



The Library of
John Avery, J.C.A..
Woodford Green. Essex.

ESSEX'S INNOCENCY and HONOUR
VINDICATED:

~~July~~ OR, *July 22 1811*
Murder, Subornation, Perjury, and Oppression,
JUSTLY CHARG'D
ON THE

MURDERERS

OF

That Noble Lord and True Patriot,

ARTHUR

(LATE)

Earl of Essex.

As Proved before the Right Honourable (late)
Committee of LORDS, *or ready to be Deposed.*

In a LETTER to a Friend.

Blood crieth unto me from the ground, Gen. 4. 10.

A Fugitive and Vagabond shalt thou be in the Earth, 4. 11.

*How long, O Lord, Holy and True, dost thou not avenge our Blood on
them that dwell on the Earth? Rev. 6. 10.*

Written by LAWRENCE BRADDON (of the Middle-Temple) Gent. who was up-
wards of five years Prosecuted or Imprisoned, for endeavouring to discover this
Murder the third day after the same was Committed.

London: Printed for the Author; and Sold by most Booksellers. 1690

A N

A P O L O G Y

(For the *Letter to a Friend*)

To the Right Honourable

WILLIAM, Earl of *Devonshire*, Lord Steward
of Their Majesties Household, &c.

WILLIAM, Earl of *Bedford*, &c.

CHARLES, Earl of *Monmouth*, &c.

HENRY, Earl of *Warrington*, &c.

The Lords of the (late) Close Committee appointed to
Examine into the Death of the Right Honourable *Arthur*,
(late) Earl of *Essex*.

MY LORDS,

WHEN, immediately after the Death of the
Right Honourable *Arthur* (late) Earl of
Essex, I did first make enquiry with relation
thereunto, upon such ^a Informa-
tion as I have already given your Lordships) ^a Page 5.
there was nothing that might be expected from a Powerful and
Revengeful Party, against which I then moved, but what I
did believe they would endeavour to inflict upon me; for this
I had the greater reason, having then been often credibly
told, That **SOME** (whose Interest was most concerned to pre-
vent this Discovery) had several times declared, I should be
both Pillory'd and **WHIPT**. But this, or whatever else
was within their power to impose, I was resolv'd should

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not deter me from searching after such Circumstances as might rationally convince persons unprejudic'd, THAT HIS LORDSHIP FELL (not through Self-violence, but) BY THE TRANSCENDENT AUTHORITY and INTEREST OF SOME, AND THE TREACHERY and BLOODY CRUELTY OF OTHERS; because that Great Patriot (with your Lordships, and such others) ^b stood as Bulwarks ^b against those Popish and Arbitrary Designs, which were then (judicially seen through a Glass, but since, to our great Cost, and greater Danger, face to face, and) carried on for the Total Subversion of our Church and State.— Wherefore I had great reason to believe (admitting his Lordship was murdered) That SUCH who were therein concerned, if they found there was no inquisition made after this Blood, but that all did seem to believe (ONLY by the Evidence of those ^c in whose Custody his Lordship was) that this Noble Lord indeed cut his own Throat, to avoid what his great Misfortunes seem'd to threaten; That then the natural Consequence thereof would be this; (*viz.*) Whomsoever those POWERFUL and BLOODY MEN found to ^d stand in their way, whom they then had, or should take into Custody, they would place over them SUCH as they had prepared to COMMIT or PERMIT what was treacherously design'd to be acted; and then by Strangling, Stabbing, Pistolling, or CUTTING OF THROATS, (*either of which is a common way of Self-destruction*) they would take such off, pretending (as in this Case they did) it was done by the persons themselves, to prevent an infamous Execution, and avoid those FORFEITURES of HONOUR and ESTATE, which the Law would otherwise have made by their Conviction and Punishment.

†

My

Letter to a Friend.

My Lords, *The Prevention (as mach as in me lay) of such vile Practices, was not the least Inducement that first mov'd me to this Inquiry; and whatever Opposition I then met with, either under Colour of Justice, or Malicious Detractions, I was not at all surpris'd with, and therefore the better prepared to suffer it; and seeing I could then expect no Relief, or just Satisfaction from those, who were chief in imposing the Injuries I suffer'd; I thought that a time for me (in this respect) to keep Silence. But since God (by our present Sovereign) hath mercifully removed such Oppressions; I think now is the time to speak, and not suffer to go unanswered such Malicious and Infamous Calumnies, representing me the very worst of Suborners, and deserving far Worse usage than ever Dr. Oates underwent; and this said, not by a few, but many. Wherefore out of a just Self-regard (which every Man owes to himself) I thought I was in Duty bound to endeavour some way or other, to clear my self to the World from being that profligate Villain, I have been as industriously as maliciously Misrepresented. And because I would that the Plaister should be as large as the Wound, I have in this following Epistle, attempted to undeceive the unprejudiced part of Mankind; but as for some, Miracles will not convince them; and others there are, who (KNOWING much more than I can inform them) will never confess themselves Converts to Truth.*

My Lords, *Would such Men as maliciously Misrepresent me, Proceed against me by way of Judicial Information, I should take it very kindly, for then I should have an Opportunity (now Justice is duly Administred, and Favour in this, I desire none) to clear my Innocence. And there having been about SEVENTY Persons in all Sworn, or Examin'd before Your Lordships, and some Justices of the Peace (and some hundreds discours'd to find these Witnesses out) if I had been such an infamous Suborner as represented; In this*
Cloud

An Apology for the

Cloud of Witnesses, *they have a fair Opportunity to find some, for Suborning of whom, they may Proceed against me. But being well satisfi'd in my Abhorrence of, and Innocence in all such detestable Practices, and that I have ever been so far from desiring People to say more than they could safely depose, That I did always beseech and enjoyn them, much rather not to Swear any thing, than the least Tittle more than was true; assuring them, That whosoever in this Case testifie more than is truth, and thereupon any should suffer, by such Perjury they would commit the worst of Murders, for which one day (tho here not detected) they must give a severe Account.*

My Lords, *In all I did heretofore suffer from my Adversaries, whether during my being Prosecuted, or Five Years Imprisonment, I had not one uneasy Thought, that moved me in the least to repent my having engag'd in so just a Cause; and I was firmly possessed with a strong Belief, that I should live to see the day wherein my Lord's Death might receive it's PROPER NAME, and my self vindicated from that, for which I had been so powerfully and maliciously Accused, and unjustly Convicted; and I hope, that day will then come, when Your Lordships shall think fit to move to revive this Committee, in order to the bringing in Your Lordships Report. But what I have, or do suffer in the mean while, tho it's more than can be imagin'd, yet I must and shall submit to Your Lordships great Judgment herein.*

My Lords, *I am very sensible of the great Charge the Right Honourable the Earl of Essex hath been at in this prosecution before your Lordships, though not greater than therein hath been expended: but I cannot apply my self to his Lordship, either for what remains, or to his Lordship, or his Honourable Family, or elsewhere, for any satisfaction for what I have done and (through Oppression as severely as unjustly) suffered under the Male-administration of the late Times, till*
the

Letter to a Friend.

