

so murder himself. And that the bloody razor was flung out of the chamber-window is made good by no less than ten witnesses.

Thus have you some grounds and reasons (from the improbability and impossibility of the thing) to clear his innocency from the horrid fact so impudently charged upon him, and consequently the guilt of others, and which may be sufficient to all wise men to detect the murder, and inforce a review, if no other evidence could be produced; tenfold less has done it in other cases, it being so difficult many times to get light, and trace such secret hidden works of darkness as Sir Fran. Bacon elegantly in Sir Tho. Overbury's case tells us, "That wise men must take upon them, in these secret cases, Solomon's spirit, that when there could be no witnesses, collected the act by the effection," viz. when he used the stratagem about dividing the child; but this you will find is not our case, Providence having given us a larger provision, as you will further hear.

## II. That he was barbarously murdered by others, as appears,

1 By the undeniable circumstances arising,

1. From the previous reports.

2. From the corrupt and partial proceedings of the coroner and his inquest.

3. From the conspirators villainous ends. And,

4. From the wicked methods used to stifle it.

1. By the undeniable circumstances arising,

1. From the many previous reports which they had spread of his self-murder, (a method the papists have heretofore taken, but the policy thereof never yet understood, viz. when they stabbed Henry IV. of France, burnt London, assassinated Sir E. B. G. and murdered H. the warder) of which divers undeniable proofs have been, and are ready to be produced of such reports, not only in London, but 50, 60, 80, 90, and 100 miles off; in some places a day, in some two, in others (at a great distance) the very day he was murdered; and as most remarkable (as God would have it) all agreeing in the very manner thereof, viz. cutting his throat in the Tower. At Andover, 60 miles off, they had the report of his cutting his throat in the Tower the 11th of July, which was the first day of his imprisonment there, which sufficiently discovers what they designed beforehand; for if this report came from London, it must be before he was a prisoner, at least in the Tower, and two days before the thing was done.

(2.) From the irregular, corrupt, partial, and unjust proceedings of the coroner and his inquest.

1. That one Farnham, said to be a deputy coroner, which the law knows nothing of, and to be sure a legal coroner he was not, Sir T—— S——, the steward of the Tower, being the proper officer, and accountable for that great trust; but this is the tool who must be brought forth to do the job.

2. That none of the relations were summoned to attend the inquest, which, by known usage, ought to have been.

3. That, contrary to the known custom and usage, not only of our own, but other nations, as well as the king's special and express command, the body was removed from the place and posture it was said first to be found in, stripped, and clothes taken away, the body and rooms washed from the blood, to prevent the notoriety of the fact upon view, and, as said, by the new coroner's contrivance or consent, (which makes it the more heinous and suspicious,) for had it remained in the place and posture it was said first to be found in, the print of the bloody foot upon the stockings, the cravat or neck-cloth being cut into four pieces in the middle, and the contrary witnesses, who speak both as to place and posture, would have clearly discovered the murder, the notched razor and cut hand being most pregnant circumstances, yet little regarded.

4. That the jury excepted against the removing of the body from the posture and place, and demanded a view of the clothes, which William Fisher did by name, yet was

denied the same by the coroner, after he had been in the next room with some of the conspirators, who had called him out upon that demand, and who, upon his return to the jury again, did declare to them (as ignorantly as wickedly) that they were to sit upon the body, and not the clothes.

5. The partial examination of witnesses; that though there were several in and about the house when the fact was done, yet only Bomeny<sup>a</sup> and Russell, who they might justly suspect to be privy to it, must be the principal witnesses they will examine in the case, taking little notice of Peck, Mundeny, Lloyd, Captain Hawley himself, or the two women.

6. The little regard had to the notorious contradictions in the witnesses they did or might examine; Bomeny telling them the razor was given him (wherewith he cut his throat) the 12th of July, and Russell the 13th; Bomeny, that Russell broke open the door; but Russell, that he easily opened it with the key on the outside; Bomeny, that he could only, through the chink of the door, see some blood, and some part of the razor; but Russell, that he could, through the same chink, see the whole body; Bomeny and Russell, that the whole body lay in the closet, and none of it to be seen in the chamber; but Peck and others, that part of it lay in the chamber; Bomeny and Russell, that they were absent but a quarter of an hour from my lord; but to others, Bomeny owns he was absent from him two or three hours, insomuch as he was cold and stiff before he saw him; some, that he was found lying; others, kneeling.

7. That they unduly suffered themselves to be hurried into a verdict by the message brought them by Capt. Hawley, in the king's name, to hasten the same; as though the death of so great a man, and in that place too, deserved not a serious and due search, especially when they saw such foul play offered them, by removing body and clothes, and denying a view of the clothes, and when none of the relations present, and so few of the witnesses examined, and those in so much contradiction too.

8. By the unheard-of drawing their verdict, which was done not by the coroner, nor by the jury among themselves, as it ought to have been, but by one of the conspirators themselves in the next room, who sent it to them by Bomeny, and which they signed accordingly.

9. By giving so wicked and false a verdict upon their oaths, which was this, viz. "That the Earl of Essex, being the 13th of July alone in his chamber, did, with a razor, voluntarily and feloniously cut his throat, giving unto himself one mortal wound, cut from one jugular to the other, and by the *aspara arteria*, and the wind-pipe, to the *vertebræ* of the neck, both the jugulars being thoroughly divided, of which said wound the earl instantly died."

This was the conspirators diabolical writing, which they imposed upon the jury, and they made their verdict both coroner and inquest by subscribing it.

It falsely saith, he was alone in the chamber; whereas by the flinging out the bloody razor, as well as by sufficient testimony, it will appear that several went up and came out at that time.

It also falsely saith he did give himself with that razor one mortal wound of such a length and such a depth, which are utter impossibilities, as before.

(3.) From the villainous ends the conspirators had to effect and carry on hereby, viz.

1. To confirm a protestant plot, a thing which they had long and often laboured, and as often been disappointed in, and which was so improved by the attorney-general, as 1000 witnesses to make it good; as also by the lord chief justice, as the finger of

<sup>a</sup> Paul Bomeny and Francis Russell, the former Lord Essex's valet de chambre, the latter a warder of the Tower, were the persons who first found the earl's body, and who were suspected of his murder.

God, to convince all the world thereof, the sad consequence whereof hath since been so severely felt.

2. Utterly to stifle the popish plot, witness the bailing the popish lords, impeached and committed by parliament, out of the Tower, and the publick prints to ridicule the same ever since.

3. To destroy the Lord R——, and therefore done at the very instant he was to come to his trial, and so improved by the lawyers to the jury, which some of them have owned did more prevail with them to bring him in guilty than any other proof produced against him.

4. That they might remove out of the way so great a champion of the protestant cause and interest, who, by his great employments and trusts in this and the other nations, had gained so perfect knowledge of their popish, horrid intrigues, the way they have taken of old, both in this and other nations; and whereof divers instances might be given, besides that of Sir E. B. Godfrey, whose wounds bleed afresh at the mentioning hereof.

5. That hereby they might carry on a hellish design against the king himself; as though he had been privy thereto, by not only butchering him in that his royal prison and palace, (where by the law he becomes pledge for the safety and forthcoming of the prisoner,) and at a time when he was there in person, where he had not been for divers years before, and as though he came purposely to order the doing thereof, and to entitle the government to it, which the lord chief justice hath so often inculcate: If he was indeed then murdered by others from the king's presence there, [in Bradon's Trial,] as also by that their horrid presumption, in sending in the king's name to hasten and hurry the jury in that corrupt verdict, and so daringly and contemptuously to remove the body, contrary to the king's express command, by a person of quality.

(4.) From the methods which have been used to stifle the discovery hereof, and to deter men from inquiring into the matter.

1. By the lawyers and judges, who have declared, that whoever went about to prove the Earl of Essex murdered, did no other than libel the government and bring the guilt of his blood upon it.

2. By the strict command given by the officers of the guards in the Tower, the day after the murder, to all the soldiers, not to speak one word thereof at their perils.

3. By the severe prosecutions and persecutions of those who have appeared herein, both as to their estates, persons, lives, and liberties.

Witness the turning out of old Edwards from his place in the Custom-house, wherein he had been twenty-nine years, for only bidding his son, upon his blessing, speak the truth in the case; and the many severities to Mr Bradon, for declaring what others had said about it; and the severe dealing with Mr Hugh Speak for the same; as also that late cruel usage of that poor soldier in the Tower, because he would not affirm the Earl of Essex murdered himself, who was first whipped with cords till the skin was fleaed off, after that scourged with rods, and then put upon the wooden horse, with six muskets at his heels, his sword broken, and cashiered. But especially the destruction of Robert Meak, the centinel, for telling what he heard and saw that day of the bloody tragedy, whose neck was therefore broke, and flung into the Tower-ditch; who declared before-hand to his friends how his life was threatened for the same. As also Hawley the warder, who was served in like manner for blabbing; whose murdered body was, about a month after it was missing, taken up near Rochester, where a great popish lord declared, several days before he was found, that he had there drowned himself.

4. By the endeavours which have been used to prevent the review, which, by two



letters to two noblemen, and the letters to the Lady Essex, sent openly by a messenger to Cadman the bookseller, which he brought to Justice Henton, and he to the secretary, all of them purporting a discovery upon indemnity and a review, but all in vain.

(4.) By positive proofs, attesting the murder; that if indemnity may be granted, as was offered in Sir E. B. G——'s case, and a fresh legal enquiry, as in Sir Tho. O——'s case and others, there will then be produced positive evidence, which will declare who were the contrivers and authors, who the actors and abettors of this barbarous and detestable murder; describe the instrument with which it was done, and which was made on purpose for the same; the rewards and preferments to the respective actors therein, with all the material circumstances about it. Which enquiry was successfully made in Sir Tho. O——'s case, after the coroner's inquest had found it (as said) a natural death; and by which, after more than two years stifled by a high hand, the then principal minister of state and his associates, with the lieutenant of the Tower and others, were searched into, found guilty, and many of them executed for that horrid murder, committed upon that innocent gentleman in the Tower.

### *The Conclusion.*

Now may not this dismal tragical account (which carries so much demonstration in it) be well left without a comment, or any rhetorical strain of wit, or flourish of eloquence, either to convince or satisfy the reader of the truth hereof, to provoke him to the discharge of that duty incumbent upon him in his place or station, (which so barbarous and unheard-of a murder calls for at his hand,) the better to deliver himself and the nation from the crying sin of blood-guiltiness; and which is therefore left to the consideration and conscience of all that hear thereof in general, and to all the ministers of justice, and his fellow-peers in special, whose oaths, honours, and interests may oblige them to their duties herein; and who, in reason, ought to feel the bleeding smart of this bloody stab, not knowing which of their own turns may be next: And to his relations and kindred in particular, who are more than others called forth, in a peculiar manner, to make a further and better inquisition after his blood than hath yet been made, especially after this full discovery is offered to them, as they would vindicate his innocence, wipe off the stain of felony, murder, and treason from the noble family, deliver themselves from the reproach of being bribed by the forfeited estate to hold their tongues, and suffer others to be so severely handled, as officious for appearing therein, under their silence; and as they would free themselves from the guilt of his blood, and answer the neglect to God and man. Lastly, to all those (of which there are many) who, either as accessaries or actors, have embrued their hands in this innocent blood; whether, since they are secretly known, it will not be their wisest and best course (as some did in Sir Tho. Overbury's case) to come forth and confess, and give glory to God, as they may hope for mercy here or hereafter, and not to think to shelter themselves under gold and greatness, which will be a covering (in this case) too short for the greatest themselves; because God, who is the avenger of blood, and to whom vengeance belongs, will bring all to the house-top, and recompence them according to their deeds, there being "no darkness, nor shadow of death, where the workers of iniquity may hide themselves."



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*Innocency and Truth vindicated. An Account of what hath been, or is ready to be deposed, to prove the most treacherous and cruel Murder of the Right Honourable Arthur, late Earl of Essex. With Reflections upon the Evidence, and the most material Objections against this Murder discussed and answered. In a Conference between three Gentlemen concerning the present Inquiry into the Death of that Noble Lord and true Patriot;*

"Whoso sheddeth man's blood, by man shall his blood be shed."—*Gen. ix. 6.*

"For blood it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it."—*Numb. xxxv. 33.*

*Magna est veritas et prævalebít.*

Printed in the Year 1689.

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Lawrence Braddon of the Inner Temple took a very active share in tracing out the various reports concerning the death of the Earl of Essex, until his zeal drew on him the indignation of the court. He was tried for a misdemeanour, as having attempted to throw upon the King and Duke of York the guilt of Essex's murder. He was tried before Jefferies, and sentenced to pay a fine of 2000*l.* which being beyond his means, he appears to have remained in prison till the Revolution. See Introduction to the former Tract, p. 68.

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*To the Right Honourable the Lords of the (late) Committee, appointed to examine into the Death of that Noble Lord and true Patriot, Arthur, late Earl of Essex.*

My Lords,

COULD I have managed the evidence in proof, of the murder of this honourable lord with that strength and efficacy they are capable of, nothing would more plainly have appeared to the impartial reader, than this (to me) great truth, viz. That the Right Honourable Arthur, late Earl of Essex, was most treacherously and barbarously murdered. But such as it is, I do, with all humility, cast it at your lordships feet, to whose great judgments I shall, with entire resignation, submit.

My lords, having long known, and been lately much conversant with Mr Braddon,<sup>1</sup> I have had often opportunities of discoursing almost every witness in this case examined; and such as I myself have not spoke with, I have from him been informed what such have declared: And though the account I have here given of what these have related, which have been examined before your lordships, be more large and particular than their depositions, (because I have had repeated opportunities of hearing their re-

<sup>1</sup> This account of the evidence respecting the death of Essex, although written in the same spirit of party as the last, contains some curious particulars. It is decorated with a frontispiece representing the manner of the supposed murder, the position of the earl's body in the closet, and the razor with which the deed was committed.

lations) yet, if themselves say true. nothing in these papers is contradictory to or inconsistent with what they have deposed before your lordships.

My lords, in the account at large I have first stated the case, as to the pretended self-murder, as it was and is endeavoured to be proved by those immediately attending on my lord; and then I have divided the proofs for this murder into three general heads, as they have relation to time: Whether,

First, Before the day of my lord's death.

Secondly, The day of his death.

Thirdly, Subsequent to the day of his death.

And after every proof, I have raised all such objections I could in conversation ever meet with, or myself could object, which carried the least colour of argument against such evidence; and the solutions, with all humility, are submitted to your lordships censures.

In the abstract, I have observed this order: First, I have stated the case, as represented and sworn by those that would prove the self-murder; and then detected the falsity of every part of those relations. After which I have briefly considered the other proofs in the same order of time as the discourse at large.

My lords, several things here mentioned have not as yet been before your lordships, some of these relations having not been known to Mr Braddon before your lordships committee was dissolved: But these after-testimonies, and some other things not here taken notice of, will be brought before your lordships, as soon as your lordships shall think fit to move that those depositions and examinations, now sealed up, may be taken out of the house by your lordships, and to those added such other testimonies as have been taken before several justices, (since the report made) or are ready to be taken; and then, that, as well such as are now sealed up, as those others which have been, or shall be deposed, may be reported by your lordships, in such method as to your lordships great wisdom shall seem most meet. After which I doubt not but all your lordships, and the whole world, will be convinced of that truth which the interest of so many have industriously endeavoured to stifle: But there is no power of earth and hell, when conjoined, can make that thing never to have been which was. And therefore, if my lord was treacherously and barbarously murdered, no interest or strength whatever can make him a self-murderer. Truth may be destroyed in its credit, but never in its being; and the measures that have been taken to discredit the proof of this murder, have been sufficiently detected as false, which hath not a little increased the credibility of that which those counter-evidences would have rendered incredible and false.

\* In passing sentence on Braddon, (who appears to have been all along guided by an honest, though certainly an imprudent zeal,) Jeffries gave the following specimen of his eloquence:—

"I find here is judgment against you, and 'tis a very foul offence, as notorious an offence as any person under that which is capital could be guilty of; base aspersions of the government in order to promote sedition and faction; and for that end made use of all villainous means to corrupt infants, and then justify that villainy with a brazen face, to that degree of impudence as I never before saw; that all the justice of the nation must be affronted by such audacious fellows, for it seems his confidence has not left him; but here he smiles and seems as if he had done no harm.

"Mr Braddon. My lord, I know my own innocency, and therefore have no reason to be troubled.

"L. C. J. Your innocence! Your impudence you mean. I tell you, had you been in any other country but this, the innocence you talk of would have sent you to the gallies.

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

"L. C. J. Ay, I assure you, does he. And the zeal of his party has gone so far, that at Winchester, when I was there in the circuit, I was told that his doctrine had obtained so much in that country, especially from that place whence some of his witnesses came, I mean Andover, that there was a woman that was here the other day, Mrs Drake, being at conventicle, held forth that my Earl of Essex was murdered while the king was in the Tower, and that God was the avenger of murder, and had found out a proper person for the prosecution of it, and that was Mr Braddon; and this snivelling cant prevailed at the conventicle. It is no such smirking matter as you make it. Mr Braddon, I assure you.

My lords, no two truths in nature are inconsistent; for then a thing would be and not be, at the same time; wherefore when men would subvert the belief of a truth, they do raise some falsehood which stands in opposition to such truth; but if once this falsehood appears in its true colour, then doth it give stronger credit to that truth which before it was designed to prejudice.

My lords, every man's defence virtually concludes, If my defence be false, my charge is true. This conclusion the law makes in all civil actions, and it's according to the reason of the thing: For all men presume that every man accused will make use of the best arguments (especially in matters of fact) he can for his defence; and if those appear false, he falls under a self-condemnation. My lords, though this discourse is printed, it's not published, nor above 200 printed, as is ready to be proved; neither will one of these be communicated to any, if your lordships shall so order it; for all are kept till Mr Braddon receives your lordships commands as to their disposal. My lords, I could wish I had not been so large in this discourse, seeing your lordships whole time is so engrossed by the public, that I fear the state can scarce allow you lordships any hours of perusal. My lords, though I can't but humbly beseech your lordships pardon for this presumption, yet I could not, without being guilty of the greatest injustice, any otherwise dedicate this discourse, seeing what hath been already discovered is chiefly owing to your lordships unwearied diligence in those many committees, in which your lordships have so often sat in search of a truth, which the impitenency of some, and the industrious interest of others, have strongly opposed. But maugre all opponents, the matter is (as I do humbly conceive) so far detected as circumstantial evidence is (almost) capable of; and those that will not be convinced of the truth of a murder, unless positively attested, demand such proof for their conviction as no law requires. Now that the God of wisdom, righteousness and truth, may direct and prosper your lordships in this, and all other undertakings, is the humble prayer of,

My Lords,  
Your Lordship's most humble  
and obedient servant,  
P. V.

*A Lincolns-Inn Gent.* SIR, I rejoice I have thus fortunately met you here; for ever since I came to town I have longed to see you, because I have been desired by many of our countrymen to give them what information I can how the case of the late Earl of Essex now stands; whether there have been any informations or examinations herein, taken before the honourable House of Lords, (for we have heard their lordships, upon their first sitting, took the matter into examination) and what you have heard to be the substance of those depositions and examinations, whether sufficient to prove that unfortunate lord treacherously murdered, as he was generally believed to be.

*A Templer.* Sir, you could never have met me more opportunely for your satisfaction

"But oh! What a happiness it was for this sort of people that they had got Mr Braddon, an honest man and a man of courage, says Mr Speke, a man *à propos*; and pray, says he to his friend, give him the best advice you can, for he is a man very fit for the purpose; and pray secure him under a sham name, for I'll undertake there are such designs upon pious Mr Braddon, such contrivances to do him a mischief, that had he not had his protestant flail about him, somebody or other would have knocked him on the head; and he is such a wonderful man that all the king's courts of justice must needs conspire to do Mr Braddon a mischief; a pretty sort of a man upon my word, and he must be used accordingly: men that arrogate and assume to themselves a liberty to do such kind of things must expect to fare accordingly."—*State Trials*, III. 697.



in this, seeing I have now about me the substance of all those depositions and examinations that have been taken before the secret committee of lords appointed by the house for this purpose, and sometime since reported to the house; and likewise copies of many informations herein taken before some justices of the peace; besides all which, I have copies of such depositions as have been sworn to destroy the credit of what hath been materially deposed to prove that unfortunate lord villainously murdered; and further, I have several informations taken to strengthen my lord's evidence, in answer to those depositions on the behalf of the prisoner. Of all which I have had an opportunity to take copies, by being daily conversant with that gentleman, whose misfortunes have made him of all men the best acquainted with this case. Sir, there is hardly a witness herein sworn but what I have discoursed; neither do I believe there is any objection can be raised against the proof of my lord's being murdered, but what I can sufficiently answer. All which your authority shall command from me, who rejoice in this occasion of serving you. But I question whether it may not be thought a divulging of what a secret committee hath had under examination, and ought still to be kept private.

L. You can't but know that this secret committee is dissolved, by the reports being made to the house, where the depositions having been read, it can no longer be thought a secret: And it being for the interest of the kingdom it should be published, (if there be any evidence to prove this murder) I can't imagine how your communicating this matter can in the least prejudice this cause, the just success whereof no man living can desire with greater impatience than myself, who shall, (it's probable) by your now assistance, be able to stop the mouths of those gainsayers, which, not so much out of malice as misinformation, seem totally to disbelieve this matter; of which number Mr O of Grays-Inn, (our friend and old acquaintance) is one; he did appoint to be here precisely at this time. He is now come.

A Grays-Inn Gent. Gentlemen, your most humble servant.

T. Sir, we are both cordially yours, and rejoice you are thus opportunely come.

G. I hope my company doth not hinder private business; if so, I will leave you till such your discourse is ended, and then shall esteem myself happy in the enjoyment of both your good companies.

T. Sir, the business we are upon you are free to hear, and I do very much rejoice in this opportunity of making you a convert.

G. In what, pray, sir? for if I am in any error, I hope I am not thereto so wedded, but, upon good cause shewn, shall readily sue a divorce, and thank you heartily for my conviction.

L. This gentleman is about giving such reasons as will convince (not me, for I do already believe it, but) you, that the late Earl of Essex was treacherously and villainously murdered.

G. Pish! there is not the least ground for such a belief, neither hath there been any colour of evidence for it produced to the lords. Moreover, all my lord's relations are so firmly possessed with the belief, that the late Earl of Essex did indeed cut his own throat, that neither of them hath thought fit in the least to move in this matter, but all of them wish that this cause had never been revived, because it renews the remembrance of that sad and deplorable accident which hath been so great a misfortune to that honourable family.

T. Sir, I perceive you have been abused in every part of your information, for your author scarce told you one word of truth. As for the families not appearing in (but being very averse to) this prosecution, I do assure you, sir, this is far from being true; for no gentleman could shew more honour, and greater zeal in a cause, than the Right Honourable Sir Henry Capel, (the late earl's only brother) hath done in this, and caused some to be taken up for endeavouring to abuse the world with the belief, that he

had not engaged in this matter.\* The now Earl of Essex was not returned from his travels when this prosecution was renewed; but as soon as he came, his lordship approved of what was done, and hath been at the charge of this prosecution, in which you may believe there hath been no small expence; there having been in this cause such a number of witnesses examined, and so many several committees. And whereas you say there was not the least colour of evidence produced to the lords: Did you ever hear what persons were sworn before their lordships, and after examined by this honourable committee?

G. Not in every particular, but in part I have, and in general have been informed, that the witnesses produced by that gentleman, who pretended to prove it, were looked upon as altogether insufficient for that end; and therefore the House of Lords, upon reading the informations in this case taken by the committee, immediately rejected them as frivolous, thereupon ordering, that all such as had been taken up, as suspected concerned in this pretended murder, should be discharged.

