. J. How comest thou to put it in thus? This bears Date a pretty while ago, *Marlborough*, Aug. 21. and that was a good distance of Time from that Report that thou talkest of: How comest thou then to say, *These are to desire you to call to mind, That I was at Frome such a time, and heard such a Report*: If he was not there, why should he call to mind? What didst thou mean by that calling to mind?

Mr. Burgis. I would have had him called to mind my being at his House at that time.

L. C. J. But if he was not there, why didst thou ask him to call to mind that Report?

Mr. Burgis. He might hear of it from some other at that time, tho' he might not hear it in that Company where I was.

Mr. Sol. Gen. There is a Riddle in it, if we could but solve it.

L. C. J. No, no, *Mr. Solicitor*, the Riddle is unfolded; 'tis a plain Contrivance.

Mr. Att. Gen. Pray, from whom did he tell you he was recommended?

Mr. Recorder. How came you to talk so to a Stranger, Sir, whom you never see before, about such a Business?

Mr. Burgis. He was recommended to me by *Mr. Butcher*, as I told you, who carried me to him.

Mr. Att. Gen. But who, as *Braddon*, or *Butcher* told you, did recommend him first to come down thither to you?

L. C. J. Upon your Oath, Sir, Who did *Butcher* tell you he came from?

Mr. Burgis. I have forgotten, Sir; I do not remember.

Mr. Recorder. Was it not a Non-conformist Parson, Sir, upon your Oath?

Mr. Burgis. Sir, I cannot remember.

Mr. Att. Gen. *Mr. Beech*, Do you know any particular Person that *Braddon* said he came recommended from?

Mr. Beech. I can tell what Account *Braddon* gave of his Journey himself: He said, he had a Letter that came particularly from this Man to *London*, to bring him down into the *West*: Said I, when came you out of *London*? I came on *Thursday*, said he: Where did you lodge a *Thursday* Night? At *Ockingham*? Said I, That is not your way to *Marlborough*: Where did you lie the next Night? He told me, at one *Venables*; and the next Night at *Salisbury*, I think.

L. C. J. Did *Braddon* tell you he had a Letter from that Man?

Mr. Beech. He said a Letter from that Man brought him down into the *West*.

L. C. J. Burgis, Did you send him e'er a Letter?

Mr. Burgis. No, I did not.

Mr. Beech. He said he came down purposely upon this Report.

Mr. Att. Gen. What said the Postmaster to you, *Mr. Beech*?

Mr. Beech. If you please to give me leave to speak, I'll tell you: I did desire, that *Mr. Braddon* might have no Pen and Ink, and presently I rid away to *Frome*, to this Postmaster's House, and spake with the Postmaster, and all his Family: We then examined them all, and there was no such Report in that Town 'till the *Sunday* after.

Mr. Sol. Gen. He was persuaded, sure, all People would say just as he would have them.

Mr. Thompson. Well, *Mr. Braddon*, Who do you call next?

Mr. Sol. Gen. Nay, I desire this Man may go on; for methinks he mends every Step he goes.

Mr. Braddon. *Mr. Burgis*, Do you remember how it was that you came to recollect yourself, and to know it was the 13th, and not the 6th?

L. C. J. He says, you told him.

Mr. Braddon. Pray, Sir, remember yourself, whether you did not say yourself you remember'd

ber'd the true time; for you came from *Frome* to *Marlborough* on the *Saturday* Night, and then you heard there the Earl of *Essex* had cut his Throat the Day before; and when they told you so, you cried out, How can that be? It must be done before; for Yesterday I heard it at *Frome* before Five of the Clock.

Mr. Just. Withins. Did not Mr. *Braddon* himself tell you, you had mistaken the Day?

Mr. Braddon. Sir, It was from this, he told this whole Story that I just now repeated, that the *Saturday* Night he was told, that the Earl had cut his Throat, and replied to them, that he had heard at *Frome*, the Day before, that he was murdered, and then I said, that must be the 13th.

L. C. J. How came you to tell that Man, you had a Letter from *Burgis*?

Mr. Braddon. No, my Lord, I did not tell him any such Thing.

L. C. J. Mr. *Beech*, Did not he tell you he had a Letter from *Burgis*?

Mr. Beech. He told me he came down upon the Information of this *Burgis*.

L. C. J. And he swears he never saw him before, nor never writ to him.

Mr. Braddon. You ask me, whether I had received any Letter from this *Burgis*. I told you, I had a Letter of Recommendation to Mr. *Butcher*, thinking he had been the Person that had reported it, and Mr. *Butcher* went to this Person and brought him to me, and he told me what he heard.

Mr. Beech. I never heard of the Name of *Butcher* 'till now he mentioned it.

Mr. Braddon. My Lord, I will call no more Witnesses.

Mr. Att. Gen. Your Lordship and the Jury observe, I suppose, his confident Behaviour.

L. C. J. Ay, He is no more concerned at it, than if he had been doing the most justifiable thing in the World.

Mr. Thompson. My Lord, I have but one Word to add on the Behalf of Mr. *Speke*, who is likewise joined in this Information. Truly, Mr. *Speke*, is a young Gentleman of some Quality, his Father is of very good Quality, Mr. *Braddon* was of his Acquaintance, and being his Acquaintance, and thus concerned, as you have heard in the Prosecution of this Business; he hearing of these Reports, and resolving to go down into the Country about it, desired Mr. *Speke* to lend him his Man and his Saddle, for he was going into the Country. Mr. *Speke* inquires what his Business was, whereupon he told him it was to inquire about some Persons that had reported something relating to the Earl of *Essex's* Death. And being to go into the Country where Mr. *Speke*, who was that Country-man, had some Acquaintance, upon this he desires him to write him a Letter, to recommend him to some Persons of Credit. He did write that Letter, but was never concerned in this Business, either before or after; and this is the whole of the Case, as to this Mr. *Speke*.

Mr. Speke. My Lord, I desire I may speak one Word for myself.

L. C. J. Ay, say what you will.

Mr. Speke. My Lord, One Day, some time after Mr. *Braddon* had concerned himself in this Thing, I met him casually and accidentally, and he was telling me somewhat of the Matter.