the Honour of the Truly Right Honourable, but Unfortunate Earl of Essex is rescu'd from that Unjust, FALSE, and Infamous Imputation, under which (in many mens Opinions) it hath so many years been buried; and without some assistance, I must reasonably expect to be cast into Gaol for some of those very Debts which my long Misfortunes have contracted; in which miserable place I may possibly perish for want of bread. But which is much worse than death, thus I was like to suffer under the most odious Character (from too many) of an infamous Imposture, and common Suborner. For the avoiding therefore the worst of these two Evils, I have published to the World my own Just Vindication; and I am sure your Lordships can never blame me for endeavouring to avoid so hard and undeserv'd a Fate. And should all this prove my misfortune, (I am well satisfied) 'tis without, in this respect, my fault; and therefore having done nothing herein, but what I can answer to God, and a good Conscience (AND I CHALLENGE ALL, EVEN THE GREATEST of my ADVERSARIES, TO PROVE THE CONTRARY) I shall (I hope) never repent of having done my Duty, but shall patiently wait for a deliverance from that, which will put a period to all the Tyrannous Oppressions of such as groan under the weight thereof; but (without true repentance, which God in mercy grant to all, even the greatest of my Enemies) will prove but the beginning of a more lasting sorrow to the CHIEF AUTHOR hereof; from WHOM, as God in mercy by our present SOVEREIGN hath once delivered us; so I hope he will (even against the Wills of too many amongst us, and contrary to the Deserts of all) continue that Blessing: Towards the first procuring whereof, as your Lordships were some of our Chiefest Patriots, so (I am sure) you will in that evil day which threatens, exert your utmost for the prevention of that worse than Egyptian Bondage, in which the more than Israelitish Madness of not a few, strenuously endeavour to re-enslave us. And

An Apology for this, &c.

And that God may continue your Lordships Health to see this black Cloud all blown over, and a prosperous and a well-grounded Peace firmly settled amongst us, and a long continuance of your Lordships in the enjoyment thereof, is the humble Prayer of him, who doth earnestly beseech your Lordships pardon, if in this Publication, or present Address, I have in the least off-nded your Lordships, whose I am in the most humble Services; and whilst I live, shall be ambitious of being thought,

My LORDS,

Your Lordships most Obedient
and Devoted Servant,

Lawrence Braddon.

(1)

A

LETTER TO A FRIEND.

SIR,

YOURS of the 10th instant came the last night to my hands; and I give you many thanks for your kindness therein expressed; and more particularly, that you have so often endeavoured to rescue me from the slanders of such, as without either knowing my Person or Offence, have given me those uncharitable and unjust terms, worse than which, the greatest Offenders can hardly deserve. Sir, Your Country is not the only place where I have been so traduced: but my misfortunes having made my Name known where in person I have never been, and my Adversaries being as malicious as numerous, I have heard from other hands, That I have elsewhere met with the like treatment. But to do my self that Justice which I think is incumbent on me, in order to the clearing my self from those undeserved Calumnies with which I have been, and am daily slandered, I have herein sent you a particular Account of *what*, and *how*, and *for what* I did so unjustly suffer under our late Male-administration. And seeing the Honourable late Committee of Lords (appointed to examine into the Death of the Right Honourable *Arthur* (late) Earl of *Effex*) is dissolved, by the last Dissolution of Parliamēt, and most of the Depositions and Examinations taken before this Honourable Committee have been read before the Honourable House of Lords,

(and so no longer to be thought a Secret), I do humbly conceive it's neither an offence, or divulging a Secret, to publish what (since this happy Revolution) hath been proved for the clearing of *That Truth which* (when I first engaged) *to assert, was the highest Offence.*

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

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

B

Discourse

Discourse so tedious in its perusal, as at the first glance you may fear it will prove

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

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

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

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

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

L. Jenkins.

The first night his Lordship lay at *Capt. Cheek's*, the then Lieutenant of the Tower; but the next day was removed to *Major Hawley's* (then Gentleman-Porter of the Tower); and the two Warders placed upon his Lordship, were *Nathanael Monday* and *Thomas Russel*; one to stand at my Lord's Chamber-door, or in his Chamber; and the other at the Stairs-foot; and thus by turns. *Paul Bomeny*, my Lord's Servant, was permitted to be with his Lordship. At *Major Hawley's* my Lord lay *Wednesday* night and *Thursday* night; but *Friday* morning about 9 of the Clock, his Lordship was found with his throat cut through both Jugulars and Arteries, even to the Neck-bone, on both sides the Neck. The next day, being *Saturday*, the Jury sat; and before them were sworn the aforesaid *Paul Bomeny*, *Thomas Russel*, and two Chyrurgeons; whose Informations are as followeth, according to the Print; but that (as I shall observe in its own proper place) varies in the Original from *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*, 1683. Anno Regni Caroli secundi, Dei Gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defensor, &c. Tricesimo quinto. Annoque Domini, 1683.

Saith, That when my Lord came to *Captain Hawley's*, which was the 11th instant, my Lord of *Essex* asked him for a Penknife to pare his Nails, as he was wont to do; which this Informant answered, Being come in haste, he had not brought it; but he would send for one; and accordingly sent the Foot-

man with a Note for several things for my Lord, amongst which the Penknife was incerted; and the Footman went, and gave the Bill to my Lord's Steward, who sent the Provisions, but not the Penknife; and he told the Footman he would get one next day. When the Footman was come, my Lord asked if the Penknife were come? This Informant answer'd, No; but he should have it the next day: And accordingly on the

Note. 12th instant in the morning, before my Lord of Essex was up, this Informant sent the Footman home with a Note to the Steward, in which, amongst other things, he asked for a Penknife for my Lord. When the Footman was gone, about, or a little after eight of the Clock, my Lord sent one Mr. 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

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

Door, [On Friday the 13th instant], and began to talk with the Warder; and a little while after he went down stairs; and soon after came the Footman with the Provisions, and brought also a Penknife, which this Informant put upon his Bed, and thought my Lord

had no more need of it, because he thought he had pared his Nails; and then this Informant came up to my Lord's Chamber about eight or nine in the forenoon, [on Friday the 13th instant] with a little Note from the Steward, [where there were Three Lines writ]; But not finding his Lord in the Chamber, went to the Closet-Closet-door, and

found it shut; and thinking his Lord was busie there, went down, and staid a little; and came up again, thinking his Lord had been come out of the Closet; and finding him not in the Chamber, he knocked at the Door with his Finger thrice, and said, My Lord: but no-body answering, he took up the Hangings, and looking through the Chink, he saw Blood, and part of the Razor; whereupon he called the Warder, 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 Perruwig, 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.

This interlined in the Coroner's hand.

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

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

S Aith, 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 a 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 private in his Closet. *Bomeny* came up a-

Note. bout a quarter of an hour afterwards, and knocked at the door; then called, My Lord, My Lord: but he not answering, peeped through a Chink of the Door, and did see the Earl of *Essex* lying on the ground in the Closet; whereupon he cried out, That my Lord was fallen down sick; and then the Informant went to the Closet-door, and opened it, the Key being on the out-side, and then did see my Lord lie on the ground in his Blood, and his Throat cut.

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

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

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

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

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

The

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

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

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

"down, pretended the Earl of Essex had cut his Throat.

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

When I came to Town that Afternoon, about Six of the Clock, I did forthwith acquaint several of my Friends with my Design of making immediate enquiry into the Truth of this Story; which if I found reason to believe, I thought it was proper to be taken upon Oath before some Justice of Peace, in order to a further enquiry. By most of my Acquaintance I was dissuaded from it; they telling me, That if my Lord was indeed murdered, the Persons and Interest concerned in the Murther were too Powerful for me to engage; and therefore I must expect nothing but Ruine by meddling in the matter. To all which dissuasions, I generally gave this Answer: That I would do nothing herein, but what I could justifie to God and a good Conscience: And the threatened Ruine I did not fear, or would thereby be deterred; for if my Lord was indeed barbarously murdered, the same Principles and Practices that murdered him, might take off many of those Honourable Persons they then had, or should take into Custody, and pretend, as they did in this Case, That this was done by the Prisoners themselves, to avoid an Infamous Execution: So that God only knew in how many Mens Destruction such treacherous practices might determine. But if these bloody

Men

Men once found, that such their Design was suspected, and like to be detected, in all probability, they would desist from the like villanous Practices; and seeing this would be more for the Interest of the Publick, than I could possibly be either in my Liberty, or otherwise, I was resolved to Sacrifice that, and whatsoever else I had, to the Service of my Country.