T. I perceive in this also you have been misinformed as to both particulars; for the House of Lords, upon reading what was taken by the honourable lords of this committee, neither rejected the evidence as insufficient, nor ordered the discharge of such as in this case were taken up, but the depositions being read before the house, when three of the four honourable lords of this committee were out of town, viz. the Earl of Devon, the Earl of Monmouth, and Lord Delamere, (the Earl of Bedford being the first in this committee) the house ordered all those depositions and examinations to be sealed up, and kept by the clerk of the parliament, till these three lords returned, and in the mean time the farther debate hereupon to be suspended: To prove all which, pray, sir, read this order made *Die Jovis 23<sup>o</sup> Maii, 1689.*

*Die Jovii 23<sup>o</sup>. Maii. 1689.*

“After reading several papers and depositions relating to the death of the late Earl of Essex, it is ordered by the lords spiritual and temporal in parliament assembled, that the consideration of this business shall be suspended until the return of the Lord Steward, the Earl of Monmouth, and the Lord Delamere, who were of the committee before whom they were made, and who are now in the country in his majesty's service. And it's further order'd, that the said depositions and papers shall be sealed up, and kept by the clerk of the parliament in the mean times”

G. Then I find my information in this particular false.

T. As to the second, that the lords have not ordered the discharge of such as were in this case apprehended, but contrariwise, that all these should be bound over by the court of King's Bench, to appear the first day of the next term, appears by an order of the House of Lords made the 15<sup>o</sup>. June, 1689, which you may read if you please.

*Die Sabati 15<sup>o</sup>. Junii, 1689.*

“Ordered by the lords spiritual and temporal, in parliament assembled, that such persons as are now under bail by recognizance, concerning the death of the late Earl of Essex, shall be, by the court of King's Bench, bound over to appear the first day of Michaelmas term next.”

\* Notwithstanding what is here asserted, it is proved, by the evidence produced on Braddon's trial, that Sir Henry Capel discountenanced all enquiry into his brother's death. See his evidence in Braddon's trial for a misdemeanour.

**G.** I thank you, sir, for your information herein, and it's very probable those who gave me such false information as to the lords proceedings in this matter, may have likewise forged what arguments they thought might sway with me to believe my lord's self-murder; what those are I shall give you an account. But I first desire to hear what evidence in particular hath been produced to prove my lord's being murdered by others.

**T.** Before I give you an account of the informations that have been in this case taken, I think it proper first to inform you how the case came before their lordships, and what by them therein hath been done, and how the case now stands before the house.

**G.** Pray, sir, use your own method.

**T.** The 21st of January last, (being the day before the convention sat) several persons were taken up, as suspected to be privy to my lord's murder; amongst whom was Major Hawley, (Major of the Tower) in whose house my lord was murdered, and Thomas Russell, one of the two warders that stood upon my lord at the time of his death; these two belonging to the Tower, and consequently under the command of the Right Honourable the Lord Lucas, governor of the Tower, were not taken up by any constable; but his lordship having seen the warrant out against them, ordered both to be secured. The next day, being the 22d, several informations were taken before John Robins, Esquire, one of the Middlesex Justices, who carried copies of these informations to my Lord Lucas. His lordship, the 24th, moved the House of Lords for their lordships order, as to the keeping, discharging, or removing Hawley and Russell, as before secured by his lordship's command; and then produced to the house those informations brought his lordship, as before by Mr Robins; upon reading which, after some debate, the House of Lords ordered Mr Braddon to be called in before their lordships, and after his examination, their lordships constituted a committee of lords, of which the Right Honourable the Earl of Devonshire, (now lord steward of his majesty's household) was chairman. After this committee had several times met, there was a secret committee ordered to examine into the matter; which committee consisted of these four honourable lords, viz. the Earl of Bedford, the Earl of Devon, the Earl of Monmouth, (then Lord Mordant) and the Lord Delamere; after this committee had many times sat, and taken about forty depositions and examinations, the Earl of Monmouth and the Lord Delamere were sent by his majesty into the country, as two of the lords commissioners to regulate the army. After these two lords were thus out of town, the Earl of Devon (being chairman of the committee) brought these depositions and examinations into the house; but it being then late in the day, none were read, but an order made that they should be read the next morning; but his majesty's affairs commanded likewise the Earl of Devon the next morning to go into the country, so that when these informations were read in the house, not one of the four lords of this committee were there besides the Earl of Bedford: Wherefore the house ordered the debate of the matter to be suspended, as you have before heard. And thus the case came at first before their lordships, and so it now stands.

**G.** Sir, I thank you for undeceiving me, and desire you to proceed in such a method as you think may give us the most regular notion of the matter.

**T.** Before I give you any information to prove my lord by others barbarously murdered, I think it proper to state the case as it was represented by those who would have the world believe my lord a self-murderer; for without this you cannot understand what use can be made of many informations that have been in this case taken, because you will not be able to see wherein they contradict what was sworn before the coroner, to prove my lord's self-destruction, and whatsoever proves their representation of the matter to the coroner false, by a very natural consequence proves my lord's being murdered by others.



*L.* Without doubt. For what end, (I pray) should any swear to a lie but to conceal a truth, there being no other reason to be given for it?

*T.* I shall begin with my lord's commitment to the Tower. The Right Honourable Arthur, late Earl of Essex, was committed to the Tower the tenth of July, 1683, and the first night lay at Captain Cheeke's, the then lieutenant of the Tower, but the next day was removed to Major Hawley's, (then gentleman porter of the Tower) and the two warders placed upon his lordship were Nathaniel Munday and Thomas Russel, one to stand at my lord's chamber door, or in his chamber, and the other at the stairs-foot, and thus by turns. Paul Bomeny, my lord's servant, was permitted to be with his lordship. At Mr Hawley's my lord lay Wednesday night and Thursday night, but Friday morning, about nine of the clock, his lordship was found with his throat cut through both jugulars and arteries, even to the neckbone, on both sides the neck. The next day—

*L.* Sir, pardon this interruption: I find that my lord first lay at Captain Cheeke's one night, and then was removed to Hawley's, where after two nights his lordship was found dead; how came it to pass that my lord had not continued to lie at Captain Cheeke's, it being very usual for prisoners of his lordship's quality to lie at the lieutenant's house, as now my Lord Salisbury doth at the Lord Lucas's?

*T.* The true cause of this removal I cannot give you, but the colour I can; it is pretended that Captain Cheeke would not be troubled with any prisoners in his own house; for which reason (as pretended) his lordship was removed; but this I believe not to be the cause, but, (as I said) the colour only; as for the true reason hereof, I refer you to the *men of secrecy* in this case. But to proceed: the next day being Saturday, the jury sate, and before them were sworn the aforesaid Paul Bomeny, Thomas Russel, and the two chirurgeons.

Which informations are as followeth according to the print; but that (as I shall observe in its own proper place) varies from the original in Bomeny's information.

*The Information of Paul Bomeny, Servant to the late Earl of Essex for about Three or Four Years now last past, taken upon Oath, the 14th Day of July, Anno Regni Caroli Secundi Dei gratia Angliæ, Scotiæ, Franciæ, et Hiberniæ Regis, Fidei Defensor, &c. Tricesimo Quinto, Annoque Domini, 1683.*

Saith, that when my lord came to Captain Hawley's, which was the 11th instant, my Lord of Essex asked him for a penknife to pare his nails, as he was wont to do, to which this informant answered, being come in haste, he had not brought it, but he would send for one, and accordingly sent the footman with a note for several things for my lord, amongst which the penknife was inserted; and the footman went and gave the bill to my lord's steward, who sent the provisions, but not the penknife, and he told the footman he would get one the next day. When the footman was come, my lord asked if the penknife was come; this informant answered no, but he should have it the next day; and accordingly he on the 12th instant in the morning, before my Lord of Essex was up, this informant sent the footman home with a note to the steward, in which, amongst other things, he asked for a penknife for my lord; and when the footman was gone, about, or a little after eight of the clock, my lord sent one Mr Russel, his warder, to this informant, who came, and then he asked him if the penknife was come; this informant said, No, my lord, but I shall have it by and by. To which my lord said, that he should bring him one of his razors, it would do as well; and then this informant went and fetched one, and gave it my lord, who then went to pare his nails; and then the informant went out of the room into the passage by the door, on Friday the 13th instant, and began to talk with the warder; and a little while after

he went down stairs. And soon after came the footman with the provisions, and brought also a penknife, which this informant put upon his bed, and thought my lord had no more need of it, because he thought he had pared his nails. And then this informant came up to my lord's chamber, about eight or nine in the forenoon, on Friday the 13th instant, with a little note from the steward; but not finding his lord in the chamber, went to the close-stool closet door, and found it shut, and thinking his lord was busy there, went down and staid a little, and came up again, thinking his lord had been come out of the closet, and finding him not in the chamber, he knocked at the door with his finger thrice, and said, My lord; but nobody answering, he took up the hanging, and looking through the chink, he saw blood and parts of the razor, whereupon he called the warder, Russel, and went down to call for help, and the said Russel pushed the door open, and there they saw my Lord of Essex all along the floor, without a perriwig, and all full of blood, and the razor by him. And this deponent further deposeth, that the razor now shewed to him at the time of his examination is the same razor which he did bring to my lord, and which did lie on the ground in the closet by my lord.

*The Information of Thomas Russel, one of the Warders of the Tower, who had the Custody of the Earl of Essex, taken the Fourteenth Day of July, Anno Regni Caroli Secundi Dei gratia Angliæ, Scotiæ, Franciæ et Hiberniæ Regis, Fidei Defensoris, &c. Tricesimo Quinto. Annoque Domini, 1683.*

Saith, That on Friday the 13th instant, about eight or nine of the clock in the forenoon, he was present when he did hear the Lord of Essex call to his man, Mr Bomeny, for a penknife to pare his nails, and then for a razor, which Mr Bomeny brought him; and then my lord walked up and down the room scraping his nails with the razor, and shut the outward door. Mr Bomeny, half a quarter of an hour afterwards, not finding my lord in his bed-chamber, went down stairs again, believing that my lord was then private in his closet. Bomeny came up about a quarter of an hour afterwards, and knocked at the door, then called, My lord, my lord! but he not answering, peeped through a chink of the door, and did see the Earl of Essex lying on the ground in the closet, whereupon he did cry out, that my lord was fallen down sick, and then the informant went to the closet door, and opened it, the key being on the outside, and then did see my lord lie on the ground in his blood, and his throat cut.

*The Information of Robert Sherwood, of Fenchurch-Street, Chirurgeon, taken the 14th Day of July, Anno Regni Caroli Secundi Dei gratia Angliæ, Scotiæ, Franciæ et Hiberniæ Regis, Fidei Defensor, &c. Tricesimo Quinto, Annoque Domini, 1683.*

Saith, That he hath viewed the throat of the Earl of Essex, and does find that there is a large wound, and that the *aspera arteria*, or wind-pipe, and the gullet, with the jugular arteries, are all divided, of which wound he certainly died.

*The Information of Robert Andrews, of Crutchet-Friars, Chirurgeon, taken upon Oath the 14th Day of July, Anno Regni Caroli Secundi nunc Regis Angliæ, &c. Tricesimo Quinto, Annoque Domini, 1683.*

Saith, That he hath viewed the throat of the Lord of Essex, and does find that it was

cut from the one jugular to the other, and through the wind-pipe and gullet into the vertebres of the neck, both jugular veins being also quite divided.

Upon these informations the coroner's jury found my lord *felo de se*.

The substance of these informations in short is, that my Lord of Essex called for a penknife to pare his nails, but the penknife not being ready, his lordship required a razor, which was delivered him, with which razor his lordship retired into his closet, and locked himself in; but soon after the closet door being opened, my lord was found with his throat cut through both jugulars and arteries to the neck-bone, and the razor (as before delivered) lying by him.

Nathaniel Munday (the other warder on my lord at the time of his death) now declares, that as soon as my Lord of Essex's chamber-door was opened by the gentleman jailor, about seven of the clock, (that morning my lord died,) he stood warder upon my lord till about a quarter of an hour before my lord was found dead, and then he called up Russel, and left him at the door, and then went down stairs, where he had not been a quarter of an hour before Bomeny cried out, My lord is fallen down sick; whereupon he ran up stairs, and found Bomeny and Russel endeavouring to open the closet-door, but neither could stir it, because my lord's body lay so very close and strong against the door; wherefore he being stronger than either Bomeny or Russel, put his shoulder against the door, and thrusting with all his might, broke it open.

Major Hawley (at whose house my lord was murdered) saith, that about five of the clock that morning my lord died, he went out to open the Tower-gates, (according to the duty of his place,) and came not home, nor nigh his own house, till about nine of the clock, when Munday, the warder, came to him, and told him my Lord of Essex had cut his throat; whereupon Hawley, going home, found it true, and immediately thereupon went to his majesty Charles the Second, (then in the Tower,) and did inform his majesty of the same.

Bomeny, Russel, and Munday, (and likewise Lloyd, the sentinel at my lord's lodgings that morning my lord died,) did *ever deny* (till January last) that any men were let into my lord's lodgings before his death any time that morning my lord died. The two first upon their oaths denied it before the coroner and Bomeny. Russel and Lloyd did at Mr Braddon's trial, pag. 55, 56, 57, upon their oaths declare, that no men were let into my lord's lodgings (that morning my lord died) before my lord's death was known. Munday and Russel still persist in their denial of any mens being let into my lord before his death that morning my lord died.

This is the state of the case, as it was represented by those that were immediately attending upon my lord at the time of his death. I shall not, in this place, make any observations upon the several contradictions and incoherences of these relations, nor yet say what is proved to falsify all that hath (as before) by these been declared and sworn, but shall leave this to a more proper place, and shall, in my method, begin with such things as were first in order of time.

The informations and examinations in this case taken are nigh sixty; I shall range them in this order: I shall place those

First, that have relation to what passed before the day of the death of the late Earl of Essex. Secondly, those that relate to what passed the day of his death. And, in the third and last place, such as have relation to what was subsequent to the day of his death; upon hearing all which I doubt not but fully to convince every unprejudiced person.

*L.* Such I am I do assure you; for it's neither my interest nor my desire that this



murder (if such indeed it were) should not be detected; but I do heartily wish all such, of whatsoever quality, sex, or condition, as stood concerned in contriving, privy to, or acting in this murder, may be brought to condign punishment.

G. If this be proved to be a murder, I shall always think it the most villainous that was ever acted on our stage; and as soon as I shall be thoroughly convinced hereof, shall as heartily desire (with you) that all actors and abettors herein may receive according to their demerit. *And indeed I shall hardly think any punishment too severe for such an act, or any thing too ill to be thought of any who were in the least concerned in this treacherous complicated murder, (in person and reputation,) if it be proved to be any.* But pardon me if I think it not true, but invented by heretofore disloyal and disaffected men, to raise an aversion against the most unfortunate among princes, who was treacherously (I had almost said treasonably) deserted by his soldiers, as well as others, in the midst of the greatest dangers. We have had much noise of this (pretended) murder, and (as some falsely call it) of the murder of Charles the Second, of the supposititiousness of the birth of the Prince of Wales, and of the private French league; but all this hitherto hath been but talk, and I now think (as I ever did) there is not any good grounds for the belief of either; for if there had, we should long since (for the vindication of what is past, which I shall forbear to call by its proper name) have had it made more publick.

T. *Bona verba, quæso*, not this great heat.

G. But passion is very natural to every honest man that had any sparks of true loyalty upon such reflections as these.

T. Passion serves not, but prejudices an argument, and, generally speaking, where there is the most passion there is least reason.

G. I will endeavour for the future to be more calm.

L. I shall tell you, at our next meeting, what I have heard concerning the death of Charles the Second, and the birth of the pretended Prince of Wales, and it's probable may inform you in both of what you may have never heard, nor as yet made publick by any; but I desire not any longer to detain this gentleman from proceeding in his intended method.

G. I beg both your pardons for this heat and interruption, and I do impatiently wait to hear what can be said.

T. I shall proceed; and,

First, as for such informations as have relation to what passed before my lord's death; these are of two sorts; the first proves a resolution (by papists) several days before my lord's death, to cut my lord's throat. The

Second, many reports in several parts of England, (before my lord's death,) that the Earl of Essex had cut his throat in the Tower. For proof of their previous resolution to cut my lord's throat, pray read this paper, which I have taken for my own satisfaction, and the information of some friends, from the person's own mouth.

G. D. S. saith, "That a little before the death of the late Earl of Essex, as she was servant in the house of one Mr Holmes, a papist, then living in Baldwin's-Gardens, about nine days before my lord's death, some papists (among which one Mr Lovet, whom this informant knew) met in her said master's house, she being then in the kitchen with one W. A. then apprentice with the said Mr Holmes. The said W. A. went a little up stairs, and stopping; beckoned to this informant to come to him; which this informant accordingly did; but the said W. A. soon went up stairs into the garret (as this informant supposes) to work, and left this informant on the stairs; and this informant heard the aforesaid papists discoursing in the room just over the kitchen, concerning the said Earl of Essex, and the substance of what she then heard was to the effect following, viz. one of them cursing the said earl, called him villain and dog, (or

such, with several such opprobrious terms,) saying, *he knew so much of their designs, and was so very averse to their interest, that unless he was taken off, they should never carry them on.* Upon which it was then answered by another, that they had been with his highness, and his highness was for poisoning the said earl; but his highness was told, that manner of death would not look well to the world. It was then also declared, that one had proposed to his highness stabbing the earl; but that was likewise not agreed on. At length his highness concluded, and ordered his throat to be cut; and his highness had promised to be there when it was done; (but this informant remembers not any place mentioned where the earl's throat was to be cut)." This was the substance of what this informant heard the first meeting; but about three days after, some of the aforesaid persons met again at the said Mr Holmes's house, and this informant listened (as before) to their discourse, and heard one of them say, "*That the cutting the earl's throat was agreed on, but they would give it out that he had done it himself; and if any should deny it, they would take them up, and punish them for it.*" This informant further saith, "That being much troubled in mind for what she had heard, as above related, she was willing to have discovered to some justice of peace what she knew, as aforesaid, being willing the mischief, as above-designed, might be prevented. Whereupon she went to a friend of her's to advise with, viz. one Mr B., since dead, (who, before that time, had been her master,) who lived not far from Mr Holmes's house, and informed him as before set forth. Whereupon the said Mr B. did advise her to be silent; for the papists, carrying all before them, she was ruined if she spoke of it. Upon which she did not, to her remembrance, then reveal it to any other." This informant further saith, "That the very day of my lord's death she was (not long before dinner) at a chandler's, (not far from the said Holmes's house,) viz. one Mrs Hinton's, in Leather-Lane, where there then came some who declared, that the Earl of Essex had cut his throat in the Tower; upon which she went home to Mr Holmes's, and was extremely troubled, and immediately taken with fits, having, as before, heard their resolution to cut the earl's throat." This informant further declareth, "That about two or three of the clock the same day the earl died, some of the aforesaid consult met again at her master, Holmes's house, and she heard them leap about the room; and one of them struck him upon the back, and cried, "*The feat was done, (or we have done the feat).*" Whereupon the said Mr Holmes replied, "Is the earl's throat cut?" To which the other answered, "Yes," and further said, *he could not but laugh to think how like a fool the Earl of Essex looked when they came to cut his throat.* The said Mr Holmes did then say, "Was his highness there?" To which the other papist replied, "Yes." This informant further saith, "That she did, about four years since, discover to one Mr R. (with whom she then lived as a servant,) his wife and daughter, that she had heard at Mr Holmes's house aforesaid, some papists (several days before my lord's death) declare, that the earl's throat was to be cut; but her said master R. commanded her to hold her peace, and not to tell him such dangerous things, lest, as he said, being overheard, she should ruin him and all his family, or words to that effect."

G. It's improbable that any should discourse a matter of this consequence and secrecy, thus to be over-heard by the servant.

T. I do hardly know any house more convenient for a secret meeting, provided all the family be true to the design; and, it's probable, these men did not know that this maid was a protestant, or that upon the stairs in the kitchen their discourse could be over-heard; but indeed it could be there heard almost as plain as in the very room itself, unless you whisper.

L. Besides, consider the circumstances of time when this consult was held. This was when our government, in its corruption, was grown to such a pitch, that some people were loyally mad, and (through blind prejudiced obedience, I hope, more than ma-

lice) were offering up as sacrifices to the court, popish and arbitrary interest, the blood of those brave men who did zealously oppose those cursed designs, the popish and arbitrary end whereof we then saw through a glass, but since (to our cost) face to face. Should, therefore, this poor maid have revealed what she heard, it's ten thousand to one but this truth would have met with such a disbelief in some, and such hatred in others, that through both it would have been severely punished; for, be sure, these bloody men would have deposed, and, in probability, by others of their party, proved, that they at that time were somewhere else; and, without all doubt, our then juries would sooner have credited the many oaths which would, though falsely, have contradicted her testimony, than her own single evidence: And, therefore, I think Mr Billinger's caution (as before) given this maid, was grounded upon great reason, and what would have proved too true should it have been put to the trial.

G. Hath this woman been sworn?

T. Yes; and, as I have been told, deposed the same in substance before the lords.

G. She here speaks of several that she long since informed of this matter; is there any that have or will depose the same? for otherwise I shall look upon it as a new contrived story maliciously to traduce the most unhappy crowned head in Christendom, (King James the Second I mean,) and therein to serve a present interest.

L. I should agree with you in the same opinion, if it were not nor could be proved by those to whom she revealed it; but to satisfy you that it both can, and hath been proved long since to be discovered by this D. S., pray read what Mr R., his wife, and daughter, (before-mentioned in Smith's information) do declare, and are ready to depose.

"G Mr R., his wife, and daughter, do declare, and are ready to depose, That about four years since the aforesaid D. S. did declare, that she had heard a consult by papists several days before the Earl of Essex's death, wherein it was declared the earl's throat was to be cut. And the said Mr R. further saith, That he did check the said D. S. for speaking of it, and would not hear her freely declare what she would have said in that matter, because it would have been of dangerous consequence to himself and family, should such her discourse be over-heard, as it easily might by any that might have listened at the window. And the said Mrs R. further saith, That the said D. S. about four years since did declare, that she could say much more than she had to them revealed, and that she did hope she should live to see that day wherein she might with safety speak the truth in this matter."

L. Have either of those there been sworn before the lords?

T. Yes, Mr R. and his daughter, and they have declared to me that they have deposed the same in substance before the lords.

L. How long hath Mr Braddon known of this evidence?

T. No longer than about February last.

G. How doth that appear?

T. By those two informations following; by the first of which you will perceive, that what this D. S. knew in this matter she was much afraid to reveal to every one.

L. She had great reason so to be, for had it been long since known to some that she knew so much, in all probability she would not now have been in the land of the living to have given this information.

T. The information you may read.

G. R. M. of London, goldsmith, deposeth, That some time after the death of the late Earl of Essex, observing D. S. to be very melancholy, and much concerned and troubled in mind, the said R. M. desired the said D. S. to tell the reason of such her de-



jection ; but the said D. S. at first was very unwilling, saying, she was afraid to reveal her mind to any. Whereupon the said R. M. advised her to discover it to some particular friend whom she could safely confide in : Upon which the said D. replied, *That somewhat which she knew with relation to the death of the late Earl of Essex was the cause of her trouble, and it was not safe for her to reveal it,* (or words to that effect ; ) whereupon the said R. M. advised her not to reveal it to any one, till she might with safety. The said R. M. farther saith, That about February last, the said R. M. finding it safe to ask, and no danger to the said D. S. to reveal what she knew with relation to the said earl's death, he then desired her to inform him what she knew with relation thereunto. Whereupon the said D. S. told him she had heard a consult before my lord's death to cut his throat, and that some great person was named at that meeting as concerned in contriving the said earl's death, (or words to that effect ; ) upon which this deponent (without being very inquisitive into particulars,) spoke to one Mr T. to acquaint Mr Braddon, whom the said R. M. knew not, nor to his knowledge ever saw ; and sometime after the said Mr T. told the said R. M. that he had spoken to the said Mr Braddon about it, and that the said Mr Braddon did desire him the said R. M. to bring the said D. S. to the Cross-Keys in Watling-street, where this deponent and the said D. S., with one friend of hers more, met the said Mr Braddon and Mr T., and then the said D. S. gave the said Mr Braddon a particular account of what she knew with relation to the earl's death. And this deponent doth verily believe, that before that time the said D. S. never saw the said Mr Braddon or Mr T.