And after this, one Night as I was going to Bed, between 10 and 11 at Night, somebody knocked hard at my Door. My Man went to the Door, and opened the Door, and Mr. *Braddon* comes in, and tells me, he desired the Favour of me, that I would lend him my Man, and lend him my Saddle. He being my Acquaintance, and I knowing him, I was willing to do him that Kindness; and asking him, whither he went? He told me he was going down to *Marlborough*, and he told me he had heard that my Lord of *Essex's* Death was discoursed of there in the Country, that Day it was done; besides other Things of a Boy and of a Girl, that could prove such and such Things. Said I, This is a Thing of great Concernment, and I would have you take good Advice in it, before you proceed, because otherwise it may be a Reflexion upon the Government; therefore, said I, I would not have you proceed to concern yourself further in this Thing, but take the Advice and Judgment of some prudent and discreet Person or other, that you may do nothing but what is according to Law. I was never at all concerned, nor knew any thing of the Business but what I heard from Mr. *Braddon* at first. And before he came into my Chamber, I knew nothing of his coming; and I writ this Letter, because he should not concern himself without the Advice of some Person that I thought was able to advise him, that he might do nothing that might bring him within the Danger of the Law, or reflect upon the Government.

Mr. Just. Holloway. And you advised him to go by the Name of *Johnson*, not *Braddon*?

Mr. Speke. It was late at Night, and I had been at the Tavern drinking a Bottle of Wine or two with a Friend, and might not so well consider what I did write.

L. C. J. But, Mr. *Speke*, You hear what you writ, *We* row against *Stream*, and we thank you for the Countenance you have given to *Us*. And here is a worthy Gentleman, Mr. *Braddon*, who is a very proper Man for the Design he has in hand, and none better than he, and when you are with him, you may discourse freely; and he is a true Man, and a stout Man, and fit to be trusted; but he must not go by the Name of *Braddon*, but of *Johnson*.

Mr. Speke. My Lord, the Reason was, because he was not personally known to Sir *Robert Atkins*; and for him to go down directly, and to have it reported, one of such a Name came to Sir *Robert Atkins*, who was a Man that had retired himself into the Country from all Publick Concern, I thought not so well.

L. C. J. Why did you trouble him, if he was so retired?

Mr. Speke. I had particular Concerns of my own, that Sir *Robert Atkins* was pleased to concern himself for me, and I knew him a prudent Man, that would advise him nothing but according to Law.

L. C. J. You should not have disturbed him in his Privacies, Mr. *Speke*.

Mr. Speke. My Lord, I never was any other way concerned, I knew nothing of the matter.

L. C. J. You had done well if you had not concerned yourself about it at all.

Mr. Sol. Gen. Most here do fear, you say, that he will be either stabbed or knocked on the Head, and therefore you lent him your Man to guard him, I suppose.

Mr. Speke.

Mr. Speke. He desired me to lend him my Man, because he did not know the way so well himself.

Mr. Sol. Gen. But why was there such Fear about him?

Mr. Speke. I know nothing at all of the Matter, but what I had from Mr. *Braddon*.

L. C. J. Ay, we live in such a stabbing Age, that such an extraordinary Gentleman as Mr. *Braddon*, that is such an extraordinary good Protestant, can't walk the Streets for fear of being murdered.

Mr. Speke. My Lord, I writ it at such a time of the Night, after I had been at the Tavern, that I knew not well what I writ.

Mr. Just. Withins. Mr. *Speke*, You see what a Sort of a Man he is, upon the Evidence that hath been given.

Mr. Speke. Truly, my Lord, I never knew any thing, but what I had from him.

Mr. Sol. Gen. But to make the Country believe, that there were such Endeavours here to stifle any Thing that might give light into the Murder of the Earl of *Essex*, there must be great Caution used to conceal his Name.

L. C. J. Yes, being such a virtuous Man, as Mr. *Braddon*, there was great need of all Circumspection and Care to preserve him: Why did not he get his Life-guard to keep him from the Danger that was thought so near him?

Mr. Sol. Gen. They had not raised them as yet, but he was contented at present with Mr. *Speke's* Man.

Mr. Speke. My Lord, I am wholly innocent in all this Matter.

L. C. J. Would to God you were Innocent. You are a Man of Quality, Mr. *Speke*, I know; I should be glad you were innocent with all my Heart. But when Men forget their Studies and their own Business, and take upon them the Politicks without being called to it, That puts them into Frenzies, and then they take all Opportunities of shewing themselves Men of Zeal.

Mr. Att. Gen. We need but read the Letter which Mr. *Speke* has owned, and you will say it is ten times worse than what Mr. *Braddon* has done.

L. C. J. Nay, I will not have Mr. *Braddon* topped upon for all that, I assure you.

Mr. Att. Gen. My Lord, if you read it once again, you will find, that he therein owns it all, and pins the Basket upon himself.

L. C. J. Indeed, Mr. *Attorney*, I will not have such a Reflection put upon Mr. *Braddon*, That any Man should be a greater Actor in the Business than he.

Mr. Speke. My Lord, I writ it at Night after a Bottle of Wine, and other People may be mistaken as well as I.

L. C. J. If some of these Gentlemen, that now and then think themselves better-headed than others, and that are so extraordinarily concerned to preserve our Religion, but are generally much mistaken, were, and I observe their Mistakes are always on the wrong Side; I wish you could have gone and recollected yourself next Morning, Mr. *Speke*, and then the Mistake had been more pardonable.

Mr. Speke. I writ nothing as to matter of Fact, but what he told me, and I could hardly recollect it next Morning, when he was gone away.

Mr. Recorder. My Lord, we shall prove he has bragged, that is, Mr. *Braddon*, That he was the

only Inventor of the Protestant Flails, an Instrument you have heard of, Gentlemen, and for what Use designed.

L. C. J. But, Brother *Jenner*, that is nothing to the Purpose now, what he was before this Business, or what he was after. You are, Gentlemen, to Try him upon this Indictment only, and are not to mind any other Thing at all.