My Friends finding me thus resolved to engage, they advised me at first to inform my Lords Honourable Family herewith, and to observe such Directions as from them I should receive; wherefore that very *Monday* Evening, I went to *St. James's Square* to my Lords House, where I found *Sir Henry Capell* under great disorder, by reason of that deplorable Accident. I did inform *Sir Henry* of what I had heard, but told him, That I had not then spoken either with the Boy, or his Father, who (as I was informed) lived in *Mark-Lane* by the *Tower*; and if *Sir Henry* thought fit, I would the next Morning go with any whom he should appoint, to Discourse the Father and Him; *Sir Henry* thanked me for my Information, but said he was then under such a concern for so great a Misfortune, as had herein befallen his Family, that he hardly knew what he did or said, &c. The next Morning I went to *Mr. Edwards*, to whom, as soon as I had told the cause of my coming, the old Man seemed much surprized and concerned, and in Tears told me he was ruin'd; to which I answered, That I did suppose he was not ignorant what great things the Father of this Unfortunate Lord had done, and suffered for His Majesties Interest, and how this very Lord himself had been highly in His Majesties Favour, having been employed in Places of the greatest Honour and Trust; and therefore, if his Lordship fell by treacherous Hands, none (in reason) could be supposed so zealous for a Discovery, as His Majesty would,

who could protect him from whatsoever Danger might seem to threaten him; besides, if there were any Danger, I stood principally subject to it; but the Danger I did not fear, considering of what Consequence this might prove, by being inquired into; at length *Mr. Edwards* gave me the same Information (in substance) I had the day before received from *Mr. Evans*. I then desired to see his Son, who being then at School, I could not speak with him; but that Afternoon about Two of the Clock I went again, and was then told, That the Boy had denied all, which denial was occasioned by his Sisters telling him, *He should be Hang'd for what he had herein declared*; this the Sister could not deny; but as soon as the Boy was called into the Parlour, where I with several others were, before I questioned him about it, I discoursed him concerning the danger of a Lye; and after I had solemnly enjoyed him to tell me the very Truth: The Boy then declared to me, as he did at first to his Father and Sisters, and told me, *That his Sisters Threats had frightned him into a Denial*. Upon this, I took in Writing the Substance of what the Boy declared, and the next day drew it into a formal Information, which followeth:

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

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

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

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

Saith, That about Ten of the Clock, in the Morning, on Friday the

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

This the Boy declared he was ready to attest; but finding several Justices of the Peace very shy, I thought it proper to carry these Informations to the Secretary of State, and know his pleasure therein; accordingly, Thursday the 18th of July, about Four of the Clock I delivered these Informations of the Boy and his

his Mother, to whom the Boy had discover'd it, as soon as he came from the Tower. My Lord *Sunderland* seem'd much surpris'd, and after some pause, told me, That I should bring the Persons (who were not then with me) the next Morning, and if it were proper, he would take their Depositions. — The next Morning about Nine or Ten of the Clock, I went with the Boy and his Sister, (the Mother not being well) to whom the Boy had likewise, as soon as he came from the Tower, reveal'd what he had as before seen. As soon as I came to the Secretaries Office, I sent his Lordship word, that according to his Lordships Order, I did attend. Immediately upon which (before my self, or either of the Informants were examined) Mr. *Atterbury* the Messenger came to the Office, and took me into Custody; the only Instance where

Note. such as came to give Information on the behalf of the King, were so treated before any Accusation against them) and some short time after, thus in Custody, I was called in before the then King and Council.

The first Question (to my remembrance) asked, was, What made me engage in that matter? To which I answered, That I was altogether unrelated to, and unacquainted with that Honourable Family; so that there lay no more personal Obligation upon me first to move, than upon any Man whatever, who might have met with the like Information; but it was my love to Truth and Justice first engag'd me in it; and through the Grace of God, my Duty therein I would do, though death stared me in the face every step I made. I can't but here observe the carriage of the then Duke of *Tork*, who with a concerned Countenance, leaning his Elbow upon the board, cover'd his Face with his Hand, upon which I did immediately imagine, that somewhat within did more trouble him, than all the trouble from

without did me; for though I stood as the supposed Criminal, I had reason to guess — *somebody else* was the real one. I did then observe to His Majesty the incoherence and Contradictions sworn before the Coroner by *Bomeny* and *Ruffel*, who were the Persons that pretended to prove the Self-murder before the Coroner; upon which his Highness called for those Informations, but said nothing in answer; His Majesty then took them, and said as little; but the then Lord Keeper *North* having read them, went about to reconcile those Incoherences and Contradictions; upon which I did object against what his Lordship said, as insufficient, and further urged the Objections I had before made. His Lordship seem'd very angry that I made those Reflections; but, with submission, I think, by printing the Coroner's Depositions, every man was in some sort appealed to, whether what was so sworn, and printed, was not sufficient to induce every impartial Person (for such the Coroner and Jury ought to have been) that the Earl of *Effex* did indeed cut his own Throat; and the printing those great Incoherences, and contradictory Depositions, argued as great impolicy in the Authority that published them, as the deposing them did villany in the Informants, or the believing them want of understanding (not to say honesty, integrity and impartiality) in the Coroner, and most of the Jury. After some time spent in the Examination, I was order'd to withdraw into the Secretary's Office, and repeated Orders given by the then King, that I should be kept close (perhaps that I might not hear the Boy, or his Sister examined) the Boy was then called in, and at first (as I was afterwards informed) did not deny the truth of his Information; but being not then past Thirteen, and frighted by being before so great Authority, he wept; upon which his then Majesty stroked him upon the Head, and said, *did you not in-*

went this to excuse your truanting? To which the Boy trembling, answered, *yes* (this the Boy declared at home after his Examination). Then the Sister was called, who declared how the Boy, upon his first coming from the *Tower*, had inform'd her as before set forth; and tho' after threatned to be whipt, never retract'd till the *Tuesday*, when I having been there, his Sister had frighted him into a denial, which as soon as I came the second time, he retract'd, and stood to his first Information, saying, his Sister had frighted him, and told him he should be hanged, and his Father would be undone; the fear of which made him deny it: She further declared, that she did verily believe they never knew or heard of me till the *Tuesday* after my Lord's death, and that I never did give, or offer her Brother one Farthing, but still enjoined him to speak nothing but the truth, (this the Sister did after declare was the substance of her Examination). After the Sister's Examination was over, I was the second time called for, and told by my Lord Keeper, that I would have suborned the Boy; to which I answered, that I was well satisfied of my Innocency in, and abhorrence of all such Practices, which in this case appeared impossible, seeing the Relation of the Boy was several days before I ever saw or heard of the Boy; nevertheless I was ready to give what Bail his Lordship should be pleas'd to command; upon which I was ordered to give Bonds with Two Securities in Two thousand Pound apiece; this I did that very afternoon; but the omission of the Under-Secretary, in the form of these Bonds, was very advantageous to me, and my Security; for whereas the Condition of all Council-bonds were to conclude, *and in the mean time to be of the good behaviour*; this Clause in mine was left out, by which my Friends were saved from that, which otherwise would (as you will afterwards find) have ruined