W. T. Gent. deposeth, That about January last, discoursing with one R. M. concerning the death of the late Earl of Essex, the said R. M. told this deponent, that he knew one D. S. which could say what was material, with relation to the death of the late Earl of Essex ; whereupon this deponent declared that he would inform Mr Braddon of the same, of which the said R. M. seemed very willing and desirous. This deponent did so accordingly, but the said Mr Braddon spoke to this effect, *viz.* " That he did believe the papists did endeavour to put sham-evidence upon him, which they being able to detect, would from thence argue against the truth of all that should be said. And, therefore, the said Mr Braddon declared, that unless the said D. appeared to be of good reputation, and that she had some years since discovered what she knew in this case to some friends, so that it did appear that it was not a new-contrived story, either to serve the present interest, or to baffle what else should be sworn, he would not believe whatsoever she should say, neither would he have her sworn whatsoever she declared, unless it appeared as above, confirmed by those to whom she revealed it." This deponent told the said Mr Braddon that he knew not the said D. S., neither (to his remembrance) had ever seen her ; but if the said Mr Braddon would appoint some time and place, he might discourse the said D. S., and hear what she could say ; which the said Mr Braddon declared he would do if he knew where to speak with her ; upon which this deponent went to the said R. M., and desired the said R. M. to bring the said D. S. to the Cross-Keys in Watling-street, such a day and hour, for there the said Mr Braddon and this deponent should then be. This deponent further deposeth, That the said R. M., D. S., and another, met this deponent and the said Mr Braddon accordingly ; and this deponent saith, That he this deponent, the said R. M., and another person, were present when the said Mr Braddon discoursed the said D. S., who then gave the said Mr Braddon a particular account of two meetings of papists several days before the Earl of Essex's death, wherein it was declared how the Earl of Essex's throat was to be cut, and by whom ordered, and likewise of what passed the day the earl died, at the same house where they met before his death. This deponent further deposeth, That the said Mr Braddon then spoke to the said D. S. to this effect, That unless she could produce persons of very good reputation, to whom she had some years before revealed it, he would look upon it as a new-contrived story, either to serve the interest of the

government, or invented to baffle what else should be sworn; for though it was of very dangerous consequence to reveal it, yet he could not believe she had been so secret in it as not to reveal it to any; and thereupon this deponent heard the said D. S. declare she had revealed it to several which she named, but she was by all cautioned to secrecy, as she valued her safety. The said D. S. did then further declare to the effect following, *viz.* That for some time after my lord's death it did extremely trouble her, and she went to a divine for his advice in the matter, for which she was extremely concerned to think that the papists should lay the earl's death to his own charge, when she had (as before) heard how they themselves had resolved to cut his throat; but the said divine told her, (as she then said) she must be quiet and silent in the matter, till such times should come wherein she might with safety reveal it. This deponent farther deposeth, That he (to his best remembrance) never saw the said D. S. before this meeting. And this deponent doth verily believe, that the said Mr Braddon never saw the said D. S., till (as before) at the Cross Keys in Watling-street. And this deponent farther believeth, that the said Mr Braddon never did hear of the said D. S. or R. M. before this deponent had (as above deposed) given him information of them.

T. I have often heard Mr Braddon declare, that he never heard of the said D. S. before Mr T. (as before) informed him of her, and this he would depose if thereto called.

L. I think that matter is as plainly proved as the thing is capable of; for no man can swear positively (besides Mr Braddon) that Mr Braddon never heard of, or saw the said D. but through the information of Mr T., but by all circumstances, as before deposed by Mr M. and T. he never did.

G. Mr M. deposeth, That about February he did inform Mr T., and Mr T. deposeth it was about January: here seems some variation.

T. None, I think; for when a man is to be examined to a fact about six months after the fact done, the certain time whereof he did not set down, he may be well uncertain as to a week or much more. Now neither of these informants being positive as to the time, but Mr T. being more inclined to believe it to be in January, and Mr M. thinking it was the beginning of February, each being to swear as himself believeth (as to the time) thus came the seeming difference. Besides, when a man speaks of an action to be done about such a year, month, or week, certainly (in common acceptation) about a year, includes either the very year, or the year before or after; and about such a month, either the very month, or the month before or after, &c.

G. I am herein satisfied; now this information of D. S. thus strengthened, would alone convince me of the truth of my lord's being murdered, were it not that I had heard some informations read in the court of King's Bench, (upon a motion made for the bailing of Mr Holmes,) which with me, and indeed with all men, must totally destroy the credit of this pretended consult.

If I mistake not, those informations proved this D. S., for suspicion of theft, to have been turned out of Mr Holmes's service in April before my lord's death; whereas she swears herself a servant with Holmes at the time of my lord's death, which was July the 13th. I remember not the names of these deponents, but I am almost positive this was what was sworn; and if I mistake not, there was somewhat else deposed by a country parson, which, in some other particulars contradicted D. S.'s information.

T. I will herein arm you against myself, and produce you copies of these informations you speak of.

The first is of one Dorothy Hewit, sister-in-law to Mr Holmes, a very violent papist, and otherwise not of the best reputation. The second is of one Elizabeth Christopher, once reputed of a very loose character. And the third, of Nathaniel Swan, clerk, to whose character I shall speak in a more proper time and place.

These are the names of the informants, and here are the informations, which you may read, if you please.

G. Dorothy Hewit, of Hatton-Garden, in the county of Middlesex, widow, maketh oath, That one Dorothy (now called by the name of Dorothy Smith,) was servant to William Holmes of Baldwin's Gardens, in the county of Middlesex; varnisher, and brother in-law to this deponent, and lived with the said William Holmes, as his maid-servant, about the space of a month, and went away from the said service in the month of April, in the year of our Lord 1683, and was turned away upon suspicion of stealing a silver spoon, for which the said William Holmes's wife refused to pay her any wages, and, after a long dispute, the said Mr Holmes did detain 4s. 6d. or 5s., for satisfaction of the said spoon; upon which the said D., in the presence and hearing of this deponent, did give the said Mrs Holmes very opprobrious language, and declared that she would be revenged of her, or words to that effect. And about two or three days after the said Dorothy was turned away as aforesaid, one Elizabeth Cadman came into her place, and lived with the said William Holmes for the space of nine months, and upwards. And this deponent further maketh oath, That the 6th day of July, in the said year of our Lord 1683, this deponent went with the said William Holmes, from the said William Holmes's house, into the country, and went that day to Wickham, in the county of Bucks, and the next day went to the city of Oxford, where this deponent and the said William Holmes continued till the 9th day of the said July; and the said 9th day this deponent and the said William Holmes went from thence to Alderminster, in the county of Worcester, to the house of one Mr Nathaniel Swan, minister of the said town, and continued there till the 23d day of the said month of July, and then returned towards London, and came to London the six or seven-and-twentieth of the said month of July, 1683.

Elizabeth Christopher, late Elizabeth Cadman, now wife of John Christopher of Winford Street, near Whitechapel, cloth-worker, maketh oath, That she, this deponent, was servant to, and lived with William Holmes, varnisher, from the month of April, in the year of our Lord 1683, which said Mr Holmes then lived in Baldwin's-Gardens, in the county of Middlesex, and is now a prisoner in the gaol of Newgate; and that this deponent continued his servant as aforesaid, and lived in his house from the said month of April, for the space of nine months and upwards then next following; and that there was not, in that time, any other female servant living with the said Mr Holmes. And this deponent farther maketh oath, That the said Mr Holmes, in or about the beginning of the month of July then next following, did go into the country with Mrs Dorothy Hewit, widow, his wife's sister, and continued absent for about three weeks; and she, this deponent, hath heard the said Mr Holmes, his wife, and sister, declare that they went into Worcestershire, and in their absence this deponent did hear of the death of the late Earl of Essex in the Tower of London.

Nathaniel Swan, of Alderminster, in the county of Worcester, clerk, maketh oath, That about the 9th day of July, in the year of our Lord 1683, William Holmes, of Baldwin's-Gardens, in the county of Middlesex, varnisher, now a prisoner in Newgate, London, with and in the company of Dorothy Hewit of Hatton-Garden, in the said county of Middlesex, widow, sister-in-law to the said William Holmes, and granddaughter to this deponent, came to this deponent's house, in the said town of Alderminster, and continued there with this deponent till about the three-and-twentieth day of the said month of July, 1683, and then departed thence towards London.

G. What can you say in contradiction to these depositions, either of which being



true, your pretended consult falls down to the ground, and your first evidence proved false? Of the same nature are (I believe) all the rest, though they may not be so happily detected as this Smith's evidence is by these depositions.

L. I believe these depositions will be of but little service to you, because your adversary did so readily furnish you with them; I am therefore apt to think he may be able to destroy the credit of these, as these seem to do the credit of Smith's. And if it shall appear that these informations are false, such a detection will add great force to the credibility of Dorothy Smith's deposition; for whosoever lies to lies for a defence hath nothing of truth and innocence for protection.

G. I must confess there cannot be a greater argument of guilt than a false defence, seeing every man in his defence doth virtually conclude, "If my defence be false, my charge is true."

L. The law concludes the same in all civil actions; for instance, he that is sued upon a bond, and pleads *non est factum*, or *solvit ad diem*, or a release, or a former recovery, &c. Whatsoever such general issuable plea is pleaded, and the plaintiff denies this plea to be true, and thereupon the truth hereof being tried, if what is pleaded appears false, the law immediately gives judgment against the defendant; for it's to be supposed that every man will first plead the best (and consequently the truest) plea he can in bar of the action; and if his first plea proves false, it's presumed he can give no true and just cause to exclude the plaintiff his action, for if he could, he would first have pleaded it.

T. The same holds good upon criminal prosecutions; for if a man shall be accused (though but upon suspicion) of having committed a robbery within two miles of Salisbury, such a day, upon such a coloured gelding, and to avoid this charge, the prisoner pretends he was never within thirty miles of Salisbury in his life, and he likewise produces some (not of the best reputation) who declare, that for ten days before that robbery, and as long after, the prisoner being very sick, kept his chamber, and stirred not out of it; if, in contradiction to this, it be positively sworn by persons of undoubted credit, who well knew the prisoner, that the very day of the robbery committed, within a very short time before the robbery appears to have been committed, they met the prisoner nigh the place where, &c., the prisoner's gelding, and all other circumstances, in his clothes, &c., agreeing with the description the prosecutor gave, I say, if this be credibly proved in contradiction to the prisoner's defence, it cannot but satisfy any judge and jury that the prisoner is really guilty; neither are they to answer at the last day for his blood, should he prove innocent, but his blood shall be required at his own hands, seeing, by his false defence, he became a self-destroyer, according to the common judgment of all mankind. The like may be said in a thousand other cases.

L. Innocence is naturally suspected as guilt, when the falsity of its defence is detected; for if a person of a very ill reputation charged a man with a crime, if I knew the disreputation of the accuser, the bare denial of the accused might more influence my belief than the oath of the prosecutors; but if once I found the prisoner false in his defence, that charge which before I disbelieved as false, I should then immediately as firmly credit for the truth; but I desire to know what can be said in answer to these counter evidences.

T. Dorothy Hewit's deposition declares, That D. S. was turned away in April before my lord's death, upon suspicion of stealing a silver spoon, and upon her being so turned away, she threatened Mr Holmes with revenge. This deponent further deposeth, That she went with Mr Holmes into the country the 6th of July, and tarried with him till about the 27th, so that Mr Holmes was not at home the 13th of July, as Smith deposeth.

Elizabeth Christopher deposeth, That she came to Mr Holmes's service in April,

1683, and tarried there for nine months, and no other maid-servant was with Mr Holmes all that time.

Mr Swan deposeth, That Mr Holmes was with him from about the 9th of July, 1683, till about the 23d or 24th of the same month.

Hewit and Christopher have sworn further back from my lord's death than the case required; for if they had deposed that D. S. went away the first or second of July, 1683, it had been more difficult to have disproved them; but having allowed almost three months to prove them forsworn, it hath been done with the greater ease, whereas these two swear that D. S. went away in April before my lord's death; by these two depositions following it appears that she came not a servant to Mr Holmes till after May, 1683.

Pray read these depositions.

*Note.* G. S. D. of Little Britain, London, widow, deposeth, That in June and July, 1683, she lodged next door to Mr Holmes's, in Leopard's Alley, in Baldwin's-Gardens, and in June or July, 1683, she knew D. S. to be then a servant to the said Mr Holmes, and whilst the said D. was there a servant, she did several times borrow a Bible of this deponent, and eat green pease with this deponent, pease being then three-pence or a groat a peck. This deponent further deposeth, That the said D. S. whilst she was a servant as aforesaid to the said Mr Holmes, came crying to this deponent, and told this deponent, that whilst she was out of her master's house there was a silver spoon lost, and her mistress told her she should pay for it, which the said D. S., crying, did much complain of. This deponent further saith, That she saw the said D. several times after this spoon was said to be lost, and whilst the said D. was servant to the said Mr Holmes: but how long the said D. S. tarried servant with the said Mr Holmes after the spoon was lost, or when she left the said Mr Holmes's service, this deponent knoweth not. But this deponent saith, That the said D. S. came not to the service of the said Mr Holmes till some time after the 27th of May, in the year aforesaid.

#### *The Information of R. B.*

*Note.* R. B. of Old-street, blacksmith, deposeth, That he knew D. S. in May or June, 1683, and about twelve weeks next before, to be servant to one Mistress Ward in Old street, where this deponent then lodged; and the said D. did not go from the said Mistress Ward's service to be servant to Mr Holmes in Baldwin's-Gardens, till after green beans were fit to eat. This deponent further deposeth, That about the end of June, or beginning of July, in the year aforesaid, this deponent went into Baldwin's-Gardens, and sent to the said Mistress Holmes's to speak with the said D. S., who did thereupon come and speak with this deponent at one Mr Billinger's, (with whom the said D. had been before a servant,) but when the said D. left the said Mistress Holmes's service this deponent knoweth not.

L. I perceive Hewit and Christopher have sworn D. S. to have gone away from Holmes's above a month before she came there to service; but what farther evidence have you of this matter?

T. I desire these depositions may likewise be read.

#### *The Information of A. D.*

A. D. of Old-street, spinster, deposeth, That some time after Midsummer, in the year



1683, either the end of June, or beginning of July of the same year, this deponent saw D. S. then a servant in the house of Mr Holmes in Leopard's-Alley, in Baldwin's-Gardens; but when the said D. went from the said Mr Holmes's service this deponent knoweth not.

*The Information of K. C.*

K. C. of Baldwin's-Gardens, maketh oath, That, in or about the month of July, 1683, she met D. S. by Leopard's-Alley, in Baldwin's-Gardens, with green pease, and the said D. S. crying; this deponent asked the reason, to which the said D. answered, That her mistress, (Mrs Holmes of Leopard's Alley, in Baldwin's-Gardens, with whom she said she then lived) whilst she was at market that morning had lost a silver spoon, and told her she should pay for it, or words to that effect. This deponent further maketh oath, That several days after this she saw the said D. in Baldwin's-Gardens, whilst the said D. was (as she then declared) a servant to the said Mrs Holmes.

*The Information of E. M.*

E. M. wife of R. M. of Vine-street, in Hatton-Garden, paviour, deposeth, That in July, 1683, she lived next door to Mr Holmes's, in Leopard's-Alley, in Baldwin's-Gardens, and she knew D. S. to be a servant in the house of the said Mr Holmes in the same month of July, 1683, after the death of the late Earl of Essex; but this deponent knoweth not how long the said D. S. tarried with the said Mr Holmes a servant. This deponent further deposeth, That the said D. S., in the month of July, 1683, told this deponent that her mistress had lost a silver spoon, and told her she should pay for it; whereupon this deponent said, It was well if the right owner had not mislaid it to make her pay for it, or words to that effect. This deponent farther deposeth, That the said D. S. remained a servant with the said Mr Holmes several days after the said spoon was lost. Note

L. Here are five depositions against your two, and unless these five appear to be of very intamous characters, Mrs Hewit and Christopher deserve a pillory for swearing falsely in protection of murder. What is sworn by these five seems very natural, because most agree in this, that D. S. was a servant with Holmes in that time of the year when green pease were very plenty, and cheap: now this is a natural evidence, that it was long after April, for all men know pease are not then a groat a peck, nor indeed to be had for any price.

G. These depositions contradict Hewit and Christopher as to that part which proves D. S. to go from Mr Holmes in April, but how do you prove Mr Holmes was in town the 13th of July, 1683, seeing Mr Swan as well as Hewit prove him in the country?

T. As for Mrs Hewit's deposition in that point, it is of no credit at all, for if it be once disproved in any particular, (as I think it sufficiently is,) the credit of the whole is destroyed; for perjured or forsworn in one thing, believed in nothing. But seeing Mr Swan (which, by the way, is fallen into ill company in this his evidence) deposeth, That Holmes came to his house about the 9th of July, 1683, and tarried till the 23d; Mr Swan hath sworn very indefinitely as to the first part, for what allowance he will have made for about I can't imagine, if he thinks reasonable that about shall include the 16th, (seeing the time is so long past,) to which he swears, this objection falls of itself; but if the parson will be more certain, and depose, that Mr Holmes was at his house before the 13th of July, 1683, and tarried there till the 23d, then will his oath be some objection, which otherwise is none. Nevertheless it appears, by the informations following,



that Mr Holmes did not go into the country with Mrs Hewit till D. S. left Holmes's service; and it is sworn by E. M. that D. S. did not leave Mr Holmes's service till after my lord's death; therefore, according to these informations, Holmes did not go into the country till after the death of the late Earl of Essex. Pray read this information.

G. W. A. declareth, and is ready to depose, That whilst D. S. was servant to Mr Holmes, in the year of our Lord 1683, this informant being then apprentice to the said Mr Holmes, remembers that Mrs Holmes pretended she lost a silver spoon; but this informant saith, That the said D. S. was not immediately hereupon turned away, for she tarried sometime after, to the best of this informant's remembrance about a fortnight. This informant further saith, That Mr Holmes did not go his journey into the country with Mrs Dorothy Hewit until after the said D. S. left his service. But this informant at present can't be positive what month the said D. S. went from Mr Holmes's service.

W. A. is ready to depose, that a little before D. S. left Holmes's service, she was taken with fits, and in her fits would cry out "The papists are bloody people! the papists are bloody people!" several times over repeating it. D. S. saith, that the fright she was in when she first heard of my lord's death brought upon her those fits.

T. This information doth further prove, That the said D. did remain a servant with Holmes some time after this spoon was lost, and was not immediately turned away; as was pretended by Hewit. But a stronger evidence to prove Hewit in town, whilst she swears she was with Mr Holmes in the country, than any you yet heard, is a taylor's book, ready to be produced, by which it appears that Mrs Hewit had a dust-gown (a peculiar riding upper garment) made for her the week next after she swore she went out of town; (this gown was made the week my lord died;) the gown appears to be made about the Wednesday, which was the 11th of July, the second day next before my lord's death; but the taylor can't be positive what day of this week he did deliver this gown to Mrs Hewit. The taylor's information is as followeth:

"J. W. of St Dunstan's, declareth and is ready to depose, That in July, 1683, he lived in Poppin's-Alley, nigh Fleet-Street, very near Mrs Dorothy Hewit, and often wrought for the said Mrs Hewit, and between Monday the 9th of July, 1683, and Monday the 16th of the same month and year, this informant made, or caused to be made, a dust-gown for the said Mrs Hewit, as appears by this informant's book, ready to be produced; and the very same week, viz. between Monday the 9th July, 1683, and Monday the 16th of the same month and year, (but in the very day this informant is not certain,) this informant carried the said dust-gown to the said Mrs Hewit, who did then pretend she was about going into the country; but how long after the dust-gown so delivered, the said Mrs Hewit did go into the country, this informant knoweth not."

T. This entry, before my lord's death, is so clear an argument of the falsity of Holmes's defence—

L. And consequently of the truth of his charge.

T. That there can't be a more satisfactory evidence in this part produced.

G. How came this entry to be found out?

T. When Mr Braddon found that Holmes endeavoured to prove (as before sworn by Hewit) himself out of town from the 6th of July, 1683, to the 26th or 27th of the same month, Mr B. did endeavour to enquire out all such as either Mr Holmes or Mrs Hewit were well known to or traded with; and therefore he made enquiry after all those with whom (in that month and year) they bought of, or sold to, all shopkeepers, taylor, butchers, fishmongers, shoemakers, hatters, &c.; and such as upon enquiry he received such characters of as he might expect fair satisfaction from, he did desire to see their books in that month of July, to see whether any goods were bought in town by the said Mr Holmes or Mrs Hewit, (for proving Hewit in town, proves Holmes likewise in town, because it's sworn, and can be proved, they both went out of town together,) or any money paid between the 6th and 26th of July by either of these. After a very long and tedious enquiry, (all those tradesmen being altogether strangers to Mr Brad-

don) he providentially met with this Mr W., who very readily shewed his book, where-in is entered as before declared. This book hath not been of any use to Mr W. for almost five years, and it was a very great providence this had not been torn out, seeing the book for some years had been used as waste paper, and the very next leaf to this torn out and lost.

*L.* Upon the smallest matters things of the greatest moment many times do depend; who could have thought this entry, so preserved, would have been serviceable in so weighty and just a cause?

*T.* No one providence is independent, but the most considerable occurrences are often brought about by things of the least consideration. Joseph's dream preserved his aged father and all his brethren, and in them all that sprang from them, from that pale famine that otherwise might have devoured not these only, but Egypt itself. And Ahasuerus not being able either to dream or sleep, not only saves the Jews from their enemies, but destroys their very enemies themselves.

*L.* What can Holmes and Hewit say in vindication of this notorious false defence?

*T.* As soon as Mrs Hewit understood such a taylor's entry was against her oath, she, with Holmes's wife, went to this taylor, and desired to see his book, which being shewed, Hewit first pretended that this entry was forged and new; but when Mr W. declared he could safely, and would depose that the entry was real, it was then pretended that the gown was sent into the country after Mrs Hewit; but when, in answer to that, Mr W. declared he could depose that Mrs Hewit was in town when that dust-gown was made and delivered, and that she then pretended she was about going into the country, (but how many days after she did go he could not tell,) Mrs Hewit told him, if he did swear that, he would take off her brother's life, and Holmes's blood would be upon his head.

*L.* This is a villainous and false suggestion, to prevent the detection of blood, and evade the punishment for the vilest murder. I am sure of this, if Mr W. should, upon oath, deny what he can with safety assert, he would draw the guilt of perjury on his head. And not only so, but this perjury being in protection of a murder, to that perjury he would add the guilt of my lord's blood, seeing by that perjury he doth endeavour to stifle the discovery, and prevent the prosecution of the most treacherous, barbarous, and cruel murder, (in all circumstances considered) our nation ever knew. If he that protects a murderer, (being well assured that he is such) in his house, to avoid the common methods of justice, deserves in our law to answer this evasion, (which makes him accessory after the fact) with nothing less than his life, how much more criminal (before God) is he that by perjury endeavours to frustrate the execution of justice upon the like offender? The first doth an action in itself abstracted from the end hospitable, nay, it may be charitable, and his intentions (which argues his after assent to the murder,) renders him a criminal; but the second commits one of the greatest transgressions, (which in itself deserves almost death) with the same ill design as the first; wherefore most certainly he is the greatest criminal of the two, by that addition of perjury to the same offence. And though our law in this case punish not the second offender with death, yet I am sure (and I think all men will own) that the second most deserves it.

"That D. S. was a servant at Holmes's the day of my Lord Russel's trial, and my Lord of Essex's death, and that Mr Holmes and Mrs Dorothy Hewit were then in town, farther appears from the words of a dying man, who, upon his death-bed, did several times declare he knew D. S. then there a servant, and Holmes and Hewit then in town; and both Holmes and Hewit that morning pretended they would go to my Lord Russel's trial. This person did often, for several days before his death, declare this, as what he could answer as a great truth before that God before whom he was shortly to appear; and all this he did confirm with almost his very last breath. This person

This is ready to be proved by several.

did farther declare, That when D. S. was a servant to the said Mr Holmes, and a little before she left Holmes's service, she told this informant she was much troubled with somewhat which lay upon her mind, upon which this informant was desirous to know what it was, but the said D. would not tell, being unwilling and afraid, upon which this informant advised her to go to some divine and disclose it."

L. If the positive depositions of the living, and the last breath of a dying man then dropping into eternity, where this relation, (had it been false) would eternally torment him, may be credited, Hewit and Christopher are most notoriously perjured, (and the parson himself *about* being forsworn, for *about* hath saved him from a flat perjury,) and consequently Mr Holmes's defence thus sworn to is false, throughout.

T. Who then can otherwise conclude but that this charge is true?

L. It's very probable, that some or other that knew Mr Holmes or Mrs Hewit might see one or both of them at my Lord Russel's trial, (if they were there,) or might that night hear them confess their having been there; for this was a very notorious thing, and a sight which people of their religion and characters would rejoice to see and delight much in the repetition of.