Then Mr. Speke's Letter was read again.

Mr. Att. Gen. You see, Gentlemen, in what Strain it runs, *We* and *We*; he makes himself a considerable Party in the Design.

L. C. J. Ay, *We* thank you for your Kindness towards *Us*, and *We* hope to bring on the Trial of the Earl of *Essex*, before they can any of those in the Tower.

Mr. Speke. He told me, Sir *Henry Capell* said it was a Thing too great for him to meddle with. And I knew nothing, but what I had from him.

L. C. J. He was a Man of Integrity, and could tell you nothing but what was true, Mr. *Speke*.

Mr. Wallop. My Lord, All I can say for Mr. *Speke*, is this, He did believe Mr. *Braddon's* Grounds, as he told him, were probable to go upon, but he knew nothing himself, and concerned himself no further. I hope the Jury will consider of it, that there is no Contrivance proved against him.

L. C. J. Nay, Mr. *Wallop*, though we interrupted you in making Remarks upon every Witness, yet now make what Remarks upon what hath been said that you will.

Mr. Wallop. My Lord, I shall leave it to your Lordship and the Jury, how far they think the Defendant guilty of this Information.

Mr. Att. Gen. My Lord, We have indeed given as great an Evidence as ever was given I think of any Offence. But to clear up the Matter, that it was impossible for any Man, unless the most maliciously and villainously inclined against the Government and Peace of the Kingdom, that can be, to imagine such a Thing, much less spread such a Report, we will call you two or three Witnesses to prove, that the Earl of *Essex* murdered himself.

L. C. J. 'Tis necessary, Mr. *Attorney*, I think, for you so to do, to satisfy the World, though to a discerning Eye there is enough given from the Evidence this Day, to make it appear to be a most malicious and scandalous Contrivance, to hawk about for every idle Rumour, to pick up Children of such tender Years, and make them Swear any thing to serve a Turn.

Mr. Att. Gen. My Lord, we do not call these Witnesses, as if there were any Doubt of it in the World.

L. C. J. But we live in an Age, when Truth passes for nothing in the World, and Swearing and Forswearing is taken for a Thing of Course. Had his Zeal been half so much for Truth as it was for Falshood, it had been a commendable Zeal. But when Men are so zealous and fierce for such vile Things as these are, 'tis time of my Word for the Government to interpose.

Mr. Att. Gen. 'Tis not to satisfy the Court nor the Jury, who I believe are all of them already sufficiently satisfied, but 'tis to satisfy the World, that may have entertained some Prejudices from this Conspiracy. Call Mr. *Bomeney* in.

Mr. Sol. Gen. Not as if there were any doubt, whether Mr. *Braddon* were the malicious Inventor

of this Report at the beginning, and went down into the Country to spread it. The Evidence has been full, and by his own Management of his Defence, he has proved it himself, and seems by his Confidence to justify it. But we shall, to give the World some Satisfaction, call some that waited upon the Earl in the *Tower*, and others that saw him when dead, that will give a Confutation to any thing that could be supposed, as if my Lord of *Essex* had not murdered himself.

Then Bomeney was Sworn.

L. C. J. Did you wait upon this unfortunate Gentleman, my Lord of *Essex*?

Mr. Bomeney. Yes, my Lord.

L. C. J. Well, what do you know of his Death?

Mr. Bomeney. I went with him from *Whitehall*, and I stayed with him all the while he was in the *Tower*.

L. C. J. How came he by that unhappy End, pray?

Mr. Bomeney. When we were at his Lodging, my Lord used to call for a Pen-knife to cut his Nails of his Hands and Feet, and he then had long Nails, and said he to me, give me your Pen-knife to cut my Nails; said I, my Lord, I have none, I came in haste, but I will send to Morrow for one; and therefore I sent our Footman, one *William Turner*; to whom I gave a little Note for Provisions, and among other Things which I writ Directions to the Steward to send, there was a little Line; *Pray send a Pen-knife for my Lord.* He brought some Provisions, but he did not bring a Pen-knife on the *Thursday*, because he said he had none, but he would send one the Morrow after; I sent *William Turner*, the Morning after very early, and gave him another little Note for Provisions; and, among other Things, I writ in the Note, *Do not forget the Pen-knife for my Lord.* He went, and when he was in the way, my Lord sent the Warder to me, to call me. I came to my Lord, and my Lord asked, Is the Footman come? Has he brought the Pen-knife? No, my Lord, said I, but I hope he will not stay long, because I sent him early. Then I was turning to come down from the Chamber, and I saw my Lord walking in the Room, and picking of his Nails with the Pen-knife——

L. C. J. How? With a Pen-knife?

Mr. Bomeney. No, with the Razor that I gave him. For I went to my Lord, and when my Lord asked me if I had gotten him a Pen-knife, I said the Footman was not come, but I hoped it would come immediately, because I sent him early. And I was turning from the Chamber, thinking I had done with my Lord, and my Lord called me again, Hark you, *Bomeney*, said he, I can do it with one of your Razors. My Lord, said I, I will fetch one, so I went into my Closet and fetched one. And I went to my Lord, and when he had it, he did as if he picked his Nails with it, and was walking in the Chamber. I looked a little while upon him, and turning out of the Chamber into the Passage, where I talked with the Warder, *Ruffel* his Name was, and when I looked out of the Window, His Majesty was in the *Tower*, and there was a great Bustle in the Street; and when I had talked a little while with the Warder, I went down into my Closet again, and at the same time that I was in my Closet, there came the Footman,

and one with them that brought the Provisions, and he gave me the Pen-knife, and gave me a little Note, that he had brought with the Provisions, which, he said, *Mr. Billingsby*, that was our Steward, bid me to shew that to my Lord. I took it, and went up to shew it to my Lord; I found no body in my Lord's Chamber, there was a Closet there, in which was a Close-stool, and that I found shut, and thinking my Lord was there, I would not disturb my Lord, but came down again, and stayed a little while, in so much as I thought my Lord by that time might have been come out. I went up again, and found no body in the Chamber, but the Closet-Door shut still, I went against the Door, and knocked three times, and said My Lord, my Lord, and no body answered: Then I looked through the Chink of the Door, between the Door and the Wall, and I could see Blood, and a little part of the Razor. Then I called to the Warder, and the People of the House, and they came up and found him there.