them. Standing thus under Two thousand pound to answer to an Information of Subornation, I thought I was in Self-justice bound to make what further inquiry I could, to strengthen the Boy's Evidence. To which my Lord Keeper (without the least colour) suggested, I did endeavour to suborn the Boy to swear. In this Inquiry I was dayly hurried up and down, and found most People afraid to discover what they herein knew; and which was more, few of my Acquaintance could I prevail with to go with me upon these Inquiries; for my Misfortunes, with the danger that from the corruption of the then Times naturally threatned men, deterred all from engaging any ways herein. But at length I met with a Gentleman, who readily went with *Mr. Cragg*, me upon all occasions. In a constant search after many particulars (which would be too tedious here to repeat) I was likewise informed of a Girl that had also seen the bloody Razor, as before, thrown out of my Lord's Chamber-window; upon which I went to *St. Katherine's*, where the Girl lived, and several Persons being present, I took in writing what she could say herein, and what her Aunt and *Mr. Glasbrook*, to whom she related it as she came from the *Tower*, could testify; which Relation was as followeth.

August the 8th, 1683. The Information of *Jane Loademan*, aged about 13 years, who did in the presence of these whose names are here under-written, declare as followeth.

THAT the said *Jane Loademan* was in the *Tower* on Friday morning, the 13th of July last, and standing almost over against the late

Earl of Essex's Lodging Window, she saw a hand cast out a Razor out of my Lord's Window, and immediately upon that she heard shrieks; and that there was a Soldier by my Lord's door which cried out to those within the House, that some body should come and take up a Razor which was thrown out of the Window; whereupon there came a Maid with a White-hood out of the House, but who took up the Razor, she cannot tell.

John Broom, and
William Smith.

August the 8th, 1683. Mr. William
Glafebrook doth declare,

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

William Glafebrook.
Loadman's Aunt, Margaret Smith.

About this time I was informed, That the Report of the Earl of Essex's Death was at *Tunbridge* about Nine of the Clock that very Morning he died, whenas my Lord's Death was not known in the *Tower* till about Nine; whereupon I rid to *Tunbridge*, but I found the person very shy, and unwilling to appear in the matter. I had no sooner returned to *London*, but I was told, the same Report was at *Marleborough* in *Wiltshire* (about 70 Miles from *London*) the very morning of the Earl's death; whereupon I rid to *Marleborough*, resolving to trace the Report as near as I could to the Author. When I came to *Marleborough*, I met with one *Jeremiah Burgis*, whom before this I never to my remembrance saw or heard of; who declared, That the very Morning my Lord died, he was at *Froome* in *Somersetshire* (about 30 miles distant from *Marleborough*, and an hundred miles from *London*) and being there at the *Dolphin*, he was informed that the Earl of Essex had cut his Throat in the *Tower*. I did desire *Burgis* to write me a Letter to the Master of the House at *Froome*, to inform me (if he could remember) who it was that reported this at his House. I did at *Marleborough* likewise speak with one *Lewis*, who did also inform me, "That about Two of the Clock the day the Earl died, as he was riding up *Husbands-Hill*, (not far from *Andover*) he overtook a Gentleman, riding a very easie Traveller's pace; and as they were discoursing of the News in the Countrey, the Gentleman said, He had heard a report of the Earl of Essex, that he had cut his Throat in the *Tower*: But the Gentleman was altogether a Stranger to him, and therefore he could not inform me how or where to find him. With *Burgis* his Letter I was riding to *Froome*: but when I came within about six miles of the place, at a Town called *Bradford*, I stopt at an Inn-door to drink a Glass of Cyder; upon

upon which, one *Beach* an Attorney, (notorious in his Country and Generation) informed a Justice of Peace then there, That I looked like a disaffected person, by wearing Band and Cuffs, and therefore in that dangerous Time I ought to be examined; upon which, the Justice came out to examine me, and there came with him one who knew me, so that the Justice seemed well satisfied: But *Beach* taking the Justice aside, tells him, That he ought to be more strict, and search me; for by my wearing Band and Cuffs, it was plain I was disaffected to the Government, (of this I have been often told by some then there); upon which the Justice told me, He must search me. When I perceived this, I thought it proper to give the Justice a particular Account of the Occasion of my being in the Country; as also, what Papers I had about me; which Papers being read, after some Debate, and advising with *Beach*, he made a Warrant for my Commitment, the Form whereof, in the Conclusion, was the most Illegal I ever saw.

The Warrant ran in these words, *viz.*

Wilts ff. **T**O the Keeper of His Majesty's Goal of Fisherton-Anger in this County, or his sufficient Deputy, These. I send you herewithal the Body of Lawrence Brad-don, apprehended in the Town of Bradford in the County aforesaid, this present Two and twentieth day of August, taken upon Suspicion of being a dangerous and ill-affected person to the Government, and for refusing to give an account of his business in these Parts, and for having Letters of dangerous consequence about him. These are therefore in the King's Majesty's Name to Will and Require

you, That upon sight hereof, you receive him the said Lawrence Brad-don into your Gaol, and him there safely keep, (not permitting him to have Pen, Ink, or Paper, or Person to converse or speak with him) until you shall receive further Orders from His Majesty and Privy-Council. Hereof you are not to fail at your peril. Given under my Hand and Seal at Bradford, this 22d day of August aforesaid, Anno Regni Caroli Secundi, Angl. &c. 35. Anno Dom. 1683.

It was long before I could prevail with the Justice to let me hear my Warrant read; but when I told him by the Statute I would 31 Car. 2. have a Copy of it within six hours after I was brought to Gaol, he read it to me; finding the Conclusion to be so Arbitrary, I told him he could not justify his Warrant; which should the Jaylor obey, I might be kept a close Prisoner during life. For I was not to be admitted to Pen, Ink or Paper, or converse, till the Jaylor heard from the King and Council, without which I must perish in Prison without Conviction or Tryal: I told him, That all such Warrants of Commitment ought to conclude, *till he be discharged by due course of Law*; but the Justice told me he would maintain the Legality of his Warrant. By virtue of this Warrant I was carried to *Wiltshire* Gaol (about 30 miles distant from Bradford) where I found the Keeper of more sense or honesty than either his Worship, or his Cabal; for there were several Attorneys in the Inn when I was examined; (with whom Mr. Justice advised) for the Goaler told me, that notwithstanding the strictness of my Commitment,

mitment, I should discourse with whom I would, himself being by; and write to whom I would whilst he was present and saw it. Thinking my Keeper for this Civility, I did immediately demand a Copy of my Commitment, and writ to *London* for my *Habeas Corpus* thereupon, which within some short time I received, and was brought to *London* to be bailed; but all the Judges being out of Town, I was, according as the Statute herein directs, to be carried before my Lord Keeper (*North*); but his Lordship ordered the Goaler to bring me before him at the Council that Afternoon; as soon as I appeared before his Lordship, my Lord seemed well pleased at a supposed, but mistaken advantage he thought to have had against my Bail; for his Lordship smiling, told me, notwithstanding he did not expect that I should have had much regard to my self, yet he did believe I would have had that just respect to my Bail, as not to ruine them by those new matters then to be laid to my Charge. To which I answered, I knew not wherein I had prejudiced my Bail, of whom the only thing required was my appearance the then next Term, which (if God permit) I would do, and thereby indemnify them: No, replied his Lordship (smiling) the good behaviour was likewise required; A notorious breach whereof appears in these matters you stand afresh charged with. I did humbly appeal to the Bonds themselves, and in the Condition there appeared was my appearance before observed. For which his Lordship was very angry with Secretary *Jenkins*, who immediately transferred the blame thereof to his under-Secretary. When his Lordship found, that by this neglect my Bail was slipt from his hands, his Lordship was resolved to hold me fast enough; and therefore demanded Bonds with Sureties in Twelve thousand pounds, for my Appearance, and as much more Security for the Good Behaviour. I did