G. It's not unlikely but that others may remember they saw them that day, and heard them give an account of both my Lord Russel's trial and the earl's death; for both these things are so remarkable as may fix the remembrance of Holmes's and Hewit's being in town in some of their acquaintance.

T. I think the taylor's book before observed, and the words of a dying man, will be sufficient to convince all mankind. Nevertheless I can't but say this, that it's the duty of every person that can be positive in Hewit's or Holmes's being in town that day the Earl of Essex was murdered, which was the same day my Lord Russel was tried, or their being in town the day just before or next after, (for that week proves Hewit perjured, who swears she and Holmes went out of town the week next before, and returned not till the 26th of the same month;) I say whosoever can be positive in this, and reveals it not, consents to the death of my lord; and though human law reach him not, the divine Law-giver will one day lay it to his charge, as consenting to this blood.

G. This doctrine I do not well understand.

L. The doctrine (I think) is both true and plain, and I will give you an instance somewhat like this. A gentleman such a day, very early in the morning, was found murdered between London and Highgate, with one glove lying by the body, and not any person at the first, by his relations, particularly suspected for the murderer; at length, upon diligent enquiry, it was found out (about two months after the death) that a certain gentleman had sworn he would murder the deceased if he could ever meet with an opportunity. Upon this suspicion he was taken up; the prisoner denies the fact, and in particular saith, that he could make it appear by two (then present) how that two days before this murder he went to Salisbury, and tarried there till ten days after, and such a day he with his two friends returned to London, (which two friends being then there, declared they were ready to depose the same.) A gentleman just then coming in, who knew and was very well acquainted with the prisoner, having been informed of his defence, immediately reflected upon this defence, and knew it to be false, for this gentleman with three others, (all knowing the prisoner) very betimes the very morning the murder was committed, (which was of a remarkable day) were walking out in Lambs-Conduit fields, there and then met the prisoner, (with another person, a stranger to them) to whom they spoke, and he to them; and a little after the prisoner was his spaniel, running with a fringe glove in his mouth; this gentleman being well known to the dog, calls the dog and takes from him the glove, puts it in his pocket and carries it home. This gentleman therefore knowing this defence to be false, concluded (as he naturally might) that the charge was true, and here-



upon (though with some reluctance, because the prisoner was his acquaintance, but not dearer to him than his love to justice,) declares what you have before heard, and fetches the glove and his two friends; and all depose (in contradiction to the prisoner's defence) what you have before heard related; and the glove appeared to be the glove of the person murdered, and fellow to that found by the body. And now I desire to know of you what you think of this gentleman who thus falsified the defence; did he do the duty of an honest man?

G. Truly I believe he did, and was to be commended for so doing, though the prisoner was his acquaintance; for justice obliged him to it, and justice knows neither acquaintance, relation, or friend.

T. But do you not think that this gentleman (*in foro conscientiae*) had been consenting to this murder, had he suffered the prisoner by such a forged defence (which he knew well to be false) to baffle the prosecution?

G. By his silence he would have consented to the murder, and (negatively at least) protected the prisoner from that just punishment which both the law of God and man justly inflicts for such an offence.

T. Upon the whole matter, I think you have rather lost than got any ground by those depositions upon which you so much relied to falsify D. S.'s testimony; and that which you have brought to destroy hath strengthened her evidence, and consequently gives credit to the truth of that most barbarous murder.

E. For my own part I am very well satisfied, that D. S. hath deposed the truth; for how can it be thought that she should declare so long since that she knew of this consult, if she had not indeed heard it; her very saying it would have gone nigh (as it would then have been managed) *per fas aut nefas*, to have cost her life; and to believe that she would hazard her life to a lie cannot enter into my thoughts. And therefore I am verily persuaded that nothing but the power of truth made her speak in this matter.

G. It appears sworn by Hewit, that D. S. threatened Mrs Holmes with revenge when she was turned away.

L. For this you have the oath of one who is sufficiently detected of a falsity in two other particulars, and therefore not in this or any thing else to be credited.

T. Had she designed any revenge, she would have sworn more home upon Mr Holmes; for when she was asked whether she did remember that Mr Holmes was in the room either of the two meetings before my lord's death, she declared she would not swear it, because she remembered not that she had heard him there; but all that she could positively swear against him was what passed after my lord's death, viz. *When Mr Holmes came into the room about three of the clock that day my lord died, one strikes him upon the back, and cries, We have done the feat; upon which Mr Holmes said, What, is the earl's throat cut? to which the other replied, Yes, and further said, he could not but laugh to think how like a fool the earl looked when they came to cut his throat; upon Holmes's question, it was plain he well understood the meaning of that expression, the feat was done, or otherwise he could not so readily have hit the thing.*

G. Can it be supposed that Mr Holmes would, at three of the clock that day my lord died, ask whether my lord's throat was cut, when it had been, from eleven of the clock that day, in every man's mouth; and consequently Holmes could not but believe, without any further enquiry, at that time of the day?

L. What Holmes here spoke by way of interrogation, might be intended as a strong affirmation of what seemed to be asked, and this you cannot wonder at; have you forgot that common figure, *Quærit erotesis, &c.* Is not this the carpenter's son? Is not this he (speaking of St Paul) that destroyed them which called on his name at Jerusalem? &c. in both these the thing is most strongly affirmed. A thousand such instances might be given. Or it's possible that D. S. might mistake; for whereas she saith,

what Holmes said, What, is the earl's throat cut? which makes it an interrogation, the expression might be, What, the earl's throat is cut, and this makes it a positive affirmation. Here the words are the very same, only in the first the copula is placed before the subject, and in the last just before the predicate.

G. I must confess, if either of these have sworn true, or the dying man spoke truth, this truth is a very strong confirmation of her testimony, and I cannot well disbelieve these five, seeing they all so well agree in their evidence; for five swear Smith was there about pease time, which must be after April. I shall detain you no longer upon this particular; but desire you to proceed.

T. Secondly, the many reports in several parts of England, (before the earl's death) that the Earl of Essex had cut his throat in the Tower. This is proved by eight witnesses.

L. Enough, sure, to one point.

G. If their credit be good, none ought to doubt what is attested by so many.

L. The scripture saith, that in the mouth of two witnesses a thing shall be confirmed; he that will doubt the truth of a fact attested by eight credible persons is not to be argued with.

T. Pray read these eight informations.

G. "W. T. declareth, and is ready to depose, That Wednesday, being the 11th of July, 1683, the second day before the death of the late Earl of Essex, one Mr H. of Froom in Somersetshire, told this informant, that the Earl of Essex had cut his throat in the Tower. This informant farther saith, That about the 18th of the same month of July, in the year aforesaid, meeting some clothiers then newly come from London, the clothiers declared to this informant, that the Earl of Essex had cut his throat in the Tower, Friday before, about nine of the clock in the morning; upon which this informant declared, he had heard it from Mr H. the Wednesday before my lord's death. This informant farther saith, That meeting the said Mr H. soon after, this informant asked the said Mr H. how he could inform this informant the Wednesday before my lord of Essex's death, that my lord had cut his throat in the Tower, when it appeared that my lord of Essex did not die till Friday morning after, about nine of the clock? Upon which the said H. answered, That all concluded my lord of Essex would either cut his throat, or be an evidence against his friend my Lord Russel, and most believed my lord would rather cut his throat than turn evidence against his friend."

"J. B. of Marlborough in the county of Wilts, pin-maker, declareth, and is ready to depose, That he, this informant, was at Froom about eight in the morning, about 100 miles from London, Friday the 13th of July, in the year of our Lord 1683, and this informant then heard at the Dolphin aforesaid, that the Earl of Essex had cut his throat in the Tower; and the person that informed this informant then farther declared, That he much feared it might go the worse with my Lord Russel, which that day was to be tried."

"Mrs M. declareth, and is ready to depose, That Thursday the 12th of July, 1683, going with her daughter into Berkshire, her daughter informed this informant, that the night before, being Wednesday night, a gentleman declared it was reported one of the lords in the Tower had cut his throat."

"Mr P. H. merchant, and his wife, both declare, and are ready to depose, That these informants were at Tunbridge Wells, about thirty-five miles from London, the day of the death of the late Earl of Essex, and about ten of the clock that very morning it was whispered nigh the Wells, that the Earl of Essex had cut his throat in the Tower, but the same was soon contradicted and bushed up till chapel was ended, which was about, or a little before, twelve of the clock, and then the same report was revived, and so continued without any contradiction."

My lord was  
not known to  
be dead till af-  
ter nine.

" T. F. of Andover, about sixty miles from London, declareth, and is ready to depose, That the 10th day of July, 1683, being the Wednesday next before the death of the late Earl of Essex, this informant heard it reported at Andover aforesaid, that the Earl of Essex had cut his throat in the Tower, and it was that same Wednesday likewise declared, that the earl cut his throat for this reason, viz. The king and duke coming into the Tower where the Earl of Essex was a prisoner for high treason, the earl was afraid the king would have come up into his chamber and have seen him; but his guilt and shame was such, that he could not bear the thoughts of it, having been so ungrateful an offender against so good a master, therefore his lordship cut his throat to avoid it. This informant further saith, That the same Wednesday night, enquiring at the coffee-house, whether the London letters made any mention of this, he could hear of none that writ of it; upon which this informant concluded it was false, though the same report continued at Andover. This informant further saith, That by Friday post he did expect a confirmation of the same, but could not (upon enquiry) hear of any London letters that spoke of it, upon which this informant concluded all was false. But Saturday being the 14th of July, the very next day after the earl's death, this informant was told that the Earl of Essex had cut his throat in the Tower; upon which this informant declared he had heard the same (repeating what he had as before heard) the Wednesday before; upon which this informant was told that it was very strange, seeing the earl did not cut his throat till the Friday after, or a little after nine of the clock in the morning."

" J. B. declareth, and is ready to depose, That he, this informant, lay at Andover, (about sixty miles from London) Thursday night, the 12th of July, 1683, the very next day before the death of the late Earl of Essex; and as this informant, Friday morning, about four of the clock, was going out with the ostler to catch his horse, the ostler several times over told this informant, that the night before it was reported at his master's house, that the late Earl of Essex had cut his throat in the Tower. This informant further saith, That the very same day, in the afternoon, he came to his own house in Southwark, in the county of Surry, and was then informed that the Earl of Essex, that very morning, between nine and ten of the clock, had cut his throat in the Tower; upon which this informant was much surprized, having, as before, heard the same at Andover, nigh sixty miles from London, above four hours before the earl's death."

" J. S. of Bolt and Tun Court, is ready to depose, That at or before six of the clock, that very morning the late Earl of Essex died in the Tower, (viz. July the 13th, 1683,) there came into this informant's house a gentleman, who, with much concern, told this informant he had just before heard the Earl of Essex had cut his throat in the Tower; but this informant, about eleven of the clock the same day, being informed that the earl was not dead till about nine of the clock, this informant was much surprized at the report of my lord's having cut his throat so many hours before the earl's death."

G. Have any of these eight been sworn before the lords?

T. I have been informed by all those eight witnesses, that they have deposed (in substance) as you have before heard.

L. I think no man can well doubt the truth of this report before my lord's death, thus deposed by so many witnesses.

T. Those men wink hard, (that they may not be convinced) who will not reasonably conclude from those very reports only, were there no other sort of evidence, that this brave and honourable, but unfortunate earl, was indeed barbarously murdered; for you may observe all those reports in many places of England, agree in the manner how, and the place where, for all said that the earl had cut his throat in the Tower; one report doth not say the earl had destroyed himself, which might have comprehended any

This previous report can be proved by many more; but if these eight will not satisfy, eight score will not convince.



Note
 manner of death, neither do any of those reports say, that my lord had poisoned, stabbed, hanged, or pistolled himself; (all which are common ways of self-destruction, and either might have been practised by any gentleman under confinement;) neither do either of those reports differ in the place where, (though all those places where the report was before my lord's death, that my lord had cut his throat in the Tower, could not at the time of this report be presumed to have been informed of my lord's being in the Tower,) I say all these reports jump in one and the same manner of self-murder, and all agree in the place where, viz. the Tower. This clearly proves, that some days before my lord's very commitment to the Tower, it was concluded, not only that my lord should be murdered in the general, but likewise the particular manner how, and the place where resolved upon. For how could Froom (being a hundred miles from London) hear, Wednesday morning the 11th of July, of my lord's being prisoner in the Tower, when his lordship was not sent to the Tower till the day before? (being the 10th in the afternoon;) or how could this commitment be well heard of at Andover (about sixty miles from London) on Wednesday morning, (Tuesday's post not being there till Wednesday in the afternoon,) when the commitment was not till the Tuesday in the afternoon? and yet at both these places, this very Wednesday morning, was it reported that the earl had cut his throat in the Tower.\*

L. To me it is beyond all doubt, from what before appears, that the Tower must be fixed upon as the place where this perfidious cruelty was to be acted, before my lord was prisoner in the Tower, and the particular manner concluded in, or otherwise the reports as to the manner how, and place where, would have differed.

G. But how could it be supposed to be sent from hence the Saturday before my lord's death, that my lord of Essex had cut his throat in the Tower, when it was well known throughout this town, that my lord was not then in the Tower, nor committed till the Tuesday following?

T. Upon the best enquiry I could make, and the most probable reason I can give, how this came so reported in the country before it was indeed done, is this: It was resolved upon, as D. S. deposeth, nine days before my lord's death, that my lord's throat should be cut. Now those that were privy to the whole secret, and were willing to oblige their country correspondents and friends with this (to that bloody party) grateful resolution, that the earl's throat was to be cut in the Tower, and laid to his own charge, and this to be done either soon after his first commitment, or upon my Lord Russel's trial, (which was put off some short time) such as had received so weighty intelligence were likewise willing and ready, partly out of a desire to oblige their friends in the country, (to whom this design might be as acceptable) and partly out of an itch of telling news, and of being the first in the country that gave information of this, (to them glad tidings) not doubting but my lord's throat was indeed cut when it was first resolved upon to be cut, viz. either upon his first commitment, (which they might suppose would have been before it was, all things being so resolved upon) or upon my Lord Russel's trial (which was to have been before it was, but put off, of which these country intelligencers might not hear,) these, I say, being informed that the matter was thus laid, concluded the thing was done as it was so designed to be done, and so reported the thing as done before it was indeed done.

G. I took more particular notice of E.'s information than of either of the eight. If

\* This circumstance, which seems so very strong, is far from conclusive. In the first place, it would sugar the most unpardonable imprudence on the part of the supposed assassins. But, secondly, report of such strange events as catch the vulgar, flies with the most wonderful rapidity. And, thirdly, it often happens, that the fact of such reports having been really uttered is founded on misconception. It was currently reported, and believed, upon apparently good evidence, that the unparalleled murder of the late Mr. Percival was publicly spoken of in the village of Ecclefechan, in Dumfries-shire, twenty-four hours before the news could possibly have travelled thither by the most rapid conveyance. But on investigation, the report was found to have arisen from the death of that excellent minister being confounded with a murder in Yorkshire perpetrated about the same time.

I mistake not, F. swears that the Wednesday before my lord's death, it was reported at Andover, That the king and duke being in the Tower, the earl was afraid the king would have come up into his chamber and have seen him, but his guilt and shame was such, (in consideration of his great ingratitude to the best of masters) that he cut his throat to avoid it; I desire to see this information again. Note

T. You are, as to the substance, in the right.

G. This looks as though the story were made after my lord's death, for the king and duke went not to the Tower till Friday morning, and their then going was altogether a surprize to the whole town: And after the earl's death their being then there occasioned very gross reflections, seeing they had not been, (as I have been credibly informed) above twice together in the Tower since the Restoration. Now that this unfortunate action (the earl's death) should be clothed in the very same circumstances as afterwards pretended to be done, not only as to the manner how, the place where, but likewise the reason wherefore; which reason sets forth the king and duke's being in the Tower when the earl did it, and done to avoid seeing his majesty; for the earl (as was said) was afraid the king would have come up into his chamber and seen him; but the king and duke's being in the Tower could neither be foreseen nor expected; this, I say, makes F.'s evidence scarce credible.

T. Neither the cutting the earl's throat, or the place where it was to be done, or who was to be there, (*viz.* the king and duke) when it was to be done, could be either foreseen or expected by any but those who either laid this bloody scene, or were privy by information to its contrivance, and such as well knew or had been informed how this matter was resolved upon, may well be supposed capable of giving a particular information of this designed cruel tragedy.

L. I do well remember, that the very morning my lord died there was a small paper cried about of the earl's death, wherein it was so represented, and the common report of the town then was, that the earl cut his throat for the same reason so long before assigned by the report at Andover. I must confess this is very astonishing, and who-soever believes F.'s evidence only, must from such a belief be fully assured, not only that the earl's throat was designed to be cut, but likewise that it was contrived to be done in the same circumstances it was afterwards acted under, for else it could not possibly be so circumstantially reported before my lord's death; not only as to the *how* and the *where*, but likewise the *wherefore* given out before it was done.

F. Gentlemen, I perceive you are both extremely surprized with this particular evidence of F., as what looks like an after-made story, seeing the earl's death was here so long before reported, as afterwards it was pretended to be acted, both as to the circumstances of the king and duke's being in the Tower, and the consideration that (was pretended) then moved the earl hereunto, *viz.* fear of the king's coming into his chamber, and seeing him, which his guilt and shame (as was pretended) would not bear the thoughts of: But to confirm this deposition, you will hereafter hear others depose the same; in the mean time I desire you would compare this with that part of D. S.'s evidence, which declares, that nine days before the earl's death it was declared, that the duke had concluded and ordered his throat to be cut; and his highness had promised to be there when it was done. Now it would have looked more directly upon his highness, should he alone have gone into the Tower that morning; and, therefore, as a colour to that pretended reason for the self-murder, and a screen to his highness, his majesty must be persuaded to go down likewise; so that if any should say the earl was murdered, it should be esteemed a reflection upon his majesty, who was then in the Tower, as though his majesty had gone to the Tower that morning to murder the earl. Thus we find the matter managed by the lord chief justice and attorney-general at Mr Braddon's trial, almost throughout the trial.

*L.* I perceive then that you do not think Charles the Second had any hand in contriving this murder?

*T.* I do not, I assure you; but rather the contrary, upon very good reasons, which you will hereafter be satisfied in, for I shall mention them in their proper place. But I do verily believe that, some short time before the king's death, his majesty was persuaded the earl was murdered; and had his majesty lived six months longer, it's very probable you might long since have seen this detection.

*L.* I have some reason for the same belief: For I do well remember, about six months after the late king's death, I was credibly told this story; my Lord Chief Justice Jeffries not long after that king's death was at some public place, where he took an occasion to speak very largely in praise of his majesty, then lately deceased; and after he had made a very long harangue in his praise, his lordship turned about and whispered a gentleman in the ear, (whom he thought his confidant,) saying, "If the king had lived six months longer, we had been all hanged, notwithstanding what I have said."

*T.* The measure of his lordship's iniquity was not then full.

*L.* It seems not; but every man must believe his lordship's measure was very large, or otherwise the great quantity of innocent blood therein poured by his vile injustice, had long before his death made it run over.

*G.* I do very much wonder (admitting the earl was murdered, which I am now almost brought to the belief of) how it should thus become generally reported in so many places before his death.

*L.* This almost will shortly be an altogether, and you will in this be thoroughly persuaded of the truth of this barbarous murder; for I have reason to think much more will be said to prove it, because there are so many witnesses of which we have as yet had no account.

*T.* The reason of its being so generally reported before it was done, you will not so much admire at, if you consider all the circumstances of this action. This murder was not acted out of any private motive to some private end; it was not done for the satisfaction of personal revenge: No, this was a branch of that cursed arbitrary, and popish design against our civil and religious rights, at that time carried on with all the fury imaginable under colour of supporting the English monarchy and church of England, both which were then falsely said to be threatened with ruin by that party, of which that truly noble, but unfortunate lord, was marked out as one of the chief: I say this was done to remove a chief obstacle to that popish and arbitrary end the true enemies of both church and state were then carrying on; for you find it sworn by D. S. that several days before the earl's death, the papists cursed him as one who knew much of their designs, (which he could not be ignorant of observing, though with hatred, from those high posts he had been employed in), and was so very averse to their interest, that unless he was taken off, they should never carry them on. The carrying on their popish, arbitrary, and devilish design, you see, was by themselves assigned as the reason of this most perfidious and barbarous cruelty; so that this murder was a branch of their plot, and consequently might be supposed to be known to many; all which have not been men of the greatest secrecy; witness their reports of the fire of London so long before it came to pass; and their giving an account of Sir Edmondbury Godfrey's death in the country before we could be assured of the same in town, the body not being then found. Several the like instances might be given.

*L.* For my own part, I can wash my hands from the blood of any of those unfortunate gentlemen which suffered for endeavouring to oppose those arbitrary designs, which the charitable opinion most men had in the then court could not at that time believe to be true, but to our great danger and cost we have since seen them appear more bare-faced; and those very men who esteemed it damnable to draw the sword in



defence of our religious and civil rights, though never so grossly invaded, have since altered both their opinion and practice, and could now weep over the dust of those whose persons they esteemed not deserving of life! But, blessed be God, our common danger taught us to unite against the common enemy of all true religion and liberty, and to join as one man with that hand from heaven (our present sovereign) sent to rescue us from what threatened the destruction of whatsoever was dear to any of us. May God in mercy preserve us from these heats and animosities which being (by our common enemy) once thoroughly enkindled, may go nigh to end in the utter destruction of all that which of late hath been miraculously snatched out of the fire, instrumentally by that hand which some of us (ungrateful as we are!) by our actions seem, neither to thank as our benefactor, nor acknowledge as our sovereign, though he seems to have a double title to the crown, *Jure Divino*, (by that miraculous success God was pleased to crown him with,) and *Jure Humano*, by that election (in common gratitude) made by the states of the kingdom.

L. From all these reports, we may well conclude the earl's death was resolved upon by that bloody party which murdered him both in person and reputation, and the manner how, the place where, and the (forged) reason wherefore, agreed in. These bloody-minded men would (without doubt) from the same motives, and to carry on the same end, destroy as many more, were it once again as much within their power as it then was, only they would do it with this difference, that whereas therein they did act clandestinely, we must expect that hereafter they would do it in the face of the sun, and justify it. But from their cruel power and bloody malice, good Lord deliver us.

G. I desire not to detain you any longer on this particular, for I am herein well satisfied, and therefore pray proceed.

T. I am now come to the second general head, viz. what passed the day my lord died; you may observe it was denied by Bomeny, Munday, and Russel, the three that attended on my lord at the time of his death, the first as his servant, and the two others as his warders, that there was any man let into my lord's lodgings before my lord's death that morning my lord died; the like did John Lloyd (the sentinel that morning my lord died, at the door of Major Hawley's house, wherein my lord lodged.) I shall now prove that there were some ruffians let into my lord's lodgings a little before his death to murder my lord.

• Pray read this information.