Mr. Att. Gen. Had you much ado to open the Door, or could you open the Door easily?

Mr. Bomeney. No, the Door could not be opened easily, I know not how they opened the Door, but I think *Ruffel* the Warder, when he came up, pushed at the Door, but could not open it very far, because my Lord's Foot was against the Door, and so they had much ado to open the Door.

Mr. Att. Gen. Which way does the Door open, out of the Room, or into the Room?

Mr. Bomeney. Inward, into the Room.

L. C. J. And so his Feet being against it, it could not easily be opened.

Mr. Att. Gen. How big is the Closet?

Mr. Bomeney. A very little Closet, I believe no wider than that; and the length of a Man, and a Close-stool at the upper end would fill it up. My Lord lay all along on his Side.

Mr. Att. Gen. Did you observe your Lord melancholy, *Mr. Bomeney*?

Mr. Bomeney. Yes, he was melancholy. But we took no notice of it, for he was used to be so, and we had no reason to suspect any thing more than ordinary.

Mr. Att. Gen. Did you find the Razor?

Mr. Bomeney. Yes, it lay by him.

Mr. Att. Gen. What became of the Razor?

Mr. Bomeney. The Coroner's Jury had it.

L. C. J. Was there any Window in that Room, where the Close-stool was?

Mr. Bomeney. Yes, there was a Window.

L. C. J. Was there a Casement to that Window?

Mr. Bomeney. Yes, I think there might.

Mr. Just. Withins. Which way does that Window look?

Mr. Bomeney. I can't very well remember, my Lord.

Mr. Just. Withins. Which way do you think?

Mr. Bomeney. I believe it is upon a Yard.

L. C. J. He says he does not well know. But, *Mr. Bomeney*, you saw *Mr. Ruffel* the Warder in the same Place, as you came up again, that you left him in when you went down?

Mr. Bomeney. My Lord, I went down but a little while.

Mr. Sol. Gen. Where did you find *Ruffel* the Warder, when you came up again?

Mr. Bomeney. At the Guard.

Mr. Sol. Gen. Did you find him in the same Posture, when you went up again, that you left him when you went down?

Mr.

Mr. *Bomeney*. Yes.

Mr. *Sol. Gen.* Did you hear of any body that went up else?

Mr. *Bomeney*. No, my Lord.

Mr. *Sol. Gen.* Then we will call Mr. *Ruffel* the Warder he speaks of. *[Who was sworn.]*

Mr. *Att. Gen.* Pray will you give my Lord an Account at that Time where you were, and what was done.

Mr. *Ruffel*. I was in the Chamber, next opposite against my Lord's Chamber, there is but a little step betwixt the Doors, the Stairs come up betwixt the two Doors, no body could pass backwards or forwards, but I must see them; for I was then Waiter at that time, and stood upon the Guard; and my Lord asked Mr. *Bomeney*, Whether the Pen-knife was come; and he told my Lord, No. Then says he, lend me your Razor, that will do it. And my Lord took the Razor in his Hand, and the Door was open, and he went two or three Turns in the Room, with the Razor so. This I saw, the Door being open, as I stood in the Passage. My Lord, by and by Mr. *Bomeney* goes down, and my Lord shut the Door to him, and Mr. *Bomeney* staid below a little while, and afterwards comes up again. And my Lord was gone to the Closet to Stool, as he supposed. So away he comes down again, and staid about a quarter of an Hour, or thereabouts. And this I see all my self, my Lord

L. C. J. Had any Person been there, from the time *Bomeney* went down, to the time he came up again?

Mr. *Ruffel*. No, my Lord, there was no body went up or down all the time, but *Bomeney*. He came up, and seeing my Lord was not come out of his Closet (this I did stand and hear) so he puts by the Hanging, and looks in, and sees my Lord in his Blood, lying in the Closet; and he makes an Oration, a great Noise, with that I stepped two or three Steps, hearing him make such an Oration, and I found the Key was on the outside of the Door, and I opened the Door, and saw him lie in his Blood.

L. C. J. Could you open the Door with ease?

Mr. *Ruffel*. Yes, I could put it a little way open, and there saw him.

L. C. J. But you could not put it quite open?

Mr. *Ruffel*. No, for his Legs lay against the Door.

L. C. J. Was it a narrow Closet?

Mr. *Ruffel*. Yes, a very narrow Closet.

L. C. J. In what Posture did my Lord lie?

Mr. *Ruffel*. He lay all along on one Side.

L. C. J. Where lay the Razor?

Mr. *Ruffel*. By him. But I did not take so much notice of the Razor, for I was surprized with the Sight.

Mr. *Just. Holloway*. Was there any Window in the Closet?

Mr. *Ruffel*. Yes, that looks into Captain *Hawley's* Yard. And the Window is quite Northward.

L. C. J. Which way does that Window look?

Mr. *Ruffel*. Quite the other way, into the Back-yard.

L. C. J. Then there is no Way out, nor Light, nor Casement out into the Fore-yard?

Mr. *Ruffel*. No, my Lord, 'tis backward, and 'tis Paled in, only into the House there is a Door.

Mr. *Att. Gen.* Was there any Door out of the Street, that way?

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Mr. *Ruffel*. No, there is one Door that goes out from the Entry to go into the Yard.

L. C. J. Has any body else access to come to the Yard, but what must come through *Hawley's* House?

Mr. *Ruffel*. No, no body.

Mr. *Sol. Gen.* We will call Captain *Hawley* himself.

L. C. J. Warder, Do you remember there was any Coach that stood there?

Mr. *Ruffel*. No, there was no such thing.

L. C. J. I ask you for this reason, because here was a Girl that spake of a Coach, that came through the House I suppose, and so through the Entry out of that Door into the Yard.

Mr. *Att. Gen.* Where is *Lloyd* the Soldier? For, my Lord, as there was a Warder above, so there was a Soldier that stood at the Door below. And while he staid there, there could not any one come in, nor near, but he must observe them.