hereupon desire his Lordship, That he would consider the Statute upon which I then came to be Bailed; and, as that Statute required, his Lordship would consider my Quality, and the nature of my Offence: As for the first, I was a younger Brother, and my Father living; and as to the second, the pretended Crime, it was of the very same nature with that under which I stood bound with Sureties in Two thousand pound for my Appearance. My Lord Keeper reply'd, That according to the Statute, he did consider both my Condition and the Offence, and regulated his Demands accordingly; for had I been an Alderman of *London*, my Quality answerable to the Crime, for every Six thousand pound his Lordship would have demanded Twenty; so that then I must have given Eighty thousand pound Bonds in Bail and Suretyship; which (to the best of my remembrance) is twice as much as I ever yet heard demanded of any Nobleman in *England*, though under a Commitment of High-Treason. Whilst I was before the Council, I desired his Lordship, that some of those Witnesses might be sent for out of the Countrey where the Report was of the Earl's having cut his own Throat in the *Tower*, before his Lordship was dead. Upon which, one of the Lords of the Council (to the best of my remembrance, the now Marquess of *Hallifax*) said, *This is just as it was in the Case of Sir Edmund-bury Godfrey*. But the Lord Keeper, I found, would not send for Witnesses to prove what his business was industriously and oppressively to *spy*. Not being able to comply with these hard terms, I was remanded to *Wiltshire-Gaol*: But that night lying in Town, I read the Statute, and advised with some of my Friends, who found that the Good Behaviour could not be demanded, but that Bail to answer the Cause of Commitment, was all the Statute did require. I did therefore the next morning desire my Keeper

Keeper to carry me to his Lordship's House in *Great-Queen-street*; and for the Reasons before observed, I did hope his Lordship would not insist either upon the Good Behaviour, or yet upon so great Bail. My Keeper accordingly carried me: But before his Lordship that time saw me, my Keeper did acquaint his Lordship with the Occasion of his bringing me once more before his Lordship. Upon which, the Lord Keeper sent for me, and told me, That the Good Behaviour he neither did or could require; and if I would give Bail to answer my Commitment, I might have my Liberty. To which I replied, That in so large a Sum as was demanded, I could not; but in all would give Ten thousand pound Bail, which I hoped his Lordship would judge sufficient. His Lordship said, What was agreed upon at the Council, he could not there change: but my Keeper should bring me down that afternoon to the Council; and if there it could be complied with, I should be bailed. That afternoon I did accordingly attend the Council, where I found his Lordship's mind changed, and returned to his first Demand, Twelve thousand pound for my Appearance, and Twelve thousand pound more for my Good Behaviour; notwithstanding that very morning he had (as before) declared he could not by Law require it.

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

Having thus suffered in the defect of this Act, I cannot but here take notice of one great Omission in this Statute. This

Act inflicts a Penalty of One hundred pound upon the Gaoler that denies the Prisoner, or any on his behalf, a Copy of his Warrant; and Five hundred pound Penalty on every Judge that refuses to grant an *Habeas Corpus* upon the Statute, for the removal of such Prisoners; but inflicts no certain Penalty upon the refusal to bail the Prisoner that shall upon this Act be brought before them; so that if the Judge either demand Ten times more than the Quality of the Prisoner, or the Nature of the Offence requires, or refuseth to take any Bail whatsoever, there can no Action of Five hundred pound for this refusal be brought, for no Penalty in this Case is enacted. It's very strange, that the Statute should lay so great Penalties upon the denial of the means of Bail, (*viz.*) the Copy of the Warrant, and *Habeas Corpus*; and yet not enact an express Penalty for refusal of the end, (*viz.*) Bailing the Prisoner; for what signifies either a Copy of the Commitment, or an *Habeas Corpus* thereupon, if Bail be not procured? This is the putting the Prisoner to a very fruitless Expence.

I must confess, seeing the Statute requires the Judge shall bail the Prisoner, taking Recognizance with one or more Sureties, according to the Quality of the Person, and Nature of the Offence, a Special Action of the Case lies against such Judge upon his refusal: But if there be little Damages sustained, as it may happen; for though one Judge refuse, another may grant the Prisoner his Liberty upon Bail, and consequently so proved, the Jury being sworn to go according to Evidence, as well in the Damages, as in the matter directly in Issue, must go according to Proof, unless they think the extravagant Verdicts of late Times, (which found One hundred thousand pounds, where not one Farthing was proved), will excuse them, in giving fifty times more than was sworn to be sustained.

sustained. Few words more in the Statute would, I humbly conceive, have sufficiently provided in this Case; for in the Statute, wherein it is said, *That if the Judges shall deny any Writ of Habeas Corpus, by this Act required to be granted, being moved for as aforesaid, (it had been added, or shall refuse such Bail as the Quality of the Prisoner and Nature of the Offence requires), they shall severally forfeit to the Prisoner or Party grieved the Sum of Five hundred pound, to be recovered in manner aforesaid:* These few words would have given the Five hundred pound for refusal of Bail, as well as denying the *Habeas Corpus*; whereas without the like Clause, the Statute may (in effect) be daily evaded.-----To return.

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

ment, the Marshal refused to give me back my Security-bonds, which at last I was forced with Guineas to redeem. For this severe and unjust Usage, the Marshal pretended the special Order of the then Lord Chief Justice *Jeffreys*, before whom at the *Kings Bench-Bar*, I was the then next Term bailed; after which, with all possible Industry and Diligence, I renewed my former Inquiries. But about the 12th of that *November*, I was taken up by the City-Marshal, by Virtue of a Warrant of the Lord Mayor, or Court of Aldermen, as Illegal in the Cause, as the other was in the Conclusion of the Commitment: for the only Cause (if it can properly be so called) in the Warrant, was, *My being suspected to be Disaffected to the Government*; finding the words so general, and not one particular Instance to justify that Suspicion of Disaffection, I could at first give no probable guess at the Information. By the City-Marshal I was first carried before Sir *James Edwards*, and after that, the then Lord Mayor, before whom I refused to answer such general Questions as were asked, without seeing my Accuser, and hearing my Accusation; but I soon found what was the pretence of my Commitment, which I had grounds to suspect, was designed to be stretched to the highest Offence, nothing less than Treason; for I was charged with bespeaking several Hundreds of the *Protestant-Flails*, with a Design therewith to Massacre the Kings (then called) Loyal Subjects. Refusing to answer the Lord Mayors Questions, I was committed to Captain *Richardson*, who was ordered forthwith to carry me before the King and Council; as soon as I came there, my old Friend, the Lord Keeper *North*, began to interrogate me in several Particulars; but I refused to answer any, till I saw my Accuser, and heard my Accusation; his Lordship told me, my not answering that Honourable Board, was a contempt, for which I might be prosecuted. To