G. "S. S. linen-draper declareth, and is ready to depose, That the 21st of January last, this informant was at the Goat alehouse in the Minories, where John Lloyd, sentinel upon the late Earl of Essex at the time of his death, as this informant then was informed, was that day brought prisoner, being taken up as suspected privy to the death of the late Earl of Essex. This informant further saith, That he this informant discoursed the said Lloyd concerning the said earl's death, and the said Lloyd did for some short time often deny that he had let in any men into the Earl of Essex's lodgings that morning the earl died. This informant persuaded the said Lloyd to discharge his conscience to God and man, and tell what he knew with relation thereunto, lest, by his denial or silence, he should draw the guilt of that innocent blood upon himself; but the said Lloyd for sometime persisted in his denial, and whilst the said Lloyd was denying his letting in any men into my lord that morning my lord died, before his death, there was brought into the room one Major Webster (as this informant afterwards understood him to be,) then prisoner for the same matter. This informant did thereupon ask the said Lloyd whether he knew the said Webster, which the said Lloyd denied, and said, he never saw him before in his life; upon which this informant said, it was very much that the said Lloyd should not know or remember to have seen the said

Webster, who was his neighbour, and very notorious in the place where he lived. But the said Lloyd persisted for some short time in his denial of any knowledge of the said Webster; but soon after, the said Lloyd took this informant by the hand, and wringing this informant's hand, with tears in his eyes, spoke to this effect: "Master, I give you a thousand thanks for your good advice, and I do now remember, by special order of Major Hawley, I did let in two or three men (but to the best of my remembrance three) into my lord's lodgings that morning my lord died, and a very short time before his death; and that man (pointing to Webster) was one of the three men I did so let in," upon which this informant told the said Lloyd, it was very strange he should pretend that Webster was one of the three men he had let into my lord's lodgings just before his death, when the said Lloyd had a little before pretended that he never saw the said Webster before that time. This informant further spoke to the said Lloyd to this effect, That as the said Lloyd was consenting to my lord's death, in case he did endeavour to stifle any truth which might tend to the discovery of my lord's murder, so would the said Lloyd be guilty of Webster's blood, if he should charge him in this particular with a lie; for what jury soever should believe that Webster was one of those let into my lord just before his death, (it having been by all denied that any were so let in,) would likewise believe that Webster was one of the ruffians that murdered his lordship; and therefore this informant advised the said Lloyd to be very careful in the matter: whereupon Lloyd replied, That he could be very positive in the man, as he were even then to die, he could safely and truly charge him upon his oath. This informant further saith, That Lloyd did then further declare, That as soon as he had let in those men into my lord's lodgings, he did hear several (and he did suppose them to be those he so let in,) go up stairs into my lord's chamber, where there immediately ensued a very great noise and trampling, and thereupon somewhat thrown down like the fall of a man; not long after which, it was cried out that the Earl of Essex had cut his throat. Lloyd did further declare, That he did not remember that he saw those men go out of Major Hawley's house, but he did believe they might tarry some time in the house, till the crowd came in upon the discovery of my lord's death, and then went out with the crowd."

*L.* Did any others besides Mr S. hear this Lloyd thus confess the letting in these men?

*T.* Yes. Besides Lloyd before the justice confessed the letting in two men into my lord's lodgings a little before his death; as appears by the copy hereof.

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

This examinant saith, on the day whereon the right honourable the late Earl of Essex was found dead, upon the suspicion of having been murdered in his lodgings in the Tower of London, he then being a soldier, was standing sentinel at the door of the said earl's lodgings, and had order to let nobody go up stairs to the said lodgings without leave from Major Hawley, or the warder then in waiting on the said earl; and that about half an hour after eight of the clock in the morning of the said day, two men (to this examinant unknown,) knocked at the hatch-door belonging to the said lodgings, and by permission of the said warder, entered the said lodgings, but when they came out, he can give no account; and that about nine o'clock he heard a struggling on the said morning, and a little time after, heard a crying, My lord is dead.

*T.* Read this likewise.

*G. C. T.* of the Minories, butcher, declareth, and is ready to depose, That after Lloyd

had lain about a month in Newgate, he did desire this informant (as he was informed,) to see him, who by permission of the honourable lords of this committee went accordingly; when this informant came to Lloyd, the said Lloyd spoke to this effect, viz. "Master, as you are my neighbour, so I hope you will be my friend and true to me," to which this informant declared he would be a friend to the said Lloyd as far as he could; whereupon the said Lloyd declared, that all the time he had been in Newgate, somewhat lay upon his conscience, and troubled him night and day, upon which this informant asked the said Lloyd what that was that was so troublesome to him, whereupon the said Lloyd, after often pressing this informant to be true to him, told this informant, that when he the said Lloyd was first prisoner at the Goat-alehouse in the Minories, he did confess somewhat to a gentleman, who was altogether a stranger to him, which confession troubled him. This informant then desired to know what that confession was which had been so troublesome to his mind; Lloyd hereupon renewing his request, that this informant would be true to him, said he was troubled in conscience night and day, because he had confessed to that strange gentleman the letting in those men into my lord's lodgings just before his death. This informant then told the said Lloyd, the like he had confessed to this informant and several others; and even before the justice of peace had owned it under his hand; but if it were false, he ought to retract it, and be sorry for having said it; upon which the said Lloyd declared it was indeed very true that he did let in those men, but it was what he should not have said.

L. "You say that the sentinel pretends he remembers not when these ruffians came out of the house; but I have been informed that a servant maid (who then lived in the Tower) came that morning into Leaden-hall-market, and wrung her hands, and cried out, The Earl of Essex was murdered, the Earl of Essex was murdered; upon which the people gathering about her, advised her to silence, telling her she would bring herself into trouble by such expressions. The maid thereupon declared she was sure it was true, for she saw the men that murdered him just as they came down out of his chamber, and one of them almost pushed her all along."

G. Do you know who this maid is?

L. No, but I spoke with several that saw her the same morning in the market, and heard her declare as above related.

T. There hath been great diligence used to find out this maid, but neither of those who heard her knew her name.

L. I am sure it's the duty of those who knew her, (or of any other that could testify any thing material in this matter) to give information to the gentlemen by this honourable family engaged in this prosecution.

T. Mr Braddon, a little after my lord's murder, was informed of a person (if I mistake not, he was said to be a waterman) who likewise saw those ruffians as they came out of the house, just before my lord's death was known, and observed some blood upon one of their cloaths, but having been often searched in the King's Bench prison, and in a hurry forced to convey away his papers, he lost the name and place of abode of this man.

L. That's a great misfortune; but if this discourse comes to the hand of that person, or any that have heard him declare what is above related, or any thing else material in this matter, they are desired to send notice to Mr Braddon, from whom a letter being left at Richard's coffee-house nigh Temple-Bar, it will come safely and speedily to his hands.

T. It would be no little assistance to a farther discovery of this matter, (though I am sure every man that believes what is here related, as proved or ready to be attested, must be well satisfied in this murder,) if every man that is not in the least accessory to this murder would but be so ingenuous and free as to send Mr Braddon, and give him an account hereof. It's not desired that any should declare more than what is true, and



what he would answer at the dreadful day of judgment; for whosoever doth in this case attest a lie, or what to him is such, endeavours to commit, by such his perjury, the worst sort of murder.

*L.* Did either of the warders, or my lord's servant, publickly confess the letting in those?

*T.* No, nor this soldier, before he was seized the 21<sup>st</sup> of January last.

*L.* Seeing then they did all deny that any men were let into my lord that morning, I can't but suppose these men so let in were let in to murder my lord; for had any persons been innocently let in, it might have been innocently confessed and owned, but being admitted into the house with this villainous and bloody design, those waiting on my lord thought it neither convenient nor safe to confess the letting in of any.

*G.* This Lloyd expressed himself very oddly to *T.* whom having often desired and enjoined to secrecy, to him pretending he was much troubled in conscience for what he had confessed, but nevertheless declared such his confession to be true, but it was what he should not have owned. This looks as though there were some cursed confederacy entered into for the suppression of truth.

*L.* I thought you would be brought over.

*G.* I were never so wedded to the belief of a fact through prejudice or misinformation, but upon a full and clear discovery of my mistake, did readily renounce my first belief, and cleave to the best information, or at least that which to me seemed the truest; and to deal plainly with you, I did not think so much could be said to prove what many industriously endeavour to persuade me was false. But there comes even now into my mind, an objection against this Lloyd's confession, which will, I think, destroy its credit with all men. If I mistake not, you told me this Lloyd at Mr Braddon's trial upon oath denied the letting in any men before my lord's death?

*T.* 'Tis very true.

*G.* How then can any man give credit to this confession, which is a point-blank contradiction to his former oath? Nay, if Lloyd upon oath asserted what before he had forsworn, I could not barely upon the credit of his oath believe it.

*T.* Barely upon the credit of Lloyd I should hardly believe any thing; only consider that the confession of every man, though ten times perjured, is to be admitted against himself. But further, pray reflect on the circumstances of Lloyd's first oath, and you will find in several respects he stood prejudiced, so that his first oath could not be of equal credit with his now confession. For admitting my lord was murdered by those men so let in, either Lloyd was privy to the murder, or he was not; if he were privy, then he swore to save himself; if he was not privy to the designed murder, or knew any thing of it, till after the fact was done, then could he not but expect, that the same principles, backed with the same power which murdered my lord, would have likewise destroyed him, should he have declared what he knew in the matter; therefore the fear of being hanged in the one case, and the danger of a stab or the like in the other, were powerful arguments with this sentinel. I do grant no man (upon any consideration whatsoever,) ought to be influenced to perjury, but yet I desire never to fall under so strong temptations. You can't therefore but confess this sentinel at the time of Mr Braddon's trial was under a strong prejudice to deny what he might in this case know, and that for the reasons before alledged; wherefore compare the circumstances of his confession with what he afterwards declared, under a great injunction of secrecy; viz. That he was troubled night and day, he had confessed the letting in these men, for though it was indeed true, he should not have confessed. Consider, truth becomes not a lie by being denied, (though upon oath,) nor a lie a truth by being sworn. Wherefore, all circumstances considered, you have much stronger reasons to believe Lloyd's now confession than his former oath. But that there were some

men let into my lord, and were bustling with his lordship just before his death, appears more clearly from this information following, which I desire you to read.

G. "M. B. declareth, That a little before the death of the late Earl of Essex was discovered, this informant was walking up before the earl's chamber window, and hearing a very great trampling and bustle in my lord's chamber, this informant stood still, and looking to the window of the said chamber, saw three or four heads move close together, and heard one in the chamber, which seemed to be one in this bustle, cry out very loud and very dolefully, ~~murder~~, murder, murder; this informant, not then knowing it to be my lord's lodging, nor thinking any other of this cry, than what might be occasioned by some accidental quarrel, walked up towards the chapel, but not out of sight of the lodgings; and about a quarter of an hour after (or less,) it was first cried out in the house, that the Earl of Essex had cut his throat, upon which this informant went down to the house, and being shewed the chamber where the earl lay, she found that was the chamber where she saw the men, and heard the bustle, and murder thrice cried out as before related. This informant further saith, That some few days after this, telling Mr P. and his wife, (whom she then kept in her lying-in) of what she had seen and heard as before declared, the said Mr P. advised her not to speak of it, for her divulging it, in all probability, would prove her ruin."

L. Is this woman sworn?

T. Yes, and, as she hath informed me, deposed the same.

G. But what has become of this Mr P.?

T. His information is ready, which you may read.

G. "A. P. declares, That within a week after the death of the late Earl of Essex, M. B. did give this informant and his wife the same account as above related by the said M. B. and this informant did then caution and advise the said M. B. not to reveal it, lest it should prove her ruin."

L. Is this Mr P. sworn?

T. Yes, as he hath informed me, and deposed the same.

T. This Mrs B. was very unwilling at first to declare in this matter what she knew to be true.

L. Why there was no danger in the discovery upon this revolution.

T. It's true; and it was not danger, but (what she thought her) interest that would have deterred her:

L. Interest! Is she a papist?

T. No, nevertheless she thought it not for her profit this murder should be discovered.

L. Certainly it's both the duty and interest of all true protestants that this murder should be fully detected; and I can't well foresee wherein it could be inconsistent with this woman's interest (if she were indeed a protestant,) that this barbarous cruelty should be laid open.

G. It may be she was afraid some friend or relation might be concerned.

T. That's very true; it was to save a relation, but not of blood or affinity, but a civil parent, the cruel father of us all, the late K. I mean. For the case stood thus: This Mrs B. had been nurse to some papists of quality, and others where that infamous Madam Midnight, Madam Wilks, had been midwife; and this Mrs Wilks had pretended a great kindness to this nurse, and had assured her she would get her into the court to be nurse to several persons of eminent quality, which this woman thought might be much for her advantage; and therefore, when Mr Braddon first spoke to her, and asked her whether she was in the Tower that morning the late Earl of Essex died, she answered (seemingly under some surprise and disorder,) Yes. Mr Braddon then desired to know what she either heard or saw with relation to that unfortunate lord's death;

she very shortly replied, Nothing; whereupon Mr Braddon (who before had discoursed Mr P.) told her either she was a liar or unjust; a liar, if she did not see and hear that which was material with relation to my lord's death, seeing she declared the contrary just after my lord's death to Mr P. and his wife; or very unjust, if what she had formerly declared were true, and would not now reveal it; she said she would have nothing to do with it, and so flings up stairs. But Mr Braddon being shortly after informed that this woman had declared it was against her interest this murder should be discovered and prosecuted, because it would be fixed upon King James, whose return and settlement she desired, for Madam Wilks had promised her as before declared; and therefore, seeing Mrs Wilks would have no interest in case this murder were discovered, and so she should lose a very great friend, she was resolved not to tell what she knew, nor would have any thing to do in the matter. Mr Braddon being thus informed, desired once more to see this nurse; when he saw her, he told her he did understand that there was somewhat which stood as a prejudice against her revealing what she knew, but he declared that he would move the honourable committee of lords, that she might be brought to the bar of the House of Lords and sworn, where she should either perjure herself in the concealing of what she knew, in doing whereof, she would not only be guilty of perjury (when sworn to discover the truth,) but to that perjury would add blood, (for which at the last day she must expect to answer,) for could she reveal any thing with relation to this murder, and stifled it, she by such her silence consented to the blood of my lord; and how clear soever she might escape the punishment of our law, she could not but expect she must answer it before Him who positively requires blood for blood, and that all governments should make diligent inquiry for the blood of the slain, or otherwise he would require that blood (thus buried through neglect) at the hands of such magistrates as were deficient in their inquiry, and more strictly would he one day reckon with those that could detect the murder, but refused to reveal it; for upon such more especially would the guilt lie, because the magistrate can make no discovery but by information; and therefore those that refused or neglected to give their information, would most certainly one day severely answer for such their silence. Such discourse as this Mr Braddon had with this woman before several others; after which Mr Braddon desired to know whether she would go voluntarily, or upon motion be brought to the house, for he was resolved she should be sworn. Hereupon she declared, seeing she must be sworn, she would rather go willingly than through such compulsion; and then went accordingly, after which she declared what you have before heard, whereas before she was sworn she would reveal nothing.

*L.* This is a great argument both of the truth of her evidence, and the integrity of the woman, who rather than sacrifice her conscience by perjury, would sacrifice (what she really believed to be) her interest.

*T.* Would no person in this case be guided by interest or affection, but all ingenuously reveal what they know, you would soon find that discovered which now lies buried in silence, but may sooner be detected than some imagine.

*L.* If it shall hereafter appear, that any person knows any thing material of this villainy, and hath not revealed it, he may be most justly esteemed consenting to this murder; and how far our law may extend in its punishment, there may be an occasion hereafter to try.

*G.* This evidence of M. B. doth very much agree with Lloyd's confession, for Lloyd declared, That upon the three men's going into my lord's room, there was immediately a very great noise, and this M. B. heard; but Lloyd declares nothing of murder cried out, which M. B. declared she heard. It's strange Lloyd should not hear it as well as the trampling, if indeed there was any murder cried out.

*L.* It is very probable that Lloyd did hear murder cried out; for it's hardly possible



to be otherwise, because it seems murder was cried out thrice very loud, and very dolefully; but should Lloyd have confessed that he let in these three men, and that upon their going into my lord's room he heard a very great trampling and bustle, and my lord cried out murder several times, as before deposed; by this he should have accused himself as privy to the murder; for seeing Lloyd did not immediately cry out to the next guard, so that these ruffians might be secured, and if possible the murder prevented, or at least these cut-throats taken, one of which he might easily have done. Nay, in all probability, these men would have soon desisted, had they heard the sentinel cry out. But Lloyd lets them go, and instead of a discovery, by perjury endeavours to conceal it; and therefore may well be supposed prepared to permit this execrable tragedy.

G. Permit! What could a sentinel do who is placed at his stand, but could not leave his post?

L. Two things are required of such sentinels; first, to see the prisoner be kept close, without any communication by word or papers thrown into his window; and, secondly, to preserve him from violence.

G. 'Tis very possible that this poor sentinel might know nothing of the matter till after the persons were let in, and then he perceived by their bustling with my lord, and his lordship's crying out murder, that they came with an intent to murder my lord; yet the power and authority that sent these two men, might tie both the tongue and the hands of this sentinel, from endeavouring either to prevent the action or secure the actors; that he thought it might cost his life to oppose with either. So that this poor ignorant soldier is as much to be pitied as blamed.

T. Had he made a full and ingenuous confession upon his being now seized, and given this reason for his silence, he had deserved great pity for falling under so great a temptation as the fear of death. But when instead of this ingenuity, which might be naturally expected from such innocence as you here represent this soldier under, you find the contrary; and instead of being so free as to tell the whole truth, he seemed much troubled that he had revealed any part, as appeared by that expression to T. when he declared, "That though it was indeed true what he had confessed, he should not have confessed it;" this, I say, is so far from arguing this soldier that man you would now seem to represent him, as it rather concludes him a confederate in the fact.

G. I must confess, his retracting what he had owned to be true, and declaring he was very sorry he had confessed it, though it was indeed true, seems to argue him not such a stranger to the fact as I could wish he were.

L. Have you any thing more as to this point, for I perceive we are very tedious to you?

T. Not in the least; but I rejoice in this occasion of giving you satisfaction in this matter. Here are some other informations, with relation to this point, which I desire you to read.

G. E. G. and S. H., declare, "That the day of the death of the late Earl of Essex, viz. the 13th of July, 1683, about eleven of the clock the same day, one R. in the hearing of these informants, did declare, That he was in the Tower that morning, where it was reported that the Earl of Essex had cut his throat; but he was sure he was murdered, and that by the order of his royal highness; for the said R. then declared, That he did observe his majesty and royal highness part a little from those that attended them, and discoursed (to the best of these informants' remembrance, the said R. declared it was) in French, concerning the prisoners then in the Tower, and his highness declared, That of all the prisoners then there, the Earl of Essex ought to be taken off; but his majesty said he was resolved to spare him for what his father had suffered; up-

on which his highness seemed very angry, and a little before the death of the said earl, his highness parted a little way from his majesty, and then two men were sent into the earl's lodgings to murder him, which having done, the same two men did again return to his highness. *This the said R. declared with great earnestness and passion, and protested he thought no man was safe which was against the popish interest, if once they began thus barefaced to cut throats."*

*T.* R. proceeded farther, which you shall hear in its proper place.

*G.* How very improbable is it, that the king and duke should talk so loud concerning the Earl of Essex; as that a soldier should hear them? This seems to carry its own confutation.

*T.* If you consider it, I think there is very little, if any, improbability in this evidence; for you may observe that R. declared the king and duke stood a little way off from those who attended them, and they discoursed in French. Now there is not one common English soldier of a thousand that doth understand French, the odds was then so great that this soldier knew not what they said; therefore it's not so improbable as at first you may think it.

*G.* Can it be thought that the duke (admit he was so wicked as to be concerned in such a fact) would be so very foolish as to send the ruffians so that any people might see their mission and return?

*T.* Pray consider this murder in all its circumstances, and then tell me whether those bloody varlets had not all reason in the world to have all the security could be expected or desired; you well know that my Lord of Essex was deservedly very popular, and therefore a parliament that should have had the least information of this treacherous and bloody murder, would have prosecuted the matter with all the diligence and vigour that such a piece of barbarity deserved. Now should they, in such their inquisition, have detected those treacherous villains, these bloody men must have expected no mercy. And should the duke have employed them in his closet only, and they could not by any circumstance have given satisfaction that they were his hired journeymen, in this piece of great service, their evidence against him had not been the tenth part so credible as it would have been, could they have proved that they were sent by his highness towards the earl's lodgings just before his death, and soon after returned to his highness, before others knew that this cruel tragedy was finished. This circumstance, I say, would have so corroborated their evidence against their master, that none could in the least have doubted of the truth of their being so employed, that were once satisfied they were as before sent by, and returned to his highness. This then obliged his highness, under no less obligation than self-preservation, to screen those his faithful and ready servants from any prosecution, well knowing that his own interest (and indeed life) was wrapt up in theirs.

Wherefore I think this matter was very cunningly managed, (as to the security of these cut-throats from the hands of justice, either in their punishment or prosecution) and it could not possibly have been done with greater safety to the persons of those that did it.

*L.* What is become of this honest brave English soldier?

*T.* We have reason to believe he was taken off by way of prevention, as you will hear in its proper place.

*L.* I have heard of others that have fallen sacrifices to the damned secrecy of this villainous murder.

*T.* I shall immediately inform you of one; here is the information of two, much of the same with the former.

*G. J. B.* and his wife both declare, "That about one of the clock the very day the late Earl of Essex died in the Tower, one R. M. that morning (a soldier in the Tower)



came to these informants' house, and these informants desired the said M. to give them the best account he could how the Earl of Essex cut his own throat? to which the said M. (with much earnestness and passion) answered, that the said earl did not cut his own throat, but was barbarously murdered by two men sent for that purpose by his own highness to the earl's lodgings just before his death."

T. What M. did further declare, and what was since his fate, you will hear in its proper order.

G. These four are but hear-say witnesses.

T. It is very true; but seeing we have great reason to believe that the addition of more blood was the occasion of the removal of these two, especially the latter, (as you will hereafter find) I think such informations ought not to be slighted, for after that rate, it's but taking off such as knew any thing with relation to a murder, and you are very secure from any discovery, though never so many upon oath give an account of what those men, (whose mouths have been by bloody men stopt from giving their own relation) have declared in the matter; these two soldiers related the same as to the sending the men into my lord's lodgings in two houses, as far distant as Duke's Place and Baldwin's Gardens, and I am verily persuaded that neither H. nor G. ever spoke to B. and his wife in their lives; for neither two remember to have seen or heard of the other informants.

L. Who could imagine that two soldiers should declare with such concern and earnestness, that which was so very dangerous to be spoken, if their love to truth, and their hatred of such a treacherous and bloody murder, had not even forced it from them, to the hazard of almost their lives by such their relation?

G. No man in particular ought to suffer upon hear-say evidence.

T. 'Tis true, no man ought to suffer barely upon a hear-say evidence; but such testimony hath been used to corroborate what else may be sworn, and of itself may (in some cases) be enough to give satisfaction in the general of the truth of a matter, and no further is it here used—But the next account of these two men's being sent, as before, by his highness, shall be from the first hand—Read this.

G. Mr P. E. declareth, "That he, this informant, was in the Tower that morning the late Earl of Essex died, and about a quarter of an hour before the said earl's death was discovered, this informant observed his highness to part a little way from his majesty, and then beckoned to two gentlemen to come to him, who came accordingly; and this informant did observe his highness to send them towards the earl's lodgings, and less than a quarter of an hour after, this informant did observe these very two men to return to his highness, and as they came they smiled, and (to the best of this informant's hearing and remembrance,) said, The business is done: upon which his highness seemed very well pleased, and immediately thereupon his highness went to his majesty; soon after which, news was brought to the king that the Earl of Essex had cut his throat."

L. This is no hear-say evidence, and compared with what the two poor unfortunate soldiers, the day of my lord's death (as before) related, I think is very material, and *ad hominem*.

G. I must confess, that expression, viz. *The business is done*, looks with an ill face, especially considering the glee with which it was spoken. Vile imps of hell, that shall rejoice in having done the most treacherous murder this age or nation ever heard of!

T. You find by D. S.'s evidence, "That after they had cut my lord's throat, they were extremely overjoyed, and one of them striking the master of the house upon the back with great joy, cried, The feat was done; and he could not but laugh to think how like a fool the Earl of Essex looked when they came to cut his throat."

L. These bloody villains are the greatest fools (morally speaking) for such horrid barbarous cruelties is the highest degree of moral folly; and how like fools and rogues



will such blood-suckers look, when they come to receive the reward due to such barbarity?

G. God's judgments commonly overtake (even in this life) that heinous and crying sin of murder, for which the penalty of blood was by him expressly required, in that ancient statute, wherein it was positively enacted, that, *Whosoever sheds man's blood, by man shall his blood be shed*. I believe the law in this case will be fully executed upon all concerned, or some eminent judgments inflicted, almost, if not altogether, as bad as the penalty.

T. May no character whatsoever be excused from some remarkable punishment or other!

L. Amen.

T. You did object against what was sworn to be said by M. and R. because they, viz. B. and his wife, and H. and G. were but hear-say evidence; but I desire you to reflect upon the many such testimonies produced to prove the high-strained plot in 1683. Nay, read but the evidence of Mr Blaithwait, (clerk of the council, in 1683,) in Mr Braddon's Trial, page 22; you will there find Mr Blaithwait, being sworn on the behalf of the king, against Mr Braddon, gives an account to the court what the young Edward's sister declared to the council-board, viz. *That Braddon compelled the boy to sign it*, (the paper the young Edward signed) this you find to be only hear-say evidence, and the author (the sister) then in court, but testified no such thing; therefore this hear-say evidence ought (if any ought) to have been rejected; and yet this hear-say evidence (though not confirmed by the author then upon oath) was not only admitted, but ordered to be printed in the trial in large capital letters; how much sooner ought the evidence of B. and his wife (as to what M. declared) and of H. and G. as to R.'s account, be particularly remarked, seeing M. and R. we cannot now produce in court, (as that author was, but especially the first) being presumed to be murdered, by way of prevention, by that bloody party that murdered my lord.