Mr. *Sol. Gen.* Pray, my Lord, be pleased to ask Mr. *Bomeney*, how long he lived with my Lord.

L. C. J. How long had you lived with my Lord of *Essex*?

Mr. *Bomeney*. Six Years.

Mr. *Just. Withins*. You waited on him in his Chamber, I suppose?

Mr. *Bomeney*. Yes, in the Nature of his *Valet de Chambre*.

Then Lloyd was sworn.

Mr. *Recorder*. Hark you, *Lloyd*, you were the Sentinel. Give an Account where you stood that Day that my Lord of *Essex* murdered himself?

Lloyd. At my Lord's Door.

Mr. *Att. Gen.* Which Door?

Lloyd. At my Lord of *Essex's* Door.

Mr. *Att. Gen.* Were you above Stairs, or below at the Street Door?

Lloyd. Below at the Street Door.

Mr. *Just. Withins*. Did any body come into the House that Morning?

Lloyd. No body came in, all the while I stood there, that I knew of.

Mr. *Just. Withins*. Were you there at that time, when my Lord killed himself?

Lloyd. I was there when the Noise was made of it above Stairs.

L. C. J. Did you e'er see a Coach there?

Lloyd. Not to stand at the Door at all.

L. C. J. Didst thou see e'er a Coach in Captain *Hawley's* Back-yard?

Lloyd. No, no.

L. C. J. Why, could not the Coach go through the Door and the Entry into the Yard?

Mr. *Sol. Gen.* Had you seen my Lord of *Essex* that Morning?

Lloyd. Yes, he spake to me, and asked me What o' Clock it was?

Mr. *Sol. Gen.* Where was he?

Lloyd. At the Casement.

Mr. *Sol. Gen.* What did he say to you?

Lloyd. He said, Centry, What o' Clock is it?

Mr. *Att. Gen.* Did you see him when my Lord *Ruffel* went by?

Lloyd. Yes, I saw him then.

Mr. *Att. Gen.* How long after was the Cry of my Lord's having killed himself?

Lloyd. I believe, not half an Hour after.

Mr. *Att. Gen.* Did any Maid go out of the House?

Lloyd. None at all.

L. C. J. What, not in a white Hood?

Lloyd. No.

L. C. J. Why didst not thou call to the Maid to come and take up the Razor, that was thrown out of the Window of Captain *Hawley's* House?

Lloyd. There was no Razor at all thrown out, that I saw.

L. C. J. Did not you open the Pales for her to go in, and take up the Razor?

Lloyd. No.

L. C. J. Was there any other Soldier there besides you?

Lloyd. No.

L. C. J. Then you must be he that cried out, or no body?

Lloyd. I saw no Razor, nor did not cry out to any body.

Mr. Sol. Gen. Could you open the Pales? Is there a Door to the Street-side, out of the Pales into the Yard?

Lloyd. 'Tis no Yard, but there is a Door that all pass through that come to the House.

Mr. Sol. Gen. What else did my Lord of *Essex* say to you?

Lloyd. He only examined me, what o' Clock it was? That was all.

Mr. Att. Gen. My Lord, We have here two Women, who were the only Women that were in the House, they will tell you what they saw.

L. C. J. Pray, Gentlemen, do not mispend your Time unnecessarily, because I am to sit this Afternoon at *London*.

Mr. Att. Gen. My Lord, We will then only call Captain *Hawley*. *[Who was Sworn.]*

Mr. Sol. Gen. Pray, Captain, tell what you know of this Matter?

Capt. Hawley. My Lord, All the Account I can give, is, That about four or five o' Clock in the Morning, I went to open the Gates, that being the usual Hour to open the Gates. And I was at the Gate then when a Warder came, and told me, my Lord of *Essex* had killed himself, and that was between nine and ten of the Clock. When I came into the House, I went up Stairs, and saw no body in the Room, nor no Blood; said I, to the Warder, What do you make a Fool of me? Here is nothing: Says one of the Warders, look into the Closet; I went to the Closet, and could not open the Door above this wideness, and I looked in, and saw the Razor all in Blood, and my Lord lay on his Arm in this fashion I could not tell, whether he was dead or no, but I thought it was not my Business to stir him. Then my Lord Constable was ordered to come and Secure, and Examine all the Servants.

L. C. J. Pray, Captain *Hawley*, where does the Casement look into?

Capt. Hawley. The House, ever since I came to it, is just as it was; and the House having settled, the Casement won't open above thus far: And 'tis so low, and the Pales are nine or ten Foot high, that 'tis impossible for any one to throw any thing out of the Window three Foot hardly. It is one of the horridest Reports that ever was heard of, and the unlikeliest Thing, they cannot throw any thing out of the Window to be seen.

Mr. Att. Gen. My Lord, I think it is not necessary to call any more Witnesses.

L. C. J. Have they any thing to say further, on the other Side?

Mr. Speke. I desire, my Lord, to call my Man.

L. C. J. Call your Man, for what Purpose?

Mr. Speke. My Lord, If your Lordship pleases, I will call my Man to prove, that I knew nothing of Mr. *Braddon's* coming to me.

Then Mr. Speke's Man was sworn.

L. C. J. Ask him what you will?

Mr. Speke. Did you ever see Mr. *Braddon* with me?

Servant. Never but once, before that time he came to my Master's Chamber, which was the Night before he went out of Town; and when he came, after he had been there a little while, my Master ordered me to get me ready to go into the Country with him. And after I had been with him a little time, he got another to go with him, and sent me Home again.

Mr. Speke. I was going to Bed, Was I not?

Servant. Yes, you was.

L. C. J. Have you done of both Sides?

Mr. Speke. Was it not a Surprize to me, when he came to me?

L. C. J. How does he know that?

Mr. Speke. I tell you, why, my Lord, I ask it; Because when I go out of Town, I always tell him to prepare himself.

Servant. It was a Surprize to me; I knew nothing of it.

L. C. J. Well, have you done now? Have you a mind to say any thing to the Jury you that are of Counsel for the Defendants; or you, Mr. *Braddon*?