which

which I replied with Submission, 'I did not understand I was obliged in strictness of Law, to answer to any Accusation, till I came judicially to be tried, where I should both see the Accuser, and hear my Accusation. At length the King ordered my Accuser to be called in, whose Charge (in Substance) was this, (viz.) *That such a time, about four Years and a half before, I came to his Shop, and bespoke a Pocket-Flail; which by Description, I did order him to make; the next day after I bespoke three more, which I was to fetch the third day.* And did likewise declare, *He should make me several hundreds, but I came not according to my Promise for either of the three, or did he make any of that number I pretended to bespoke.* That 'I did bespoke one, and the next day 'three, I did confess to be true, and likewise fetched one of the three the third day; but these not being made according to Direction, I would not have the other two. As for the Five hundred, or any such Number I should bespoke, 'I did declare, (as the Truth was) that 'part of the Charge was very Malicious and False. Major *Richardson* being then there, as foolishly as maliciously, endeavoured to frustrate my Defence; for he told His Majesty, the true Cause I came not according to my Promise for any of that great number I had bespoke, he would give His Majesty. For Captain *Richardson* declared, 'That almost three years before, he had been in that Turners Shop, 'where seeing one of those Instruments (it being the first that he ever saw) he 'demanded of the Turner what he called 'them; who answered, *A Pocket-Flail*; and then further told him, 'That the 'Gentleman for whom he made the first 'above a year before, pretended he 'would then have several hundreds made, 'and bespoke three Flails after the first, 'but came not for either of the three, or 'any of that number which he pretended 'he did want. Captain *Richardson* de-

clared upon this, 'He did believe there 'was a general Design against the Government, and therefore he did Charge 'the Turner, That if the Gentleman 'came according to his Promise, he 'should endeavour to secure him; which 'Caution he did suppose I had heard of, 'and therefore came not according to my 'Promise. Of this most ridiculous Suggestion, I took immediate advantage, and told His Majesty what the Captain alledged, could not possibly be true, even by his own Suggestion. For he confessed, That the Turner told him when he first saw the Flail, that I had bespoke a great Number above a year before, and was forthwith to have fetched one of them, but came not according to my appointment; and yet the Captain alledges, That his Caution so long after given, did influence my not coming a year and a half before. Immediately upon this, the King saw this Charge mixt with such folly and falshood, that His Majesty thought fit to order my immediate Discharge. As soon as I came into the Room next the Council, Captain *Richardson* took me by the Hand, and protested he was extremely glad I was discharged; but considering his good Service, in just before endeavouring to prevent it, I gave little Credit to this Assurance. Being once more at Liberty, I continued, as before, my Inquiries, in which I was daily hurried up and down; for having made it my business to get the Names of most of the Soldiers upon Duty that day my Lord was Murdered, I was in a constant Inquiry after some of them; for I had reason by some Information I had received, to believe that not a few could speak not only to the throwing out of the Bloody Razor, but to that which was more material, the sending in the Ruffians to my Lord, and from whom those Villains went commissioned. But as I spoke with any of those Soldiers, I perceived them very shy, and denied to me, what they had

had before freely confessed to their intimate Acquaintance; and afterwards told their Friends, they would not be brought into trouble, by testifying their Knowledge therein, which they knew would most certainly prove their Ruin.

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

In *Hillary Term 83*. Mr. *Speake* and my self were tried upon an Information; the substance whereof was, 'That where-
'as *Arthur* late Earl of *Essex*, the 13th of
'*July* (being Prisoner in the *Tower* for High-Treason) himself feloniously, and as a Felon of himself, did Kill and Mur-
'ther, and the day after, was by the Co-
'roners Inquest so found; The said
'*Lawrence Braddon* and *Hugh Speake*, well
'knowing herof, but contriving, and ma-
'liciously, the Government of our said
'Lord the King, of this Kingdom of
'*England* into hatred, disgrace and con-
'tempt, to bring, &c. did falsly, unlaw-
'fully, maliciously, and seditiously Con-
'spire, and endeavour to make the King's
'Subjects believe, that the said Coroners
'Inquisition was unduly taken, and that
'the said *Arthur* Earl of *Essex*, by certain
'Persons unknown, *IN WHOSE CUSTODY*
'*HE WAS*, was killed and murdered, in
'order to which they the said *Lawrence*
'*Braddon* and *Hugh Speake*, did falsly, un-
'lawfully, unjustly, maliciously, and se-
'ditiously *Conspire* to procure certain false
'Witnesses to prove, that the said *Arthur*
'Earl of *Essex*, by the said Persons un-
'known, was killed and murdered. *Inde*
'*Trial*, p. 4.

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

This Information charges Mr. *Speake* and my self with falsly, unlawfully, maliciously and seditiously endeavouring to procure false Witnesses to prove, That (the Right Honourable) *Arthur*, late Earl of *Essex*, was killed and murdered by persons unknown, *in whose Custody he was*; but to destroy this conspired Charge of Mr. *Speake*, and my self, against those *in whose Custody my Lord was* (at the time of his death) the then Attorney-General tells the Court, That they would give an Account of the Earl's Death, *how he murdered himself, and for that they had* A CLOUD OF WITNESSES (*Speake* and *Braddon's Trial*, pag. 30.) But when this *Cloud* appeared, it consisted in Major *Hawley* (at whose House my Lord was murdered) *Ruffel* the Warder who then kept the Chamber-door) *Bomeny* my Lord's Servant, (then attending on his Lordship) and *Lloyd* the Sentinel (who kept the outward Door whilst my Lord was murdered). Here are Three (*Monday* being the 4th) of the Men *in whose Custody my Lord was*, and consequently (according to the Information) the very Men, Mr. *Speake*, and my self, had conspired to charge with my Lord's Murder; and these very Men, *in whose Custody my Lord was*, were like a *Cloud of Witnesses* brought to prove, that those Men, *in whose Custody my Lord was*, did not murder his Lordship, but that the
Earl!

Earl himself, feloniously, and as a Felon of himself, did kill and murder.

How very ridiculous would it have looked, should the then Court, or King's Council have thus spoke to those Three Witnesses, (viz.) Gentlemen, YOU (being three of the men in whose Custody my Lord was at the time of his death) are designed to be charged by the Defendants Speake and Brad-don, with the murder of my Lord; but WE have thought it convenient and JUST by YOU to prove, that YOUR SELVES did not murder this unfortunate Lord, but that this Lord himself feloniously, and as

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

a Felon of himself, did kill and murder, as UPON ONLY SOME OF * YOUR DEPOSITIONS he hath been already found by the Coroner's Inquisition. Do YOU therefore upon Oath but purge YOUR SELVES,

and lay this Murder to my Lord's own door, and WE will inflict exemplary punishment upon these Defendants, whose Conspiracy tended to the charging YOU as Actors in it, or Privy thereunto.

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

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

I answer, As they were THE MEN which were to be presumed privy to what was done BY his Lordship just before his death, because they were the persons

whose Stations were so near his Lordship, for this very reason they were THE PARTIES which were likewise to be supposed privy to what was done TO HIS LORDSHIP just before his death; and therefore admitting that his Lordship fell by Treachery and Violence, these were THE MEN must be presumed consant therof. Wherefore these mens Testimony being in effect a Self-discharge, ought not here to have been admitted.

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

As for all those Witnesses which were produced against us, to prove any Bribes, or the like, I do suppose Prejudice it self will not pretend to say, that by the Trial (which none can believe Sir George Jefferyes would order partially, in our favour, to be printed) the least colour of proof is given by any.