L. We have a maxim in our law, *That no man shall take an advantage of his own wrong*; but the papists will totally destroy this maxim; for by the murdering of those who know their offences, they totally suppress and destroy their evidences, and then will not admit of an account, though upon oath, of what these men so murdered (by way of prevention) declared, because it's but an hear-say evidence; certainly if there be any wrong, murder is such, and of all advantages, (by that wrong) the saving one's life is the greatest.

T. Lloyd, upon his first confession, could not be positive whether Major Hawley or Monday opened the house door to the ruffians.

G. It could not be Major Hawley, for you said he declared, That he went out of his own house at five in the morning, and returned not till after my lord's death; so that between five and past nine (till after my lord's death) Major Hawley was not in his house, and therefore could not open the door to those that went in a little before nine.

L. If Major Hawley did indeed let in those ruffians, I suppose you don't think he'll own it. And therefore Hawley may deny his being at home after five, till my lord was dead, to avoid being suspected to be the man that let them in.

T. Major Hawley's denial, in this case, is as true as his other denials, of which you will hereafter hear, to prove this denial false. It is positively sworn by N. "That he saw the said Major Hawley go into his house, as my Lord Russel was carrying to the Old Bailey. Now this was not above half an hour before the murder committed; and then whereas Hawley pretends he did not go nigh his own house after five of the clock in the morning till after my lord's death, it's contradicted by the positive oath of one, who swears, That he saw Major Hawley several times, a little before my lord's death, run up through that gate which is nigh, and leads to his house; and he would immediately come in haste down to the gate, and peep on both sides, as though he

would see the way clear; and because the warder let in but one man to the Tower, Hawley came running to him in great fury, chiding him for admitting that one.

*L.* Major Hawley's denial of what is so sworn, looks as though he had not been thus careful in keeping all clear, but for some design which was to be done with as great secrecy as the time and place would admit.

*T.* You may remember that Bo. Mo. and Ru. declared, That there was a razor delivered to my lord wherewith to pare his nails; which his lordship having done, he retired into his closet, and there cuts his throat; the closet door being afterwards opened, all these three (as they depose and declare) saw the body there lie in its blood, and the razor, as before, delivered to my lord to pare his nails, lying by him.

*G.* This is in short their relation; and how can you possibly disprove it, seeing there was none with my lord but these three? and therefore how can it be contradicted by any?

*T.* I will disprove this relation in every part.

First, I will convince you, that there was no razor delivered to my lord to pare his nails.

Secondly, That my lord did not lock himself into his closet, nor was there first found locked in, as is sworn by these men. And,

Thirdly, That the razor was not lying by the body when these three first saw the body dead.

*G.* I can't imagine how (in these particulars) you can falsify their relations.

*T.* I shall prove Bomeny's relation to be false by what Russel swears, and Russel's deposition forged by what Monday declared the day my lord died.

*L.* As soon as my lord was found dead, Bomeny, Monday, and Russel, ought to have been secured.

*T.* "It was so ordered by his majesty: for as soon as news of my lord's death was brought to King Charles the Second, then in the Tower, his majesty sent my Lord Allington, Sir C——, and Thomas Howard, Esq. to my lord's lodgings, with orders, That all who were attending upon my lord at the time of his death, should be secured and examined with relation thereunto. His majesty did further order, That all things should remain (as to the body) in the same circumstances it was first found, till the coroner's inquest had seen the body. Before Sir C—— had proceeded far in the examination of any about my lord's death, a gentleman came (as from his majesty) with orders, That Sir C—— immediately should go to the Old-Bailey, (where the Right Honourable the Lord Russel was then upon his trial) and give the attorney general notice of my lord's death: But Sir C—— (by the same gentleman) desired his majesty to permit him to finish the examinations (he was then upon) before he went; but the same gentleman came the second time, and declared, his majesty had expressly ordered Sir C—— to go forthwith, and leave the examinations to such others as were there, (which Sir C—— accordingly did.) Sir C—— further saith, That he remembers not who this gentleman was, which thus twice came with orders from his majesty."

*L.* Forgot who this gentleman was! this seems somewhat strange, for within a week after my lord's death, Mr Braddon appeared publick in the search after it; and the very next week after my lord's death, he was before the council-board, and this caused the matter to be publickly discoursed; all the circumstances attending the action were used as arguments of this murder; not the least whereof was the malicious and extravagant application which the court at the Old-Bailey made against that honourable prisoner the Lord Russel, then upon his trial. Now Sir C—— having been that messenger that was sent with the news of my lord's death, immediately saw, and could not but well observe, with what industrious malice and injustice Sir George Jefferies, and the then attorney, applied that sad accident to the taking off that brave, but un-



fortunate person, whom they were then, by their strained constructions and misapplications, villainously haranguing out of his life. For this reason Sir C——— must immediately reflect upon his being the messenger of such sad tidings, and therein upon the person that brought the orders as from his majesty, for his sudden going to the Old Bailey; which reflection would have so imprinted this person in his memory, that Sir C———, was he not well known, would be thought to have had that happy faculty of retaining, or forgetting, at pleasure.

*T.* I thought no man could have forgot what he would; and that the more a man did endeavour to forget, the more fixed would the thing to be forgotten have remained in his mind. But I now find my mistake, and I will likewise learn this art of forgetfulness, which in some cases may be of use.

*G.* Gentlemen, I know this gentleman of whom you speak, and am very sorry for his forgetfulness, which I am very well satisfied is real, for I do think him a man of honour, and consequently one that would not lie, much less upon oath declare his forgetfulness of what he remembered. It's very possible Sir C. upon reflection may call to mind that gentleman who brought those orders, and then, I dare say, he will, if after that called upon, freely discover him, seeing by his silence he would likewise by perjury conceal what might be of no small use in this detection.

*L.* By this messenger we should soon know whether his majesty's name was not used without his authority, for which there is no small reason.

*T.* For my part I am well satisfied the hand of treacherous Joab was in this message, and that the king's name in this, as in other things, was used by him, who not long after is thought to have removed both name and thing from him that then possessed them. But Bomeny, Monday, and Russel, should have been immediately separated upon the first discovery; and they should have been kept apart till the jury sat; and the jury ought to have examined these men apart, and neither to have known what other had said, seeing it was very natural to suppose, if my lord fell by treacherous and violent hands, these men could not be strangers to it; and therefore by their cross examinations apart, they might the more easily be detected of falsity; for seeing these men were to give a false relation of the matter, (to hinder the discovery of the truth) their separate examinations might the more easily have detected the story, it being very difficult for three men (upon separate and cross examinations) so to agree, as to time, place, person, manner, &c. of an action as not to be detected; truth is still the same, but lies are almost infinite. Did not the jury observe this method?

*T.* No; these men were suffered to come together that morning they were examined, and, for ought I can hear, each heard what other said: Nay, which is more, after Bomeny had been upon oath examined by the coroner, and given this information following, taken in the coroner's own hand.

#### *The Information of Paul Bomeny, &c.*

Saith, "That the Earl of Essex, on the 11th instant, did speak to this informant to bring him a penknife to pare his nails, but this informant could not then get one; the Earl of Essex called to him again on Friday the 13th instant, about eight of the clock in the forenoon, did again speak to this informant to bring him a penknife to pare his nails; but this deponent telling him that he had not one, his lord commanded him to bring him a razor, which he accordingly did, and then his lordship walked up and down the room scraping his nails with it, and this informant then left him, and coming about half an hour afterwards up into the bed-chamber, found his closet-door fast, whereupon this informant knocked at the door, and called, My lord, my lord, but he not answering, pushed the door a little open, where he did see his lord lying all at length on the



ground in his blood, with the razor near him on the ground. And further deposeth, That he hath not any papers of his lord's, nor doth know where any of his papers or writings are ; and also, that on Thursday night last was very merry at supper, and did not seem to be discontented the next morning."

This information is verbatim as the coroner took it from Bomeny's own mouth.

The coroner proceeding to ask further questions, Bomeny began to hesitate extremely.

*L.* Truth to all questions had been ready at hand ; but lies were first to be forged before they could be given in answer.

*T.* You are in the right: But to proceed. Upon this hesitation, Bomeny desired he might write his own information.

*G.* I suppose the coroner and jury were not so indiscreet as to suffer this?

*T.* Indeed they did, and I am very charitably inclined to believe favourably of both coroner and jury, as to their honesty, though they themselves can't justify their indiscretion when they gave Bomeny this liberty, there being not a convenient place for to write his information where the jury were sitting, he retired into another room.

*L.* To his instructors (I suppose) that were to be assisting to him in contriving, or rather remembering him of that story which they thought might most easily deceive: Gross folly of both coroner and jury!

*T.* Their folly in this themselves condemn, but any ill design in either I believe not. When he had been about an hour wanting, he brings into the coroner and jury this following information, viz.

#### The Information of Paul Bomeny, &c.

Saith, "That when my lord came to Captain Hawley, that was the 11th of July, 1683, my Lord of Essex asked him for a penknife to pare his nails with, as he was wont to do; to which this informant answered, being come in haste, he had not brought it, but he would send for one, and accordingly sent the footman with a note for several things for my lord, among which the penknife was inserted, and the footman went and gave the bill to my lord's steward, who sent him the provision, but not the penknife, and he told the footman he would get one the next day: when the footman was come, my lord asked if the penknife was come? this informant answered, No, but he should have it the next day, and accordingly he on the 12th instant in the morning, before my Lord of Essex was up, this informant sent the footman home with a note to the steward, in which, among other things, he asked for a penknife for my lord, and when the footman was gone, about, or a little after eight o'clock, my lord sent one Mr Russel his warder to this informant, who came, and then he asked him if the penknife was come? this informant said, No, my lord, but I shall have it by and by; to which my lord said he should bring him one of his razors, it would do as well; and then this informant went and fetched one and gave it my lord, who then went to pare his nails; and then this informant went out of the room in the passage by the door, and began to talk with the warder, and a little while after he went down stairs, and soon after came the footman with the penknife, which this informant put upon his bed, and thought my lord had no more need of it, because he thought he had pared his nails; and then this informant came to my lord's chamber (about eight or nine in the forenoon on Friday the 13th instant) with a little note from the steward, where there were three lines writ; but not finding his lord in the chamber, went to the close-stool closet-door, and found it shut, and he thinking his lord was busy there, went down and staid a little and came up again, thinking his lord had been come out of the closet, and finding him

not in the chamber, he knocked at the door with his finger thrice, and said, My lord, but nobody answering, he took up the hanging and looked through the chink, and saw blood, and part of the razor, whereupon he called the warder Russel, and went down to call for help; and the said Russel pushed the door open; there they saw my Lord of Essex all along the floor without a perriwig, and all full of blood and the razor by him. And this deponent further deposeeth, That the razor now shewed unto him at the time of his examination, is the same razor which he did bring unto my lord, and did lie on the ground in the closet by my lord."

You find some of Bomeny's printed informations writ in large capital letters, and likewise some of this so writ.

*L.* I perceive it.

*T.* The first was inserted by my Lord Sunderland's order, the then secretary of state, or some under him. And the third omitted, for it was in the original, which you have just now read; and the second was interlined by the coroner after Bomeny had, as before, brought this information to him: what the coroner interlined was, as himself saith, with Bomeny's consent, and truly I think very favourably of him.

*G.* I perceive that by comparing the relation printed by authority, that next Monday after my lord's death, with what you here declare to be the original, it materially differs, for they added to it, and took from it as they pleased; so that this is (in strictness speaking) a forged information that was printed.

*L.* As in a deed or bond the adding to, or taking from either, in construction of law, is forging the whole, so in an information, once signed and sworn to, nothing can be added to it, or diminished from it, without being in law a forger of the whole.

*G.* What reason had the secretary of state to print Bomeny's information different from the original?

*T.* My Lord Sunderland, or some other confidant, perceiving Bomeny had sworn the delivery of the razor, and what thereupon happened to be of the Thursday, the day before my lord's death, which was not only contrary to his instructions, but a point-blank contradiction to his confederate Russel, it was thought convenient, either by my Lord Sunderland, or such confidant under him, that these two informations should be reconciled in the print, how contradictory soever they were in the original (which could not be seen and compared with the print by any but the coroner, in whose custody they were) and therefore on Friday the 13th instant, was to be (by way of forgery) added to Bomeny's informations, but this done (as hath been observed by an ingenious author on this occasion) without the least congruity either to sense or grammar; for nothing can be more apparent than that the foregoing part of the information relates wholly to Thursday; but at last, without any regard to what Bomeny had before sworn, on Friday the 13th instant is foisted in, contrary to all rules of grammar, and common measures of sense as well as justice, which justly esteems this printed information forged. This forged reconciliation is done with the greatest incongruity and absurdness as well as falseness imaginable; and I know not whether the folly of the suborner (for without doubt the suborner and reconciler in this case are the same, or of the same stamp) or the perjury of the suborned in this information be most conspicuous.

*G.* Sir, I now perceive what was the reason of this alteration (or rather forgery) in this information; but as you have often observed, God Almighty allots to the knave such an allay of the fool, that the fool hangs the knave up half way; and in this that observation is so notorious, that I never saw more of the fool in the knave in my life. Certainly this gentleman that villainously (in protection of the murder) thus turned reconciler, either did not understand sense himself, or else did believe none would read this information that did, &c.

*T.* Pray read these two papers.



G. J. W. painter, saith, That the very day the Earl of Essex died, he went with one (George Jones, since dead) to the Tower, to discourse Nathaniel Monday concerning the death of the said earl; and when they came to the Tower, meeting with the said Monday, he gave them this account: That as soon as the gentleman jailor had opened my lord's chamber-door, that very morning, he the said Monday (by order) went in to my lord's chamber, and tarried there, because their orders were, that one of the warders should be in his lordship's chamber, and the other at the stairs foot. And that they had this farther order, not to suffer his lordship to have a knife, or any thing like it, but whilst he used it in cutting his meat; and that being done, all knives and such like were to be taken from him; to which his lordship answered, He should take nothing ill in them in observing their orders. This informant further saith, That the said Monday did then declare, That he tarried with my lord in his chamber two hours, or better, that very morning, and that whilst he was with my lord in his chamber, he did observe his lordship pared his nails with the heel of a razor. This informant further saith, That the said Monday did further declare, Before he left his lordship, and went down stairs to stand below, he called up Russel, his fellow-warder, to stand in the chamber; and as he went down stairs he lighted his pipe and sat at the stairs foot; but before he had half smoked his pipe, he heard it cried above stairs, that my lord had cut his throat. Hereupon he, the said Monday, ran up stairs, and pushed the closet door open, and there found my lord dead. This informant further saith, That the said Monday did further declare, That when he came up stairs, he asked Mr Bomeny and Russel where they were whilst my lord was in the closet; the said Bomeny answered, he was sitting upon the bed in my lord's chamber; and the said Russel declared, he stood at my lord's chamber-door, just without the door; whereupon he, the said Monday, (as the said Monday declared) checked the said Russel for not keeping in the chamber according to order. Richard Jordan declareth, That on the day Mr Braddon was tried, (upon the account of the late Earl of Essex) this informant heard Nath. Monday declare, That the very morning the late Earl of Essex died, as soon as the gentleman jailor opened the chamber-door, which was about seven of the clock, the said Monday first stood as warder above stairs upon the said earl; and at the first opening the door, did observe the said earl have a razor in his hand, paring or scraping his nails with it; and this the said Monday declared he saw a long time before Russel stood warder above stairs upon the said earl.

T. By these two informations you may perceive what Monday declared, My lord had this razor in his hand about seven o'clock in the morning, long before Russel came up stairs to stand warder upon my lord; and that my lord pared his nails with the heel of the razor.

G. I find it as you say.

L. Monday, I perceive, tells W. the very day my lord died, that the very same morning, about seven of the clock, Monday told my lord that they (his warders) had orders not to suffer his lordship to have a knife, or any thing like it, whilst he was cutting his meat; and that being done, the knife was to be taken from his lordship. This looks as though there were some jealousies that my lord would cut his throat, for otherwise why would they not suffer him to have a knife?

T. It looks more like either a suggestion of Monday's own invention, or a lesson taught him to make others believe that there was such a suspicion; for Monday now denies it.

I desire now to compare these three men's relations as to the time of delivery of the razor; by doing which, you will have reason to believe no razor at all was delivered to his lordship. For the clearer understanding hereof, I suppose Bomeny under examination with the jury, and answering according to what he hath sworn.



☞ *Jury.* Did you deliver this razor to my lord?

*Bomeny.* Yes.

*Jury.* When did you deliver this razor to my lord?

*Bomeny.* About eight of the clock that morning my lord died.

This according to what he first swore: but he then withdraws to write his own information, which point-blank contradicts this his oath in that particular, for he is then examined, and answereth as followeth.

*Jury.* Do you remember the very time that you delivered this razor to my lord?

*Bomeny.* Yes.

*Jury.* When did you deliver this razor to my lord?

☞ *Bomeny.* About eight of the clock on Thursday morning, being the day before my lord's death.

This, as you observe, he swears in the information himself writ, and brought to the coroner.

*T.* Bomeny then to withdraw, and let Russel answer to this particular.

*Jury.* Mr Russel, do you know when this razor was delivered to my lord?

*Russel.* Very well, for I saw it delivered to my lord by Bomeny.

*Jury.* When did you see this razor delivered?

☞ *Russel.* Less than a quarter of an hour before we found my lord dead. I stood warder at my lord's door; and I heard his lordship ask for his penknife to pare his nails; and Bomeny said, it was not brought; upon which my lord required a razor, saying, it would do as well; and I saw Bomeny give my lord the razor, it being then about nine o'clock.

*Jury.* Who first stood as warder at my lord's chamber-door, or in my lord's chamber, yesterday morning, before my lord died; was it you or Monday?

*Russel.* Monday, upon my lord's chamber-door being opened, first stood at the door; and after he had been there as long as we use to stand, he called me up, and then went down and stood at the stairs foot, at the house door, where I did before stand.

*Jury.* Then this razor you saw delivered to my lord, after Monday went down stairs, and whilst you stood as warder at my lord's door?

*Russel.* It's very true, for I am sure I stood by Bomeny when he delivered the razor, and saw it delivered to my lord.

*Jury.* What distance of time do you say there might be from the time this razor was delivered to the time of my lord's death?

*Russel.* I am sure it could not be half an hour from the time of the delivery of the razor to the time we found my lord dead in the closet.

*T.* Russel withdraws, and Monday is examined.

*Jury.* Mr Monday, did you see my lord have any razor in his hand yesterday morning before his death?

*Monday.* Yes, I did.

*Jury.* What time was it when you saw my lord have the razor in his hand?

*Monday.* About seven of the clock, as soon as the gentleman jailor opened my lord's chamber-door; for I first stood warder above stairs, and as soon as the door was opened, I saw my lord have the razor in his hand, and observed him to pare his nails with it.

*Jury.* Was this before Russel came up to my lord's chamber-door to stand warder there?

*Monday.* Yes, almost two hours.

☞ *T.* This is according to their own informations and relations. Now can you believe that this razor was delivered by Bomeny at eight of the clock Thursday morning, according to his second oath, and yet not delivered till eight of the clock Friday morn-

ing, according to Bomeny's first oath? And can you also believe that the razor was not delivered till about nine of the clock Friday morning, according to Russel's information, and at the same time give credit to Monday, who declared my lord had the razor by seven of the clock, two hours before Russel came up to stand warder at my lord's chamber-door?

*L.* These three are of equal credit, and consequently you have as much reason to believe Bomeny as Russel, and Monday deserves equal credit with either of the former; but all can't be credited; neither can Bomeny's contradictions be reconciled, or can one of these be thought true, without giving the lie to the other two; therefore, upon the whole matter, you can't reasonably believe there was any razor at all delivered.

*G.* I find all three in the main agree, that my lord had a razor delivered him to pare his nails, and their contradiction is only in point of time.

*T.* 'Tis true, it's a circumstantial contradiction in point of time, and the contradiction of the two elders in the history of Susanna was a circumstantial contradiction in point of place; for the first swore they took Susanna in adultery under a mastick tree, and the second under an holm tree: Both these agree in the main (as you call it) viz. that they found her in adultery; but by this contradiction as to the place where, Daniel convinced all then present that these two elders were perjured in their evidence (and consequently Susanna innocent of her charge,) and thereupon these two accusers justly suffered, what by perjury they would have unjustly caused to be inflicted upon the innocent. Did you ever hear any deny Daniel's wisdom in this detection, or arraign his justice in the punishment those two false accusers thereupon suffered?

*G.* I must confess, these contradictions look as though neither was true, for truth would have been the same to all.

*T.* Besides, you find all three agree in this, that my lord pared his nails with the razor, which appears to be false by this information, which I desire you to read.

*G.* John Kettlebeater, one of the jury upon the late Earl of Essex, sweareth, That the nails on the fingers and feet of the said earl were very long, and not scraped or pared as he could discern.

*L.* Being proved perjured in one part, believed in nothing.

*T.* Whereas it was sworn and declared by all, that my lord's body was locked into the closet, I will now suppose that Bomeny, Russel, and Monday, were to answer as to the opening this door, according to their former informations, and you will find their contradictions as to this as gross as the former.

Bomeny first appears.

*Jury.* Mr Bomeny, was my lord's body locked into the closet when he was first found dead?

*Bomeny.* Yes.

*Jury.* Who opened the door?

*Bomeny.* When I had knocked at the closet-door, my lord not answering, I did open the door, and there saw my lord lying along in his blood, and the razor by him, and I then called the warders.

This according to the first information, taken (as before) by the coroner.

About an hour after this the jury do again examine him as to this point, and he answering according to the information, which (as before) he writ in the room next the jury, and then you will find it as followeth.

*Jury.* Mr Bomeny, did you first open the closet-door upon my lord's body?

*Bomeny.* No, I did not, but Russel did; for after I had knocked at the door thrice, calling, My lord, my lord not answering, I took up the hangings, and peeping through a chink, I saw blood and part of the razor; whereupon I called the warder Russel—and the said Russel pushed the door open.



*T.* At Mr Braddon's trial, Bomeny being asked who did first open the door, upon oath answered, He knew not who opened the door.

*L.* Here Bomeny is twice against himself; first he swears that he himself opened this door before he called either of the warders; secondly, swears that he did not first open the door, but Russel pushed it open; and thirdly, deposed, that he knew not who opened the door.

*T.* I desire the other two, viz. Russel and Monday, may in this particular answer, and then compare them altogether.

*Jury.* Mr Russel, did you find the closet-door locked upon my lord's body?

*Russel.* Yes.

*Jury.* Who first opened this closet-door?

*Russel.* When Bomeny saw my lord's body through the chink, he cried out my lord was fallen down sick, whereupon I went to the closet-door and opened it, the key being on the outside.

*T.* Here Russel makes no difficulty in opening the door; but observe Monday's answer. Russel withdraws and Monday is called.

*Jury.* Mr Monday, where were you when my lord was first found dead?

*Monday.* I was standing at the foot of my lord's stairs, and hearing a great noise of my lord's death, I ran up stairs, and found Bomeny and Russel endeavouring to open the door, but the body being so close and strong against the door, neither could.

*Jury.* Who then opened the door?

*Monday.* I being much stronger than either of these two, put my shoulders against the door, and pushing with all my might, I broke it open.

*L.* Upon the whole matter, I find, first, Bomeny opened the door before he called either of the warders, according to Bomeny's first information taken (as before) by the coroner; and, secondly, that he did not open the door, for Russel opened it, according to Bomeny's second information (which himself writ) and Russel's deposition; and, thirdly, that neither Bomeny nor Russel could open the door, because the body lay so close against it, and so Monday broke it open: This according to Monday's account of the matter.

*T.* Which of these three do you believe?

*G.* Their contradictions being such, I can believe neither, but conclude this is a contrived story throughout, and yet so ill laid together, as I never saw a worse made story in all my life.

*L.* So gross contradictions in so short a relation I never yet met with.