Mr. Braddon. No, I will say nothing.

L. C. J. Have you, Mr. *Speke*?

Mr. Speke. My Lord, I have proved it here, That I had no Hand in what I am accused of. It is put down in the Information, that I conspired, with Mr. *Braddon*, to endeavour to procure false Witnesses. I have proved, I never had any Hand at all in any Thing of it. It was an accidental Thing, his coming to me; and it was a great Surprize to me, when he came; and I never concerned my self in it more, than the Writing of that Letter: And I had no ill Intent in it; I did it not designedly, for I knew nothing of his coming; and I had not writ the Letter if he had not come to me. And 'tis plain, it was a Surprize, for I always give my Man notice, when I go out of Town, before-hand to prepare himself. I thought nothing at all of ill in the Letter: I writ it late at Night, when I had been with some Company at the Tavern. And he made me believe that to be true, which was not; I hope the Gentlemen of the Jury will consider that. I have nothing to say of the Thing, I did not concern my self in it any further at all, than writing the Letter, which I did not well know what I writ.

L. C. J. Well, have you any more to say, Mr. *Speke*?

Mr. Speke. No, my Lord.

L. C. J. Have you any more, Mr. *Braddon*?

Mr. Braddon. My Lord, I have only this to say for my self. It has not been proved directly, or indirectly, That I used any evil Arguments, to persuade these Witnesses to testify what was false; but I dealt with them with all the Candor, that any Person in the World could use; and used all the Caution that I could, to hinder them from speaking any thing that is false. There has been nothing proved of evil Practice

Practice used by me; and I desire the Gentlemen of the Jury to take no other notice of any Thing that has been, or shall be spoken, but what has been proved.

L. C. J. Gentlemen of the Jury, The Evidence has been very long, that has been given both for and against the Persons, against whom this Information is exhibited. 'Tis an Information exhibited by the King's Attorney-General, in His Majesty's Name against *Lawrence Braddon* and *Hugh Speke*. And the Information does set forth, That the late Earl of *Essex* murdered himself in the *Tower*, and that thereupon there was an Inquisition taken before the Coroner, that did find that he had so murdered himself, he being before that Time committed for High-Treason, in Conspiring the Death of the King, and levying War to disturb the Government. And these Persons did render that Inquisition, as tho' it had been fraudulently and irregularly obtained; and also to breed ill Blood, and spread false Rumours among the King's Subjects, by endeavouring to persuade them to believe, That the Earl of *Essex* was murdered by some other Hand, and had not murdered himself, and had procured false Witnesses to testify some such Matter, in order to the spreading about that false Rumour. This is the Substance of the Information. To this Information they have both pleaded, Not Guilty; and the Evidence, as I was telling you, has been somewhat long; but according to the best of my Memory, and for the Assistance of yours, I will mind you of as many Things, as occur to me, that have been said against them, and what has been said on their Behalf, I mean so much of it as is Evidence. For I must tell you, all Hear-says, and common Discourses of other Persons are not Evidence, and I will give you that Reason, that is sufficient to satisfy any Man that is unbiass'd, That if in case the Person that so told the Story had been here, if he had not told it upon Oath, you could not have believed that Person: Therefore, surely there is less Credit to be given to him, that tells a Tale out of another body's Mouth. And I tell you this, because there have been great Allowances given, and ought to be when People are accused of such great and weighty Crimes; for these are monstrous Crimes that these Gentlemen are accused of; but 'tis you that are to try, whether they are Guilty or not: Certainly there is scarce in Nature a greater Crime that can be committed, than this that is now before you; for I think Robbery or any other such Felonies, are not such monstrous Crimes in their true real Weight, though in consideration of Law, in respect of Punishment they are greater; yet in Point of Crime, they are surely less, for to spread false Reports, in order to raise Seditious, Ill-will, Heart-burnings, and Jealousies in the King's Subjects against the Government, and to suborn Witnesses to that evil Purpose, is surely a much greater Crime than robbing on the High-way. Now, Gentlemen, 'tis not unknown to most of you, what Endeavours have been of late made, to possess the Minds of the King's Subjects, of great Injuries designed to be done them by the King, or His Authority: And in order to foment Differences and Misapprehensions between the King and his People, and among the People between one and another, all Arts have been

used, to proscribe People that they are minded to expose. Those, they bear ill-will to; must be called Papists, or Papists in Masquerade; but They and their Confederates are the Sober Party, the true Protestants, as if there were none Sober or true Protestants but such as are Factious and Troublesome in the Government. But by these Things they bring an Odium upon the Name of a Protestant, their Aim is by distinguishing to divide us; whereas if they were Protestants in Truth, the Church of *England* Protestants, they would have another Behaviour, they would learn to obey, and submit to Authority, and not go buzzing from House to House, and spreading false Reports, *but study to be quiet, and do their own Business*. And though Mr. *Braddon* made use of the 5th Chap. of the *Acts*, to the Child, he would have done well to have taken notice of some other Parts of Scripture, that are as much Scripture as that, That injoin Obedience and Submission to the Magistrate; and, being quiet and minding his own Business, it's odds, he had never come to that Trouble, he is now likely to meet with. But the Crime he is accused of, carries all the Venom and Baseness, the greatest Inveteracy against the Government that ever any Case did, that I have met with. For it's insinuated, That because the King and the Duke were walking in the *Tower*, that Day, and near that Time, when this unfortunate Thing happened, now it must be whispered, as though the King and the Duke had designed this Murder. How Base? How Devilish and Hellish a Design is this? But yet, this must be spread about, and endeavoured to be distilled into the Minds of the King's Subjects. But besides, Gentlemen, you are to consider, as was opened by the King's Counsel, to what this Thing tended; for in as much as there was an horrid bloody Conspiracy, to take away the Life of the King, and of his dear Brother, His Royal Highness the Duke of *York*. And so far as several Persons have been duly executed for that Conspiracy, who were concerned along with this unfortunate Lord; (I cannot help the naming of it, though I am sorry for his Misfortune, for the Sake of that Honourable Family) but rather than he would abide his Trial, God knows what other Reason he had, but the probability of the Thing speaks it, he being conscious, the great Guilt he had contracted, in being concerned in such a Conspiracy, made him destroy himself. And 'tis easy to imagine, how far that might prevail upon him, it being done immediately after my Lord *Ruffel*, who was one of the Conspirators with him, was carried to his Trial. It cannot be thought, but it was to prevent the Methods of Justice in his own particular Case. And, Gentlemen, there was *Digitus Dei* in it, and it is enough to satisfy all the World of the Conspiracy; though we live in an Age, wherein Men are apt to believe only on one Side; they can believe the greatest Lye, if it makes for the Advantage of their Party, but not the greatest Truth, if it thwarts their Interest.