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That

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

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

Upon my Tryal, I did expect all that the most inveterate and malicious Rage could utter, and therefore was not surpris'd with all that Fury, and unjust Inve- teracy, that appeared in the Court; especially the *MOUTH* thereof; for in the midst of his Rage, when I was falsely represented under the most odious Character, worse than a Common Robber, or Burglar (for these Mens Crimes tended only to a private Mischief, but mine to a general Confusion); I could not forbear smiling upon the then remembrance of this Story. A Neighbour of mine, whom long since I knew in the Country, an illiterate plain Country Farmer, who had a Wife of as violent Spirit as liv'd; and one day she came into the Room where her Husband was (with several Neighbours); as soon as She came, tho' there was not, or it seems had been, the least colour for a provocation, for he still carried himself well towards her, She flew into the greatest Rage imaginable, calling him all the Names that Malice could invent, or Rage could utter; and had She not been prevailed upon, might have done him some Mischief. The Husband in

the midst of this great Storm, well know- ing all to be false with which the Fury of his Wife had charg'd him, stood as a Man altogether unconcern'd, and appear'd rather pleasant than displeas'd. One of his Neighbours then ask'd him, How it was possible for him, so to receive the furious and bitter Railing of that furious Woman? To which the Husband smiling, calmly replied, That his Wife talk'd of a Man he did not know; and therefore, what reason had he to be concern'd, when he was not the Person she spoke of, &c? I did ask my Conscience, an Infallible Evidence, according to the Truth, to condemn or acquit, Whether I was this profligate Villain his Lordship did so infamously Characterize; and I found that impartial Judge (by whose Sentence at the last day I shall stand or fall) did acquit me from that Crime, which his Lordship's Corruption against his belief unjustly charg'd me with; and therefore I thought I might well say to my self, as that honest Country-fellow did to his Neighbours, *I am not the man thus rail'd at*; but his Lordship retiled a man I was not acquainted with, or knew, and therefore stood very much unconcerned at whatsoever his Lordship's corrupt vi- rulence falsely and maliciously (in subser- vency to that bloody Design that com- mitted the Murther) without the least colour of Crime applied to me, who was as innocent of the Offence, as of the far- fetched strained and groundless Aggrava- tions. Let any impartial man read the Tryal, and well observe what is sworn, if in the Evidence he find the least ap- pearance of an Offence, I dare suffer what I have already undergone; but if men will take the malicious and groundless In- finuations of a time-serving, mercenary Council, &c. or the corrupt Charge of as corrupt a Judge for Evidence, they will find me painted in the worst of colours. I did not expect that my Innocence would prove my protection against these unjust
and

and violent Proceedings, and therefore I might have saved my self, and Friends, the trouble of a Defence; and with that *Welschman*, who sleeping at the Bar, whilst the Evidence in a Capital Crime was swearing against him; and being awaked by his Friend, and advised to prepare for his Defence, starts up, and rubs his Eyes, saying, *If they have a mind to hang her, they will hang her whether her make her Defence or no.* — But desiring in some measure to satisfy the World that there were strong grounds to believe this unfortunate Lord was treacherously butchered, I thought it proper to produce some Witnesses in order thereunto; but when I found that some of these so produced, were so brow-beaten by the King's Council, and saw that they were afraid to testify the Truth, and upon Oath denied what I knew to be true, I thought it convenient not to produce many of these whom I had subpoenaed, because they should not be baffled, and spoiled by the Court; for should any of these Witnesses upon Oath (through fear) have denied what they knew to be true, and afterwards (when Truth in this case became not Criminal, which I did still believe I should live to see) testify the very truth, their former Denial would be produced to invalidate their after Testimony, and so their Credit be destroyed.

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

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

But Mr. Attorney-General at the Trial was pleased otherwise to express it; for Sir *Robert Sawyer* tells the Court, They need but read Mr. *Speake's* Letter, and they would find it ten times worse than what Mr. *Braddon* had done. For which his Lordship seem- *Trial pag.*
 ed very angry with the Attor- 53.
 ney-General, and told him, None should appear so great an Actor in the business as my self.

His Lordship's Behaviour at this Trial was so very remarkable, that (as I have been informed by several) he was scarce ever seen more passionately to express himself. And though my Trial shews great bitterness of expression, yet it is not printed in all its parts as it was spoke, but some of the *Billinggate*-railing left out; yet such as it is, by his Lordship's Authority published (I do humbly conceive) there have few, if any Trials been stuf'd with such foul-mouth'd Invectives. But his Lordship in this was to act counter to his Title; for though the Duty of his Place required his greatest encouragement to the detection of Blood, and the punishment of such vile Offenders, at this Trial his business was quite different: For (as I have been long since informed) one day, not long after my Trial, his Lordship having drunk very freely, upon some discourse with relation to the

Earl's Death, a Gentleman took then an occasion to tell his Lordship, That my Trial was excellently well managed by his Lordship and the whole Court. To which his Lordship made answer to this effect, (*viz.*) *That though he was well satisfied the Earl of Essex was murdered, his business was to sift it.* This Gentleman is altogether averse from betraying the common Rules of Conversation, by appearing as an Informer or Evidence in judicially exposing what passed over a Glass of Wine; Whether the effects of Wine in this verified the Proverb [*In vino veritas*], I know not: but it appeared notorious to persons unprejudiced, that there was just ground to believe his Lordship's Corruption did herein endeavour to stifle what his love (had he any) to Justice in the duty of his Place, should have zealously strove to detect.

Under this Fine I lay Prisoner for about five years: But about *August 1687.* *Grubbe* and *Burton* came over to the *King-Bench* to treat with several of the King's Prisoners, in order to their Discharge; and they brought with them a List of such Prisoners; in which List perceiving my Name the ONLY Name crossed, I did enquire how my Name became so marked? To which I was answered, That as soon as His (then) Majesty had seen my Name, he called for a Pen and Ink, and with his own hand crossed it; by which I perceived I was designed for *Judgment*, not *Mercy*; and upon application was so told; for I was inform'd, that no man was more obnoxious to His Majesty than my self, who was the only person that ever cast Blood in his face: But if his own conscience by a just application threw it there, I could not help that; I am sure they that said it, talked without Book; for nothing at my Trial, or at any time after proved against me, made any such thing appear. I must confess, several Witnesses at my Trial *dispar'd*, could have mentioned some-

what with relation to his (then) Highness's Guilt in this matter; but I found it was a Truth too hot, which that Court would not hear, and therefore thought it not proper to call them, but left them till such a Season wherein Truth in this matter should not be prosecuted as the highest Offence.

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

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

Lordships constituted a more general Committee.

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

The Order for the close Committee.

Die Martis, 5. Februarii 1689.

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

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

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

Before this Right Honourable Committee, there have been above Sixty persons examined, of which most were examined upon Oath, and many of these several times before this Committee, which in all have fate above thirty times, and several times adjourn'd when other extraordinary Occasions hinder'd their Lordships from taking the Depositions of such as then attended to be examined. In May last, three of the

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

Die Jovis, 23 Maii 1689.

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

John Browne,
Cleric' Parliamentor.

These

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

Die Sabbatis, 26 Octobris 1689.