*G.* 'Tis very much they should so thwart each other had they agreed upon a story; and yet it's more improbable they should so differ, had they designed to reveal the truth; for the true relation of a fact is still the same, whereas false relations are almost infinite; but these three are the greatest fools I ever heard of, in not laying their story better together.

*T.* I have often heard a very ingenious gentleman say, that God, in mercy to mankind, allotted such an allay of the fool to every knave, that the fool hangs the knave up half way.

*L.* It's indeed a mercy that the knave and the fool go together; for were it not for the latter the former would do much more mischief.

*G.* It was a common saying of Sir H. B. that no man was known to be a knave but he that was a fool.

*T.* If you don't believe the closet-door was locked upon my lord, you can't believe this was sworn for any other end but to stifle the truth, and consequently to hinder the true discovery of the manner of my lord's death.

*G.* As I can't believe their relations true, so neither can I comprehend to what end



they should invent this story of the closet door's being locked upon my lord, seeing my lord might as well have been said to have cut his throat without locking the closet. What service could they propose by this part of their story of the closet-doors being locked upon the body?

T. The use they afterwards made of this, was the end they proposed by this their invention; they strongly argued to the truth of my lord's self-murder from this very circumstance; for they say, "Can it be thought possible that my lord should be murdered by others, when it was impossible that any should do it in the closet and come out of it, leaving the body so close against the door, which opened inward, and there was no other way but the door out of which they could come?" Had this relation therefore been true, it would have been as strong an argument of my lord's being a self-murderer, as the contrary (appearing by the many and gross contradictions before observed) is of his being treacherously murdered by others. But as a further argument of the closet-door's not being locked, I desire you to observe the closet, and how the body was first seen by such as were some of the first that went up into my lord's chamber after my lord's death was known. At the beginning of this book is the room and closet drawn, and how the body was first found; by this you may perceive how my lord's legs were lying on the threshold of the closet-door, and you find the closet-door could not (whilst the body lay thus, and it was not then pretended to be moved) be locked; this appears by what William Turner and Samuel Peck declare, as they have deposed before the lords.

Before any that came from the king saw the body

William Turner and Samuel Peck declare, That these two informants were servants to the late Earl of Essex at the time of his death, and, bringing in some provisions into the Tower just upon the first discovery of my lord's death, of which as soon as they heard, these informants ran up stairs, and found my lord's legs lying upon the threshold of the closet-door.

G. I am now satisfied how they proposed to argue from it on their own side; but the edge of the argument (through their disagreement and contradictions in their evidence) hath been turned against them, and wounded them to the quick.

T. In the third and last place, I shall disprove that part of these three men's relations, which saith that the razor was locked into my lord's closet when he was first found dead. Those three have all deposed, or often declared, that the razor was found by my lord's body, locked into the closet, and all three denied that there was any bloody razor thrown out of my lord's chamber-window just before my lord's death was first discovered to those out of the house.

L. If the bloody razor was thrown out of the window before my lord's death was discovered, then it's most certain it could not be found locked in (with the body) in the closet upon the first discovery, as by these treacherous varlets is deposed.

Pray read these papers.

G. William Edwards, aged about eighteen years, declareth, "That being in the Tower that morning the late Earl of Essex died, and just before the discovery of his death, viz. about nine of the clock the same morning, as this informant was standing almost over against the Earl of Essex his chamber-window, he saw a bloody razor thrown out of the said earl's chamber-window, and fell just without the pales that stood before the door, which this informant was going to take up; but just as this informant came to take up the razor (which this informant found very bloody) there came a maid out of Major Hawley's house and took up the razor, and then ran in with it into Major Hawley's house immediately after discovering my lord's death."

Thomas Edwards, father to the said William Edwards, Sarah Edwards, and Ann Edwards, and Elizabeth Edwards, all declare, and are ready to depose, That the said Wil-

liam Edwards, the very morning of my lord's death, when he came home, did give the same account in substance to these informants.

G. Was not this William Edwards sworn at Mr Braddon's trial?

T. Yes.

G. If I mistake not, he did there upon oath deny it.

T. 'Tis very true.

G. How then can there be any credit given to what one swears in contradiction to what he hath before deposed, when upon oath he declared he saw no such razor, but it was a story that he invented to excuse his truanting?

T. I desire that you will consider when this story was first told by the boy, (viz.) about ten of the clock that morning my lord died. Now it was not then known it would be sworn that this razor lay by my lord's body, licked into the closet when the body was first found, as did appear the Monday after, when the coroner's inquisition and Bomeny's deposition were printed; and therefore there could not be any use made of this story, when first told, against the truth of my lord's (pretended) self-murder, for that was possible to be true, what was suggested in answer to this by a certain gentleman, who, as soon as he saw what Edwards declared, asked, What use could be made of it, and how this did appear to argue that my lord was murdered? for he further said, That it might be when Bomeny came and found that razor, which he had before delivered to my lord, proved the instrument of his death, he took it up, and with great indignation threw the razor out of the window, as we many times throw away what we have hurt ourselves with. To this it was answered, It appeared sworn before the coroner, that as soon as Bomeny saw my lord and part of the razor through a chink of the closet-door, he called out to Russel, that my lord was fallen down sick; so that there was a noise of this in the room before ever the closet-door was opened, and consequently before Bomeny could have any opportunity to take up the razor: Whereas it here appeared, by what Edwards said, that all things were very quiet in the house till the maid had taken up the razor, and the maid first discovered my lord's death; upon this the gentleman urged this no further, but what he herein declared was so ready at hand, as though he had before heard of the razor's being thrown out, and thought this the best salve for it. As for the pretence, that this lie was invented to excuse his truanting, this is very ridiculous; this boy, in very great earnestness, as soon as he returned from the Tower, told his mother and sisters, that the Earl of Essex had cut his throat, and thrown the razor out of the window; this argued his simplicity.

Now the material part of the story was then (generally believed to be) true, (viz.) that the earl had cut his throat, and that he should add the throwing out of the razor, when (as before observed) there could be no use thereof made towards the proof of my lord's murder, is such a suggestion as can't be supposed.

But as a clearer answer to this, I will now tell you how the boy came first to deny that he saw the razor thrown out; and, secondly, what made him forswear it.

As for the first; what occasioned the boy's first denial. When Mr Braddon went first to Mr Edwards' house, (which was Tuesday morning next after the earl's death) he asked Mr Edwards, whether his son had seen a bloody razor thrown out of my lord's chamber window, just before the discovery of my lord's death? Mr Edwards at first was surprised with the question, and wept, saying, He was undone if he should be turned out of his place in the custom-house; but being pressed to speak according to the truth, he did declare what you have before heard; the like did the mother and two of the sisters. Upon this Mr Braddon desired to see the boy, (for before this Mr Braddon never saw Mr Edwards or his son, or any of his family to his knowledge;) the father answered, He was gone to school; but if Mr Braddon would come in the afternoon, the



boy should be kept at home, and he might then discourse him, which Mr Braddon promised to do.

And accordingly about two of the clock in the afternoon went. When he came to Mr Edwards, he was told by the mother and sisters, that the boy had denied he ever saw any razor thrown out. Upon which Mr Braddon enquired, whether the boy had ever denied it before he (the said Mr Braddon) had been there that morning? To which it was answered, He had not. Whereupon Mr Braddon did further enquire, whether the boy voluntarily denied it, or what made him do it? Upon which the mother declared, That his eldest sister, (being afraid of the consequence of this story) as soon as the boy that day came from the school, ran to him in great fury, and in a threatening manner told him, that several people would be hanged for what he had said, and that he himself might be hanged likewise. Upon which the child came running to her, and cried out, The king would hang him; and immediately thereupon denied what he had before declared, and so often repeated, without any the least contradiction.

Hereupon Mr Braddon desired the boy might come into the parlour, where, before his relations and others present, he might discourse the boy. At first the child could not be persuaded, being afraid; but at last came into the room, where Mr Braddon, before six or seven then present, (none of which before that day he had, to his knowledge, ever seen,) before ever he did ask the boy whether what he had as before declared were true or false, spoke to the child to this effect, (viz.) *Mr Braddon*. Can you read? *William Edwards*. Yes. *Mr Braddon*. Did you ever read the 5th chapter of the Acts of the Apostles? *William Edwards*. Yes. Don't you there find that there were two struck dead upon the place for telling a lie. *W. Edwards*. Yes. *Mr Braddon*. God is still the same God of truth, and a God of the same power likewise; and he, knowing all things, knows better than you yourself whether what you declared were true or false. Wherefore, if it be indeed a lie, (notwithstanding you have so often declared it to be true,) now deny it, and never more own it, lest for your saying that which is false God execute the same judgment upon you, and immediately strike you dead: But if it be true, be neither afraid or ashamed to own it. Immediately hereupon the boy confessed it was true, and then declared as before related. Being asked what made him deny it; he answered, His elder sister threatened him, and said the king would hang him; which the sister then likewise confessed.

You have here a large account how this boy came first to deny it, and what was the reason thereof; and likewise upon what arguments he retracted his denial, and stood to his first confession; all which will be fully proved by many witnesses, when the matter comes under a judicial determination.

*G*. I am herein satisfied. But how came it to pass that the boy forswore it at Mr Braddon's trial?

*T*. That is the second thing to be answered. This boy was subpoenaed on the behalf of the king, as well as by Mr Braddon. And as William Edwards was going into Westminster-Hall, that morning Mr Braddon was tried, and before he was sworn, Major Hawley (at whose house my lord died) meets him, and in a threatening manner told him, "That if he had the management of him he would have him whipped once a fortnight, on Monday morning, for seven years together, for what he had said." This child not being then above thirteen years of age, was extremely frightened with this threat; and being so very young, was more sensible of the pain of such a punishment, than of the sacred obligation of an oath, and denied what was true to avoid what he feared he might otherwise have suffered.

*L*. It's very natural to suppose a child of his age might be frightened into a false oath, being of such years, as he can't well be supposed to have that notion of an oath which people of riper years may and ought to have. But this argues Major Hawley to be a very ill man thus to threaten the boy out of his evidence.



G. I have heard that this Major Hawley is a very honest man; sure he was ever heretofore esteemed very loyal.

T. I have reason to believe that his old loyalty, and somewhat else, hath run him into such service as argues him not of that character some would have him thought; and of my opinion you will be when you have heard what is said against him in this case.

But as a farther argument of this razor's being thrown out of my lord's chamber-window, pray read this information.

G. J. L. aged about eighteen years, declareth, "That as she was standing upon the ground almost over against the Earl of Essex's lodgings, that morning the earl died, and a little before the discovery of his death, she saw a bloody razor thrown out of my lord's chamber window, and just before the razor was thrown out she heard two shrieks."

T. That this girl discovered this to her aunt the very morning my lord died, proved by Mrs G. and others are ready to attest the same. At Mr Braddon's trial, the girl's aunt, and one Mr G. then a lodger in her aunt's house, deposed the same.

L. You have here three witnesses sworn, that this child related this story to her aunt as soon as she came from the Tower: Do you doubt the truth of what these three persons have sworn?

G. I am very well satisfied these three depose the truth; but it may be this boy might tell the girl what he saw, and so it is but one evidence.

T. It will be proved, as far as a negative can be proved, that this boy and girl never spoke to each other till some time after the earl's death; and the relations of the boy and girl were altogether strangers to each other, having never (to their remembrance) heard or seen one another, which might be well supposed, for their habitation was some distance from each other; Mr Edwards and his son and family living in Mark Lane, the girl and her relations at St Katharines: besides, you may observe the girl stood upon the high ground over against the earl's chamber window, and the boy in the lower ground; where the girl stood she (being but short) could hardly see the ground where the razor fell; but she declared she saw the maid in the white hood come there-upon out of Major Hawley's house: which description agreed exactly with that description the boy gave of the maid.

L. Their evidence thus agreeing, can't well be doubted.

G. I have been informed this maid is now reputed of a loose character.

T. Admit it true, she could not be so thought when she was but just past twelve years of age, and it was then she first declared it, and six years since and more swore it; therefore her now character can't in common reason prejudice her then testimony given in her innocent childhood, and her now testimony is but a repetition of her former oath. Besides, had this fact been told by persons of never so great infamy (that did appear to be altogether strangers to each other) their agreement in their relations had given credit to their testimony, being first reported when (as is before observed) there could be no end proposed by telling this lie, seeing, when it was first declared, it appeared not in the least inconsistent with the (pretended) truth of my lord's self-murder, because this razor after the discovery, out of indignation, might have been thrown out of the window by some attending on my lord. Now had this been sworn the next day after my lord's death, which, at the time it was first told by this boy and girl, could not appear otherwise, then this story of the razor's being thrown out of my lord's chamber window had fallen to the ground, and no way useful to prove the murder; but this I have already more at large insisted upon.

L. It's an old and true proverb, Children and fools tell truth; the reason of this saying is, because children and fools, not being capable of that invention which such as are of

years and understanding may be supposed to have, speak without design the naked truth of the fact.

T. A farther argument of the truth of this, is the relation of R. and M. (the two soldiers before mentioned) both which, the very day of my lord's death, declared in this particular the same with the boy and girl, as appears by these informations following. Pray read them.

G. E. G. and S. H. further declare, "That about eleven of the clock, the very day my lord died, the aforesaid R. did further say, That my lord was murdered; but before his death was discovered to any out of the house, there was a bloody razor thrown out of my lord's chamber-window, and that a maid took it up, and carried it into my lord's lodgings."

J. B. and his wife do both further declare, "That the aforesaid R. M. the very day of my lord's death, did further say, That after my lord's murder, and before his death was known, there was a bloody razor thrown out of my lord's chamber window, which a little boy endeavoured to take up, but there came a maid out of Capt. Hawley's house and took it up, and run with it into Capt. Hawley's house, and then the maid was the first that discovered my lord's death."

L. These two witnesses agree with the boy, not only in the main (as you call it) but in several circumstances of the story, with the boy's relation: First, in the main, that there was a bloody razor thrown out of my lord's chamber-window before his death was known; secondly, Meake agrees with the boy, that the boy did endeavour to take up this razor, but was prevented by the maid, who forthwith carried it into Major Hawley's house; and, thirdly, that this maid was the first discovered my lord's death.

G. I must confess their agreement in their relations gives great credit to the truth of their testimony.

L. Was it ever yet known, that four persons, some very young, and others of riper years, and all strangers to one another, should give the same account of a fact in all its circumstances, and the fact not true?

T. For the farther confirmation of this truth, I shall prove (by three witnesses more) it was a general report in the Tower that morning my lord died, that the razor was (as before related) thrown out of my lord's chamber-window. Pray read these three papers.

G. I. S. declareth, "That this informant was a soldier in the Tower that very morning the late Earl of Essex died in the Tower; and about eight of the clock in the same morning, this informant was sent as one of the guards upon the honourable Lord Russel to the Old Bailey; and as this informant was returning to the Tower, (with several of this guard,) one in great haste from the Tower met him, and said the Earl of Essex had cut his throat, and thrown the razor out of the window. Upon which it was answered, The Earl of Essex had great courage, first to cut his throat, and then to throw the razor out of the window."

This informant further saith, "That after he came into the Tower, that very morning he heard it declared by several that there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known."

R. G. declareth, "That he was a soldier in the Tower that very morning the late Earl of Essex died, and after the earl's death, this informant heard it discoursed (that very morning) in the Tower, that there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known; and it was further said, That the razor was much broken and notched, which some then attributed to the fall out of the window, but others said it might be against the neck-bone."

L. Against the neck-bone! That's a pretty business indeed, that my lord should so



hack the neck-bone, as to break the razor, according to the description you have before given us of the razor.

*T.* So ridiculous as you make this, it was the very same that the surgeon the next day said to the jury, as you will anon find.

*L.* A surgeon, either knave or fool; a knave if he told them what he did not himself believe, and nevertheless endeavoured (when upon his oath to speak the truth) to impose upon the jury; and a fool if he did believe it: But pray read the third information.

*G. R. B.* declareth, "That he, this informant, was in the Tower that very morning the late Earl of Essex died; and immediately, upon the first discovery of my lord's death, this informant went to Major Hawley's, (where my lord then lay) and by the door of the said Major Hawley's house, this informant heard several then and there declare, That there was a bloody razor thrown out of my lord's chamber-window before my lord's death was known, some then and there asserting that they saw the razor so thrown out."

*L.* Who now can doubt this truth thus attested and confirmed?

*T.* But to put the matter beyond all colour of contradiction or doubt, read the farther testimony of Mr S. S.

*G. S. S.* farther saith, "That the very day Major Webster and Lloyd were taken up, viz. the 21st of January last, as suspected concerned in the death of the late Earl of Essex, this informant was in the Goat-ale-house in the Minories, where the said Webster and Lloyd were then in the constable's custody, and this informant did then and there hear the said Webster declare, That he did nothing (with relation to my lord) but pull off his cravat, and took the razor up from the floor and threw it out of the window; upon which this informant asked the said Webster, What hurt the razor had done him, that he should throw it out of the window? to which the said Webster replied, That when he did it, he was under such a consternation as he knew not what he did. This informant farther saith, That upon this confession of the said Major Webster, Lloyd the sentinel, then sitting by this informant, did declare, That it was indeed true that the razor was thrown out, for it was thrown out of my lord's chamber-window, just over the said Lloyd's head, and the razor fell just without the pales. The said Lloyd did further say, That he did observe a little boy and the maid of the house to struggle for the razor; but the maid took it, and ran in with it into Major Hawley's house, soon after crying out, My Lord of Essex had cut his throat; and the said Lloyd declared, the said maid was the first discovered to him my lord's death."

*T.* As a confirmation of this, viz. that this maid was the first that discovered to the sentinel my lord's death, read this information.

*G. J. N.* declareth, "That he, this informant, went into the Tower that very morning the late Earl of Essex died; and just before the knowledge of my lord's death, this informant went to the sentinel that then stood at my lord's lodgings, and asked the said sentinel, how the Earl of Essex did? to which the said sentinel answered, Very well"—

*T.* Observe, the sentinel at this time pretended my lord was very well, and confessed not any knowledge of his death. But proceed.

*G.* "—Just as this informant had asked this question, and been thus answered, he did observe a maid run in great haste into Major Hawley's house; and as the maid was come to the stair-foot, and going up stairs, he did observe a tall black man, a warder, and another gentleman, come down stairs from my lord's chamber-wards, and neither of these two spoke one word of my lord's death, as this informant heard, who stood about six foot from the door; but the maid ran up in great haste, and immediately, in as great, came running down stairs wringing her hands, and crying out, My Lord of Essex had cut his throat, which discovery was the first this informant heard of my



lord's death, who stood (as before) very nigh Major Hawley's house. And this informant did observe the said maid to have a razor in her hand, either as she ran up stairs, or as she came running down as aforesaid.

*L.* I wish we could but know who this warder and another gentleman was that came down stairs as the maid ran up, for they could not be ignorant of what was done.

*T.* By description it must be Monday, for there was but two warders in the house at that time; and this description agrees not with the other; as for the other gentleman a short time may discover him.

*G.* This confession of Lloyd, as to the boy's endeavouring to take up the razor, but the maid's taking it up, and carrying it into the house, immediately upon which my lord's death was discovered, I find agrees with the boy's relation, and with what M. and R. declared the very day my lord died.

*L.* If you will not be convinced of the truth of a fact, attested by such positive and circumstantial relations, (agreeing in their several accounts, as to the material circumstances of the fact, as was before observed) and confirmed by two of the persons accused; the last whereof, in his relation, gave the same representation of the fact as was before related by so many; I say, if such evidence as this will not convince you in this particular, it argues you are under an invincible prejudice, which moral testimonies will not remove.

*G.* I can't but acknowledge myself in this particular satisfied as to the truth of this razor being so thrown out, as before deposed; but I am altogether to seek of the reason of this action, what should make these ruffians to throw it out.

*L.* You have the reason Webster himself assigned for doing it; for he was asked, What made him throw it out? he answered, He was under such a consternation that he knew not what he did.

*T.* You did before observe the situation of the room and closet, and how the chamber-window (out of which the razor was thrown) was about 17 foot distant from the closet where the body lay; therefore it's very probable, after this bloody ruffian had murdered my lord, and blooded the razor as the pretended instrument of his death, they having not finished the whole scene, and laid the razor by the body, as was intended; but this Webster, who threw it out, standing not far from the chamber-window, with the bloody razor in his hand, was surprised when a person came up stairs, (of whose coming he was not aware,) and under this consternation (as is natural to a surprise in such horrid villainies) threw the razor out of the window, but discovered nothing of my lord's death; and then the maid (who, it's possible, was the occasion of this surprise) went out and took it up; and as soon as she returned into the house discovered my lord's death, as you have before at large heard related.

*G.* This seems to be probable enough.

*L.* It may shortly prove more than probable.

*G.* What is become of this maid that carried up the razor?

*T.* She is under bail.

*G.* Dost she deny it?

*T.* Yes, and saith she went out of her master's house almost half an hour before my lord's death was known, and returned not until my lord's death was public, and several people in the house to see my lord: For she tells this story, "That about half an hour before my lord's death was known, my lord's footman came to her, and told her, the warder would not open the wicket to let in my lord's provisions that were brought; and therefore begged her to go to her master, (Mr Hawley, the gentleman-porter) to desire him to go to the warder that kept the gate, and order him to let in the provisions."

*L.* It's much the footman himself could not go to Major Hawley, for certainly the major (well knowing whose footman he was) would soon go and give orders to let in

the provisions upon the footman's request as his maid's, unless the maid had some collateral consideration (besides that of a servant) which might influence her master.

*T.* There was no need of eithers going, as you will immediately hear. Upon this she declares, "She did accordingly go to her master, who thereupon ordered the warder to let in my lord's provisions; and as they, viz. my lord's footman, Will. Turner, and one Sam. Peck, and a porter, were bringing the provisions, a sentinel told them they were come too late; upon which this maid declares she was surprised, and asked Will. Turner what should be the meaning of that expression, *You are come too late*, for she did not understand it; whereto Turner answered, that he did suppose the sentinel believed those provisions to be my Lord Russel's, who being gone to his trial, this soldier might think he would never return again to the Tower, and so the provisions were brought too late: This (she declares) she then believed (but as soon as they came in sight of her master's house, they admired to see so great a crowd about the door, but were soon too well satisfied in the occasion, for it was just before discovered that my Lord of Essex had cut his throat."

*G.* This looks as a made story; for can it be thought that the warder would not let in my lord's provisions?

*T.* It is indeed a forged lie throughout; for William Turner, Samuel Peck, and the porter, do all three declare, that the maid was not with them whilst they were bringing in the provisions, neither did the warder that kept the gate in the least scruple the letting in my lord's provisions; this they all say they are ready to depose.

*G.* Then this maid is a confederate, for otherwise she would speak the truth.

*T.* Surely she that endeavours by such a false villainous invention to evade the truth, becomes consenting to my lord's murder, and at the last day shall answer it.

*L.* Nay, she may answer it before, if it be once plainly made appear that she did carry up the razor, and was the first that discovered my lord's death; for by what she then saw, and hath since heard sworn by those who attended on my lord, she could not but be well-satisfied my lord was murdered, and endeavouring thus to stifle it by her false evasions—

*T.* To which, she saith, she did swear before the secretary of state.

*L.* That adds perjury to the first guilt. Without doubt, her endeavouring by perjury to conceal and stifle the most perfidious and barbarous murder our nation ever knew shall render her culpable in no small degree.

*T.* Just as the maid cried out, My lord had cut his throat, one Mr B. (then an ensign) ran into the house, and was the first man in my lord's chamber, after my lord's death was known, the blood then seeming almost reeking hot; this Mr B. declared, That as he ran in he did observe this maid (whose name he knew to be Alice) standing at her master's door wringing her hands and crying; and N. (who saw the maid run into her master's house and up stairs, and then heard her cry out, Murder, and likewise in her hand the razor) declares, that was the very maid which stood at the door when Mr B. went into the house.

*L.* By all circumstances this must be the maid; for had not this wench been some way concerned, she would never have invented this lie; for innocence flies not, nor needs a lie for its defence, but is always supported by truth; and innocence itself becomes justly suspected for guilt when it makes use of a false defence; the law and the natural reason of the thing presuming that every one will use the best, and consequently the truest defence in protection of his innocence. Pray proceed.