But because Mr. *Attorney* has produced his Proofs, to manifest, that this Lord murdered himself, I will take notice a little of it, because it may have some good effect to undeceive some that have been imposed upon. Not for my own Satisfaction, I thank God I am satisfied,

and so I believe are most honest Men: But that silly People may not be imposed upon by every busy Fellow for the future, that takes the liberty to run about and spread false News, and that Men may be aware of such Fellows, and may not be decoyed any more by such false Pretences; it was therefore fit that Evidence should be given of the Truth of the Fact, that that Gentleman did murder himself. And the Evidence is this.

Besides the Inquisition, which was taken upon the Oaths of several Persons of Quality, (as you hear upon the reading their Names, several of them were Esquires, and Men of Note) 'tis here also proved by the Testimony of his Servant that attended him, how he came to this untimely End. And, Gentlemen, I would observe, 'tis Sworn by his Servants, one that had lived six Years with him, not an upstart, or a wandering Fellow, but one whose Integrity and Fidelity to my Lord, was confirmed by six Years Experience of his Service. Then here is the Warder that was at the Door, here's the Soldier, here's the Master of the House, who are all the Persons that probably can give any Account of the Matter, and they tell you positively that no one did go up and down, but this *Frenchman*, who was his *Valet de Chambre*. And the Warder tells you, That he coming to the Door, and knocking at the Door, and hearing no one answer, did endeavour to open the Door, but it was so fast by my Lord's Feet, that he could open it but a little, and looking in, discerned Blood, and that made him make Acclamations, as the Warder calls it, Orations, which brought all the People in the House thither, and they gave the same Account that he does.

And 'tis likewise fit to be taken notice of, that the Window of this Closet looks into a private Yard, where no Strangers usually come, and where no Coach could come; and that the Pales were so high, that in case a Man were desirous to throw any thing out, it were impossible to cast it above three Foot. And if there could no Coach at all come into the Yard, as it is plain there could not, (for there is no Door, save only a back House-door) then this must needs be a Lye, that was spread abroad. And 'tis beyond all peradventure true that my Lord of *Essex* did murder himself.

Now to have so great a Truth as this to be perverted, and to reproach the Government with Falsities, is the most malicious Thing in the World. If in case the Law has made it Penal for any Man to scandalize any one private Person as it has; and if it be by Law, much more Penal to scandalize a Nobleman: How much more ought it to be, when the King and the whole Government is thus scandalized?

Now to come to the Fact, as near as I can recollect, I will give you an Account of what Evidence has been given of the one Side, and of the other. But this I thought fit to premise, because there will some Circumstances fall out fit to be taken notice of in the Evidence, especially about the Window in Captain *Hawley's* Yard and House, which may be cleared this Way.

In the first Part of the Evidence for the King, they call a Witness to prove the Earl of *Essex's* Commitment, which is Part of the Inducement in the Information.

But for the Information it self, there is this Evidence. First, *Evans*, he comes and tells you,

how that he had heard at the *Custom-House* from *Edwards*, the Father of this Boy, as tho' there had been a Report came to him from Home, at Ten o'Clock that Morning my Lord *Essex* cut his Throat, of a Razor thrown out of my Lord of *Essex's* Window; That he came to him in the Afternoon again, and in the Afternoon told him he had examined the Matter further, and his Boy confirmed the Truth of it. He says, That after this, Mr. *Braddon* and another Man, one Mr. *Hatsell*, if I am not mistaken in his Name, came to the Place where he was in *Essex*, and there they had some Discourse about my Lord of *Essex's* Death, and there *Hatsell* took out of his Pocket a printed Copy of the Inquisition; and Mr. *Braddon* was then in the Room, but he says he thinks Mr. *Braddon* at that time took no manner of notice of it, but walked about the Room, but he says, the Inquisition was read while he was in the Room, and *Evans* said something about the Report he had heard, which did seem to contradict that Inquisition. But some time after, he says, That he being at the Coffee-house, *Braddon* and *Edwards* came to him into the Coffee-house, and there they began to talk; *Edwards* said, That *Braddon* had been with his Child to examine him, to bear Testimony about flinging the Razor out at Window. He was very full of the Word [Matter] and tossed that to and fro, but at length the Substance of his Matter was, that Report of the Boy's, and he advised them to forbear talking any farther to him about the Matter, for it might do *Edwards* and *Braddon* both an Injury; and he had read the Inquisition which was quite contrary. That was all he could say.

Then comes *Edwards*, and the Substance of what he says, is this, That he first heard it from his Family, and afterwards the Boy confirmed the Truth of it; but then afterwards he heard he had denied it, which was after *Braddon* had been there to inquire about it. And then he says, *Braddon* came to him again, and then he had got a Note dictated by himself and not by the Boy, but at first he tendered it to the Boy, and the Boy refused to put his Hand to it; and Mr. *Braddon* came again another time, (though he was told the Boy had denied it as he heard) and then the Boy did set his Hand. This is the Substance of what *Edwards* says. He does say indeed, the Boy used to tell Lies very often, to make excuses when he played Truant, and that his Family told him, the Boy was often guilty of telling of Lies.

Then the next Evidence is the Evidence of the Boy himself. He it seems is thirteen Years of Age: Certainly any Man that had been of an upright Mind and Conscience, as Mr. *Braddon* pretends to be, and would have you, Gentlemen, think them so; would have it thought that he was full of Honesty and Integrity to the Boy, when he baited his Hook with a Text of Scripture, about the Danger of telling a Lye, and, *Have a care, Child, of telling a Lye*; if he had done no more but given him this Advice, it had been worthy of Commendation: But when the Boy had refused to sign it, for him to go and make such a stir, without examining further into the Particulars, but only taking a slight Report from such a Child, and to make such a Disturbance in the Nation, and such a Noise, not only here, but Abroad, as this

this has done, sure argues neither Uprightness nor Conscience. Had the Boy stood in it and persevered in it, it had become him, in regard of the Tenderness of the Boy's Age, to have been more inquisitive into Circumstances, before he gave such Credit to what he said, as to make all this ado.

But what says the Boy when he comes here, he is now upon his Oath, and he tells you, He did tell his Mother so at first, and he did tell Mr. *Braddon* so at first; but afterwards when his Sister spake to him, and bid him be sure to tell nothing but what was Truth, then he said truly, it was not Truth. He tells you, Mr. *Braddon* offered him the Paper to sign, but he would not sign it; and being asked the Question, Why he would not sign it? He says, because it was not true; and being asked, Whether *Braddon* had notice of this? The Mother and Sisters, all tell you, He had notice the Boy had denied it.

How came Mr. *Braddon*, what Authority had he to take this Examination? He is no Justice of Peace, no Magistrate that had any Authority to take Examinations. What Concern had he in it more than other People? The Boy could tell him there were abundance of People there besides himself, tho' it was a Lye he told then, and that the Girl told now. Why did not he stay to have it confirmed by some of those People? Why did not he carry these Children before some Magistrate or Justice of Peace, some body that had Authority to take Examinations? There was a Spirit that prevailed with Mr. *Braddon* to engage and make a stir in this Business, and you may easily guess what a kind of Spirit it was which gave him this Authority that he had not before.

Gentlemen, another thing is this, 'Tis plain, and the Boy now swears it directly, That whereas he put it into his Information, How that he told him he was going to see my Lord *Brandon Gerard's* Lodgings, but now he is upon his Oath, he swears directly he never told him any such thing, and yet he hath put it into the Paper he made him sign.

He tells you a second time, Mr. *Braddon* came to him, which was after the Boy had refused and declared himself unwilling, and that then he was persuaded by Mr. *Braddon*, who told him there was no Harm in it; if there be any Harm, it would be to him, and not to the Boy, and so by Virtue of that, he insinuated himself, and got the Child to sign that Paper, which is every Tittle of it false, as the Boy now swears directly. And he tells you, how he was imposed upon by Mr. *Braddon*, pretending there was no Harm to him, all the Harm would come to himself, and by reason of these Insinuations he was prevail'd upon to put his Name to that which was notoriously false.

The next Witness (to make it appear that it was notoriously false, not only by the Boy himself, but by other Circumstances) is *Hawkins* the Minister's Son, Dr. *Hawkins's* Son of the *Tower*. And he tells you, I play'd Truant as well as he that Day, and I saw the King and the Duke at the *Tower*, and when I had seen them I went about as they did, and afterwards I went home, and there came a Report, that my Lord of *Essex* had cut his Throat, which made me go back again to the *Tower*, and there was I a considerable time gaping among

other People, and there did I see this Boy *Edwards*; when he came there, I was there, I was there all the time that he was there, and we went out of the *Tower* together, and there was no such thing, nor any pretence or ground for such a Story. And *Edwards* himself being asked the Question, upon his Oath, doth likewise say, *Hawkins* was with him all the time there. So that that shews not only by what the Boy says, that it was false, but it is also proved false by the Testimony of this other Witness *Hawkins*.

Then next comes Mr. *Blathwaite*; who was present when Mr. *Braddon* was before the King, and what does he say? He says, there was the Boy fetched, and the Girl fetched, and all Persons examined there, and then 'tis told him, all the Boy had said to him was false, and it was told him with all its Circumstances. So that Notice sufficient, if you will believe Mr. *Blathwaite*, was given to this Mr. *Braddon*, That the Boy had denied it then, as he had before to his Sister: So he knew it was false.

But what does Mr. *Braddon* do now? He is so far from being satisfied in the matter, that instead of stopping there, his Zeal transported him to pursue it further: And so he tells you, that Mr. *Braddon* confessed he would have got some Justice of Peace to have the Boy examined; and he applied himself to Sir *Robert Clayton*, and Sir *John Lawrence*. There were many Justices of the Peace besides them, in *London*, to whom he might have applied himself. But when he comes to Sir *Robert Clayton*, and acquaints him with the matter, he would not do it alone; it was thought a matter of that Importance. Then says Mr. *Braddon* you shan't do it at all. He must have the Kindness of having it done in private; to have it examined when any body was by, was not so well for his purpose; which shews you still, Gentlemen, his Design was to contrive privately, to effect that which the Light should not easily discover.

Then the next thing is the Evidence of Mr. *Monstevens*, and he gives you an Account, That he came to him, and he read the Information, and gave him a Caution, that he wondered at him: Says he, Why do you concern your self about this Business, there is Sir *Henry Capell*, he does not concern himself? Then he pretended to come in his Name, but at length, when Mr. *Monstevens* began to dispute it with him, why Sir *Henry* did not appear himself in it; then truly Sir *Henry Capell* was very ill, and could not possibly come himself, but I am to go to him, and give him Satisfaction about what I do, and so also to the Countess of *Essex*. No, says Mr. *Monstevens*, that cannot be, for Sir *Henry Capell* is not so ill but that he has been with my Lord *Sunderland*, and with the King too, since the Death of my Lord of *Essex*. To which he made him no Answer. So that that was but an Excuse and a Subterfuge; but yet notwithstanding all this Caution, he continues on his Zeal in the thing: Whereupon Mr. *Monstevens* brought him to my Lord *Sunderland*, and what Discourse has past between them, he has given you an account of.

The next Evidence is Sir *Henry Capell*, who tells you, That *Braddon* comes officiously and tells him, he had some Discovery to make about the Death of the Earl of *Essex* and you