*T.* The circumstances of the razor in the top's being so broken, and the many other notches, as before appears by the razor, are natural self-evidence of the truth of the razor's being thrown out of the window; for my lord in cutting his throat could not so do it, notwithstanding an old chirurgeon to the jury declared otherwise; for the jury asking him, Whether my lord, in cutting his own throat, could so break and notch the



razor? the chirurgion answered, That it was possible for my lord to do it against his neck-bone, occasioned by the tremefaction of my lord's hand when the razor came to the neck-bone.

*L.* Certainly there was a tremefaction in the chirurgion's understanding or honesty, when upon oath he gave this answer, for I do suppose he was sworn.

*T.* He was so.——As a further argument against my lord's cutting his throat in the closet, the circumstances of the closet (as found when my lord was first found dead) appear in evidence. You may observe the closet is but three foot and one inch wide, and seven foot long in one side, and about five foot long in the other; now it's declared by those attending on my lord, that there was no blood against the wall a foot higher than the floor, nor any upon the close-stool, or any of the shelves of the closet; whereas had my lord cut his throat standing on the closet, the blood would have immediately gushed out of so large an orifice five foot at least, wherefore that part of the wall over against his throat must have been very bloody; but in this case there was none at all, and therefore it could not be done standing; neither did his lordship do it kneeling, for there was no blood as high as his throat, as in that posture would have then been; and that his lordship did it not lying along, appears from the position of the razor; for the wound beginning on the left side and ending on the right, the razor must have been on the right side of the body, whereas it lay about fourteen inches or more from the left.

*G.* All these self-evidences might have appeared to the jury upon their view; and it's very much they did not observe them.

*T.* What the jury did, and how they were managed, you shall soon hear. But I shall,

First, Take notice of the many irregularities with respect to the management of my lord's body, the chamber and closet after my lord's death.

Secondly, The false and malicious suggestions by Major Hawley to the jury, to hinder the discovery of the truth, and to influence them to the belief of my lord's self-murder: And,

Thirdly, The oppressions, threats, and severities, since used, to avoid a detection of this unparalleled bloody treachery.

First, The irregularities with relation to the body, room, and closet, after my lord's death, these were such as prevented the jury from making those observations you say were natural for them to observe; for the body was stripped and washed, and the clothes carried away, and likewise the chamber and the closet washed, before ever the jury saw the body; and when the jury the next day saw the body, my lord lay stripped and washed in the chamber, and covered with a sheet.

*L.* This was very irregular, and contrary to all practices, when a body is found dead, especially under the suspicion of self-murder, I say, under a bare suspicion; for seeing none could be examined in the matter to give any account how my lord became dead, but those immediately attending on my lord, and such being strongly to be suspected as privy to the murder, (if my lord were by others treacherously taken off) the body, and all things with relation to it, should have remained under the circumstances first found in, and the persons thus attending on my lord secured apart, in order to their examination; so that they might not instruct each other, and agree in a feigned story to avoid the discovery of their most perfidious villainy.

*T.* This had been indeed natural, and according to King Charles the Second's express order; but, contrary to both, the matter was managed according as you have heard declared.

The next day after my lord's death the jury met, and viewed the body at Major Hawley's house, under the circumstances before related, and then the jury were adjourned to a victualling house in the Tower to consider of their inquisition. When the



jury had the matter thus under examination, Mr Fisher (one of the jury) demanded a sight of the clothes; upon which the coroner was called into the next room, and returning in some heat, said, It was the body, and not the clothes, they were to sit upon; the body was there, and that was sufficient.

*L.* Who was it that called the coroner into the next room? and to whom did he there go? for it's probable this was what these gentlemen, (whoever they were) then in the next room, would not have enquired into so strictly; I desire to know their names.

*T.* The coroner protests he hath forgot who called him, or to whom he there went.

*L.* Forgot! I must confess I have heard of the art of memory, but never of the art of forgetfulness: as none are so deaf as those that will not hear, so none so forgetful as those that will not remember.

*T.* You are very sharp upon the coroner, of whom I have a more charitable opinion.

*L.* Your charity ought not to blind your judgment; can you believe this gentleman forgets what he hath had all the reason imaginable to remember? for seeing my lord's death was so soon after his death questioned, this must naturally put the coroner upon reflecting on what passed, which might argue either for or against the murder. I am sure these reflections would have naturally brought to, and imprinted in his mind this particular passage; but, peradventure, should the coroner true answer make to this point, and confess that such gentlemen in the next room advised him to check the jury for their too great inquisitiveness, this would have looked like making himself an accessory (*in foro conscientie* at least) after the fact; and therefore self-preservation makes him forget what otherwise he might well remember.

*T.* I must confess you have some reason on your side; but seeing the coroner is fair in his answers to other questions, and hath (by his ingenuity in discovering what we could not have otherwise known) been assisting to a detection, I do from such his fairness and readiness argue for his innocence.

*L.* He is fair, I find, in his answers to such questions as touch not himself, but when self lies at stake, he prevaricates.

*G.* It's very probable he may at present forget what hereafter may come into his mind; and I dare say he will be ingenuous in what he knows when his memory serves, for I have heard a very fair character of the gentleman.

*L.* When his memory doth serve (as you call it) I shall believe his forgetfulness to be real, but till then, pardon me if I think otherwise.

*G.* In the mean-time forbear your censures.

*T.* From what circumstances of the clothes could the jury have had any sight into the matter?

*T.* Had the body lain in its first posture, the jury would have seen the print of a bloody foot on my lord's stocking, coming out of the closet, which would have argued, that some had before been with the body in the closet, though the contrary was then pretended by those three attending on my lord.

Secondly, they would have found my lord's cravat cut in three pieces, as the two women that stripped my lord have often declared, proved as followeth, (*viz.*)

Philip Johnson and Miriam Tovy have both deposed, That Mary Johnson (wife of the said Philip Johnson) hath often declared, That she helped to strip the body of the late Earl of Essex by the command of Major Hawley, at whose house my lord died; and that the neck of my lord's cravat was cut in three pieces.

*T. W.* Gentleman, saith, "That Alice Carter, the very night she was first seized, (as suspected privy to the murder of the late Earl of Essex) did declare, That she helped to strip the body of my Lord of Essex by the command of her master, Major Hawley, and that my lord's cravat was cut in three pieces."

G. It's very much my lord had not put off the cravat, or cut above it, had he done it himself.

T. Those that attended on my lord, say my lord had put off his perriwig, and laid it upon the shelf of the closet, that the hairs of the perriwig might not hinder the action.

L. Sure the neck of the cravat was a far greater impediment, and such as would have effectually hindered my lord from doing it with a razor, the pretended instrument of his death. This alone is a strong argument that my lord did not cut his own throat, as is sworn by those treacherous villains that attended on my lord; neither do I believe it was done at all by any razor, but with a more convenient instrument for that purpose.

G. Did you ever hear with what instrument it was done?

T. Yes, and who (besides any before named) is said to be one of the actors in this cursed tragedy; pray read this information.

*G. The Information of R. D. of the Parish of St Mary, Somerset, London, Schoolmaster, taken before me, James Cardraw, Esq. Justice of the Peace for the County of Middlesex.*

This informant saith, "That a little after the late Duke of Monmouth was routed in the west, one Mr J. E. (to the best of this informant's remembrance) told this informant, that it was almost universally whispered amongst the acquaintance of Mr John Holland, (formerly servant to the Earl of Sunderland) that the said Mr Holland had confessed to one Mr D. of his intimate acquaintance, (and afterward concerned with Holland in the robbery of Mr Gatford, for which both were condemned, and the said D. executed, but Holland pardoned,) that the said Holland was concerned in the murder of Arthur, late Earl of Essex, in which he was employed by the Earl of Sunderland upon this occasion, (viz.) The said Mr Holland one day waiting on my Lord Sunderland, his lordship seemed much disturbed with passion; upon which the said Holland told his lordship, that if his then coming to his lordship had so discomposed him, he would withdraw and wait on his lordship some more convenient time; whereupon my lord said, that he should tarry, for it was not with him (the said Holland) that he was angry, but with others; and that he was concerned to think, that of so many servants his lordship had made, and been so very kind to, he had not one he could trust, or would serve him (or words to that effect;) upon which the said Holland replied, He was then ready faithfully and punctually to observe his lordship's commands in any thing. My lord then discovered to the said Holland the designed murder of the said Earl of Essex, and would have the said Holland therein to be engaged; to which the said Holland readily consented; and that the said earl's throat was cut with a large knife, and not with a razor. And this informant was then further informed, that the said Holland had further declared to the said D. that some people were afterwards made away for blabbing what they knew concerning the said earl's death, and that the said D. had charged the said Mr Holland before several of their acquaintance, one day drinking together, with what the said Holland had confessed to him the said D. as aforesaid; and that he the said Holland, upon his being so charged, seemed much dejected, but could not deny it. This informant further maketh oath, That one D. P. about three years since, did give this informant almost the same account with relation to Holland and D. And the said D. P. did further tell this informant, that when the said Holland and D. were committed to Newgate for robbing Mr Gatford, the said D. P. went to see the said Holland in Newgate, to condole his condition; but the said Holland was very cheerful, and told him, the said D. P. he was secure of his life, and



likewise not to want money, as long as the Earl of Sunderland was living. The said D. P. did likewise then further tell this informant, that the said Holland (as soon as he was committed to Newgate for the aforesaid robbery) sent to my Lord Sunderland for some money, and that his lordship sent him, the said Holland, sixteen guineas. And this informant hath been told by several, that the said Lord Sunderland hath many times supplied the said Holland with money."

*L.* I doubt not but Holland was well rewarded for this eminent service, and my Lord Sunderland obliged to stand his friend under all exigencies.

*T.* Sometime after my lord's death, Holland drew in this Mr D. (a very ingenious young gentleman, but unfortunate in such his company) to be concerned in the robbery of one Mr Gatford, for which both were condemned. Holland of the two seemed far the greatest criminal, and therefore, according to the reason of the thing, had least hopes of life; but, contrarywise, he was very cheerful, and my Lord Sunderland extremely kind to him, beyond a common degree of favour, insomuch as Major Richardson, taking particular notice of his extraordinary kindness to this profligate fellow, told one of my lord's gentlemen, "That it was not for his lordship's honour to appear so much for one of the most villainous character imaginable." To which it was answered, That his lordship had a great kindness for Holland, upon the account of my Lord Spencer, to whom this Holland had formerly been a servant.

*L.* There was certainly some further reason.

*T.* His lordship's favour still continued to this Holland, who, afterwards being in prison, often writ to my lord for money, which was accordingly sent, and sometimes would procure the liberty to go to my Lord Sunderland and some others for money, of which the person, (viz.) one I. W. that went with him, taking particular notice, asked the said Holland, How it came to pass that he could go with that freedom and assurance to my Lord Sunderland and those others, and be so generously supplied with money at all times? To which Mr Holland made answer, Damn him, he had done that service for them that they durst not do otherwise.

*L.* *Durst not do otherwise!* a very becoming phrase for a man of his character to use with relation to a person of my lord's quality. This argues either some extraordinary secret service done for his lordship, the discovery whereof would tend highly to his prejudice, or else this Holland is a very impudent liar; but the first seems most probable, considering my lord's extraordinary kindness to Holland in Newgate, (as was before observed,) and his constant supplies upon all application.

*T.* I have been credibly informed by a gentleman that was once a fellow-prisoner in the King's Bench with Holland, that Holland did use to bring letters he writ to my Lord Sunderland, and desired this gentleman to direct them in French, pretending that if my lord saw his hand he would not open the letter.

*L.* I rather believe the direction was to cheat my lord's servant (who carried the letter from the messenger, or penny-post man) than to influence my lord to read it.

*T.* This looks most likely I must confess: this W. (once about three years since) saying to Holland, It was much whispered that my Lord of Essex did not cut his own throat, but was by others taken off, Holland said, Damn him, it was not a farthing matter if twenty such were taken off.

*L.* A very fine fellow for such service; he who declares, *It is not a farthing matter if twenty such were taken off*, (by which he meant murdered, for 'twas in answer to the same he spoke it) would not boggle much at the doing that villainous murder, especially considered that hereby he secured himself from punishment in his after-villainies.

*T.* I remember very well a gentleman told me that it was some years since discoursed in Wales, (of which country Holland is,) that Holland being asked how he escaped punishment for Mr Gatford's robbery, (before taken notice of,) he answered, with his

usual phrase, Damn him, they durst not take him off, for at the place of execution he would have discovered how my Lord of Essex came by his death; but the gentleman either really hath, or pretends to have, forgot who told him of it.

*L.* I find many men's memory in this case, *ad placitum*, to remember or forget as they think fit.

*G.* I have heard of a letter writ by Holland to the Earl of Feversham, (if I mistake not,) which letter was read in the House of Lords, and therein it was said that Mr Braddon would have suborned Holland to swear in this case; and, as I have heard, Mr Braddon offered a considerable reward to Mrs Holland, and a friend of Holland's, to prevail with Holland to come in and take upon him this villainous crime. This, if true, was a very foul practice.

*T.* Yea, if true, it had been villainous, and had deserved (before God) as great punishment as the murderers themselves; for as in the old law, (Deut. xix. 16, &c.) "If any false witness rise up against his neighbour, the person-forsworn (when detected to be so) was to receive the same punishment the man accused should have undergone, in case the charge had been true; whether tooth for tooth, or life for life," &c. This law hath an innate universal reason, and it were not amiss if the same were with us enacted. Now as the witness himself doth deserve this punishment, the like (*in foro conscientiae*) doth the suborner: for if in our law he that hireth another to poison, stab, or any other ways to murder a man, is justly esteemed accessory before the fact, and shall undergo the same capital punishment the principal shall suffer, so do I think it reasonable, that whosoever suborns a person to take away the life of any, is (before God) guilty of the murder of the person accused equally with him that commits the perjury; and both are indeed, according to the universal reason of the thing, guilty of a more heinous murder than he that cuts another's throat; seeing in this he corrupts justice, and by perjury makes justice (which by God is designed, and by man used, as a protection to the innocent) a means to destroy whom in its own nature it should acquit and protect. If that physician, who, to destroy his patient, maliciously poisons his physick, (designed by nature for the preservation of the natural man,) deserves the worst sort of death, because he becomes so vilely treacherous, how much more heinously criminal is he, who, by subornation or perjury, corrupts justice, which Heaven enacted, and mankind flies to for a security to the moral man. Wherefore with you I should concur in this particular, that Mr Braddon deserves the worst death could be contrived, were he guilty of this (indeed false and malicious) charge. But the truth of the case I can in great part attest, which is this, (*viz.*)—

Mr Braddon having some reason to believe Holland one of the ruffians, he did use all means possible for his apprehension, but he found that Holland lay very private, and, as he had reason to believe, designed to fly beyond seas, (as his own letter before mentioned declared;) hereupon Mr Braddon applied himself to some of Holland's acquaintance, and by them being brought to Mrs Holland, Mr Braddon told her that he had reason to believe her husband was concerned in this villainous murder, and herein he was confirmed by Mr Holland's absconding; for innocence desires a trial, but guilt still flies from justice. Mr Braddon then told her, that if her husband were really guilty of this fact, and would immediately surrender himself, ingenuously declaring how, by whom, and with whom, and for what hired to do this barbarous murder, her husband would have a general pardon, and both him and her provided for. But if her husband was innocent, (notwithstanding whatsoever was said to the contrary,) and should take upon him a crime (for any advantage whatsoever) of which he was not guilty, he did deserve to be hanged here, and damned hereafter, seeing by his perjury he would make justice an instrument of executing the worst of murders: but if he were indeed the man, and should surrender himself, and discover the whole matter, he must be sure to keep within the limits of truth; for should he be detected in the least perjury, no man



was more vigorously prosecuted, nor any more severely punished, than he (for such his perjury) must expect to suffer.

These were the arguments with which Mr Braddon would have suborned (as that letter calls it) Holland to a full discovery ; and I do appeal to all the world, whether, admitting this to be true, (as it will be proved when occasion serves,) Mr Braddon deserves this villainous charge. For the truth of this I do (on Mr Braddon's behalf) appeal to the consciences of Mrs H., Mr P., and Mr S., with whom Mr Braddon several times treated in this affair.

G. If the case were as you have represented it, Mr Braddon did nothing herein but what was consistent with a good conscience, and for which he deserves not the least censure. If I mistake not, you said Holland did also go to others for a supply, as well as my Lord Sunderland. Pray who were these ?

T. Pardon me, sir, if I name them not ; you will hear of them in convenient time.

G. Sir, pardon the question, if the answer be a secret.

T. It is enough that I give you satisfaction in the general, and I desire not to be pressed to answer all particulars, for it may not be proper.

G. I desire to know nothing which may either prejudice you to reveal, or the thing itself by being revealed, but esteem it as a great favour you have been already so large and particular in the discourse, which hath given me great satisfaction, and will convince such as shall hear it from me.

L. A convert !

G. Sir, a convert to truth I rejoice in being, though at the same time it's not only mine, but every good man's duty to grieve for these ill men, who are any ways concerned in this villainy, especially considering to whom this looks related.

L. We see how it looks related *ad hominem* and *ad rem*, and we are very glad this author hath abdicated, and his design is frustrated. His highness hereby thought to have made one great step towards the accomplishment of what Heaven in mercy hath delivered us from ; I think we can never for this be grateful enough either to God, the chief author, or to our sovereign, his instrument, and those right noble and truly worthy lords and gentlemen, that, to the hazard of persons and estates, embarked on this glorious design, which Heaven, to a miracle, blessed with such a sudden (and, as to the manner, without blood) unexpected success.

T. But to return to the jury from whence we digressed in pursuit of Holland, and the instrument of death.

And to the second particular, viz. Hawley's unfair practice with relation to the jury, to corrupt them into a belief of the (pretended) self-murder.

Mr Fisher did then further declare, That he had been informed my Lord of Essex was a very pious good gentleman. To which Bomeny answered, My lord was indeed a very pious good man : upon which Fisher replied, It was then very improbable he should be guilty of this the worst of actions.

Major Hawley perceiving that the jury were like to be influenced with my lord's true character, (for such indeed his lordship was as he was to Fisher represented,) and thereby made believe that my lord did not cut his own throat, (contrary to what Major Hawley may be reasonably presumed to desire they should find,) therefore, to remove this, and corrupt them into a belief of a lie, viz. the pretended self-murder, Hawley tells Fisher that it was his mistake in my lord that made him believe his lordship such a man ; for all those that knew his lordship well, knew this of him, that it was a fixed principle in my lord that any man might cut his own throat, or otherwise dispose of his life, to avoid a dishonourable and infamous death, so that this action was not unlike his lordship, but according to his avowed and fixed principles. This false and malicious suggestion of Major Hawley (which the jury then did suppose to be true) did very easily incline them to believe that my lord had (pursuant to this principle) cut his own throat,

to avoid that dishonourable and infamous death which his circumstances seemed to threaten.

*L.* What is this Hawley? Could his condition pretend to any intimacy with his lordship, that he seemed so well to know my lord's principles in this matter?

*T.* Hawley now denies all, and protests to their lordships of this committee, that he was not nigh the jury in the victualling-house all the time of their inquisition, nor ever heard it said to be my lord's principle, that any man might cut his own throat to avoid an infamous death, till their lordships in this committee told him so.

*L.* Sure the major's memory must be very short, for there is hardly any man of conversation in town but must have often heard it so said, it being a general discourse immediately upon my lord's death that such was his lordship's principle.

*G.* This I have been very often credibly informed, and have heard it reported in all coffee-houses, and used as one, and not the least argument of my lord's having indeed cut his own throat. I do much wonder the major should pretend that he never heard of it, especially when he himself did suggest the same to the jury, and pressed it as an argument of my lord's self-murder: I do not well understand this.

*T.* Gentlemen, to me the reason of this is plain; for when Major Hawley found that such a suggestion was used as an argument of his guilt, to avoid this charge he doth not only deny his suggesting it, but, as a good reason, (had it been true,) that he could not, declared he never heard it by any said (before their lordships charged him with it) that such was my lord's principle.

*L.* Major Hawley's denying that he did suggest this to the jury, or ever heard it said to be my lord's principle, when the matter is positively sworn against him, naturally argues that this was a false, forged, and maliciously-invented story, by that bloody party, and Hawley the man by them pitched upon as the most proper person to corrupt the jury (the then proper legal judges of the manner of my lord's death) with this treacherous and villainous-contrived suggestion, so that the jury might be more easily inclined to believe my lord's self-murder upon evidence as inconsistent as false.

*G.* I do much admire Major Hawley should deny he was with the jury at the victualling-house, if he were indeed there, seeing his being with them there was no crime, and therefore needed no denial.

*T.* His bare being there needed neither denial or excuse; but, to avoid the charge of what he falsely and treacherously did whilst he was there, (which he could never excuse,) he thought best, in general, to deny that he was with the jury at all in the victualling-house.

*G.* But this was very foolish, because the major being so well known, (and it may be to all the jury,) his being there could not but be remembered by many of them.

*T.* Almost all the jury do remember him there, and likewise the coroner and surgeons can't but know he was there.

*G.* The major's denial therefore looks ill; for if he had been there upon any lawful or indifferent account, he might have lawfully and innocently justified the same, but his denial (when proved so very false) looks as though his charge were too true.

*T.* The jury had another reason to remember the major's being there with them at the victualling-house, for when some of the jury moved for the adjournment of their inquisition till some further time, and in the mean while notice to be given to my lord's honourable relations, that they might bring what evidence they thought good—

*L.* This had been proper, and it's very customary, for sometimes the jury do not bring in their inquisition in many days.

*T.* It had been both proper and practised in this case, had not Major Hawley prevented it.

*G.* How could the major hinder it?

*T.* Hawley enters a caveat by another villainous and false suggestion; for upon this



motion of the jury, Hawley, with great earnestness, assures the jury they could not adjourn their enquiry, but must immediately dispatch, because his majesty (Charles the Second) had sent an express for their inquisition, and would not rise from council (where he was then sitting) till their enquiry was brought him, wherefore they must make all haste possible. This the jury believing, they made more haste than good speed, and so, sooner than otherwise they would, finished their inquisition.

G. Doth Major Hawley remember this messenger sent by his majesty?

T. Hawley totally denies this likewise, and in answer saith, (as before,) That he was not nigh the jury at the victualling-house, and so could not thus hasten them.

L. Denies it! is it not sworn?

T. It is.

L. Certainly the denial of a criminal shall not balance the testimony of the accuser.

T. Especially when the person accusing is of a much clearer and better reputation (in all things considered) than ever the person accused can justly pretend to.

G. I am sorry for the major, whom I did ever think very loyal.

L. His old court-loyalty [obedience without reserve] qualified him as a fit instrument in this perfidious and villainous, though then court-loyal service. I remember that a popish captain about two years since declared, "He looked upon himself bound to obey (without reserve) his king in all commands, and swore his loyalty was such that he would cut his confessor's throat, when under confession, if his prince should so command him."

T. A thorough-paced loyalist, upon my word.

G. A loyalist! a loyalist for the devil.

L. Even such loyalty those men had which were employed in my Lord of Essex his last service.

G. I have been informed that Major Hawley hath declared, "He would go forty and forty miles bare-foot to discover this murder, if my lord were indeed murdered by others."

L. *Verba credam cum facta videam*: Shew me thy faith by thy works.

T. That this Hawley was a man who still thirsted for the blood of those brave true English champions that opposed the late court arbitrary designs, and could afford those honourable lords and truly worthy knights and gentlemen no better titles than *Rogues*, appears by what he declared the very day that a great number of honourable lords, (amongst which this unfortunate lord, I hear, was one,) and worthy knights, gentlemen, and citizens dined together at Mile-end-Green; for sometime that afternoon Hawley told Mr Bunch, then a warder, that above 200 rogues that very day dined together at Mile-end-Green, but he did wish that he had forty of the biggest of them there in the Tower, that they might be made the shorter by the head, for till then the land would never be at quiet.

L. What is become of this Major Hawley?

G. He is major of the Tower, and likewise is (as I think) gentleman-porter, his place worth some hundreds a year.

L. What! is he now intrusted in the Tower?

G. Yes, with almost (if not altogether) the greatest trust (next under the honourable governor) that is now in the Tower, and he is even my Lord Lucas's right-hand in the management of the Tower affairs.

L. Is this, which is here said to be sworn against Hawley, known to the Lord Lucas?

T. I believe not.

L. It were well his lordship were acquainted with it, for most certain (if what be sworn against him be true, which it's reasonable to believe) Hawley is very deep in this matter; and then we well know for what interest he must cordially act, though in appearance he seem otherwise.