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

*Job Browne,
Cleric^s Parliamentor^s.*

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

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

As to the *first*, before my Lord's Murder; it is deposed by *Dorothy Smith* to this effect: "That about nine days before my Lord's Death, being Servant with one *Holmes* in *Baldwins-Garden*, and standing upon the Kitchen-stairs, she heard several Papists discoursing (in the Parlour of the said *Mr. Holmes's* House) concerning the taking off the Earl of *Essex*; and it was then and there declared, That they had been with His Highness, and His Highness was first for poisoning the said Earl; but that manner of Death being objected against, it was proposed to His Highness, That the Earl should be stabbed; but this manner likewise not being thought proper, His Highness had concluded and ordered his Throat to be cut; and His Highness had promised to be there when it was done. About three days after this, (*viz.*) about six days before the Earl's Death, some of the aforesaid persons met again at her said Master's House, where she heard them declare to this effect, That they had resolved the Earl's Throat should be cut; but they would give it out, That he had done it himself; and if any should deny it, they would take them up, and punish them for it. This Informant being hereupon much troubled in her mind, and willing to prevent (if possible) this intended Mischief, did hereupon advise with one *Mr. Billinger*, who before that time had been her Master; but the said *Mr. Billinger* told her to this effect: "That if she valued her life, she should not discover it to any; for the Papists then carrying all before them, she was ruined if she did. Wherefore she did not before my Lord's Death (to her remembrance) discover it to any other, unless she might to *Mrs. Billinger*, in which she can't be positive: "But the day of my Lord's Death, about Two or Three of the Clock the same day, some of the aforesaid Consult coming to her said Master *Holmes's* House,

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“ one leap'd about the Room as extremely over-joy'd, and strikes the said Mr. Holmes on the back, and cried, *The Feat was done, or we have done the Feat*; And further said, *He could not but laugh, to think how like a Fool the Earl of Essex look'd when they came to cut his Throat.* She further saith, “ That about five years since, living with Mr. Rowden of the *Old-Exchange*, she was willing to discover what she had as before heard, to her said Master and Mistrels, and Daughter; but her said Master Rowden was not free to hear all she could say with relation hereunto, but advised her to hold her peace; for by such her discourse she might ruine Him and all his Family. This is further confirmed by the Oaths of Mr. Rowden, Mrs. Rowden, and Mrs. Mary Rowden: And Mrs. Rowden doth further depose to this effect; (*viz.*) “ That the said Dorothy Smith hath some years since with great concern declared, That she did hope to live to see the day wherein she might fully reffise her knowledge herein; and this she would do, when she might without danger.

Mr. Adams and his Wife have depofed to this effect: “ That *November* last was two years, this Dorothy lived with them as their Servant; and in tears hath often declared her over-hearing the Papists consult of my Lord of *Essex's* Murther several days before his Death, and by whose Order the Earl was to be murdered: But these Informants knowing the danger of such discourse (the late King James being then in so great Power) did advise her, for her own Safety, and the Safety of those she lived with, not thus to discourse: But the said Dorothy in tears did usually answer, That it lay upon her mind night and day; and she could not be quiet in her thoughts, that the Earl of *Essex* should be falsely charged with cutting

“ his own Throat, when she had heard the Papists resolution to cut it themselves, and after own they had done it. “ And if ever the might with safety testifye the Truth herein, she would; and did hope those Men that did it, might suffer for it.

Richard May depofeth to this effect: “ That (to the best of this Informant's remembrance) before the Death of King Charles the Second, observing *Dorothy Smith* to be very melancholy, he desired to know the cause; upon which she said, *That somewhat which she knew with relation to the Death of the late Earl of Essex, was the cause of her trouble; and it was not safe for her to reveal it to any.* Upon which, this Informant advised her then to be silent in the matter. But about the beginning of *February*, after our now King's coming, finding it safe for the said Dorothy Smith herein to declare her knowledge, this Informant went to the said Dorothy Smith, and told her, She might now safely speak what she knew as to my Lord's Death; upon which, the said Dorothy Smith told this Informant, How she had heard the Papists several days before my Lord's Death, declare How the Earl's Throat was to be cut, and by Whom ordered, (with several particulars in relation thereunto); upon which, this Informant discovered this to Mr. *William Tornay*, who thereupon told this Informant he would reveal this to Mr. *Braddon*, then upon the Prosecution of my Lord's Murther; and some short time after, Mr. *Tornay* told this Informant, That he had therewith acquainted Mr. *Braddon*, and desired this Informant, with the said Dorothy Smith, to meet the said Mr. *Braddon*, and the said Mr. *Tornay*, such a time, at the *Cross-Keys* in *Watlin-street*, where they met accordingly: But when Mr. *Braddon* had

“ been

“ been particularly informed herein by the said *Dorothy Smith*, the said Mr. *Baxton* declared, That unless the said *Dorothy* could make it appear, That she had long since revealed this, he would esteem it as a new-made Story, and a Lye. Upon which, the said *Dorothy* mentioned the Names of several to whom she declared she had long since revealed it; but by all was enjoined to Secrecy.

Mr. *William Tournay* hath likewise deposed what herein relates to him. And I am ready to depose, That I never heard of this *Dorothy Smith*, till Mr. *Tournay* about *February* last was Twelve Month, informed me of her; and I never to my remembrance, saw the said *Dorothy Smith*, till the said Mr. *Moy* had, as before, brought her to the *Cross-Kays* in *Wardensstreet*, where I first discoursed her in the presence of Mr. *Moy*, Mr. *Tournay*, and another. Here are five or six Witnesses prove the very Substance of this Evidence, revealed some years since, when it was little less than Death to discourse it, which clearly proves it is not a new-made Story, and strongly argues the truth of the Relation; for it can hardly be supposed, that this Woman should often under the greatest Concern and Danger imaginable, declare any thing of this nature, unless the Relation was really true; Because she could (rationally) then propose no Advantage by this Invention; but was still told, and convinced of the Danger. Wherefore 'tis rational to suppose, that only the power of Truth moved her to declare what she so often in Tears related. But as a further Argument of the truth of this Deposition, I shall briefly relate what Informations have been taken in Contradiction to this Relation, and how these Informations have been detected as false in every particular, which corroborates the Truth of the Accusation: For as a true Defence detects and fru-

strates a false Charge; so a false Defence (being discovered to be such) as strongly strengthens a true one. The Depositions in opposition to *Smith's* Evidence, were,

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

Elizabeth Christophers (of a very loose Character) who in this particular upon Oath, the 9th day of *April*, 1689. before Mr. Justice *Dolben*, confirms *Hewitt's* Testimony; but that these two are forsworn, appears by many Depositions. For,

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

It's further proved by five Witnesses, That *Dorothy Smith* was Servant at this *Holmes's*, when Green-pease were very plenty and cheap (which is naturally evident it must be in the latter end of *June*, or sometime in *July*, which is about two Months after *Hewitt* swore *Dorothy Smith* was turned away; and it's positively sworn by one, that *Dorothy Smith* was Servant in *Holmes's* House in *July* 1683. after the Death of the late Earl *Essex*; and this Informant remem-

Elizabeth Morris, *Ann Dupone*, *Katherine Coldman*, *Sarah Douthwait*, and *Robert Bond*.

bers the time, by a very remarkable particular. So that here are five or six Depositions in Contradiction to *Hewit's* and *Christopher's* Evidence, which was designed to destroy the Credit of *Dorothy Smith's* Testimony; but this Opposition thus detected, adds strength to what it was designed to prejudice. But it was further sworn by *Hewit*, that the 6th of *July*, 1683. (which was the *Friday* in the Week before my Lord's Death) she went with the said *Mr. Holmes* into the Country, and the first Night lay at *Wickham* in *Buckinghamshire*, the next Night at *Oxford*, and continued there till the 9th; and the 9th, this Informant went with the said *Mr. Holmes* to *Alderminster* in the County of *Worcester*, to the House of one *Mr. Nathanael Swan*, Minister of the said Town, and continued there till the 23d of the said Month of *July*, and then returned, &c.

Nathanael Swan Clerk, deposeth before *Mr. Justice Dolben* the 9th of *April*, 1689. "That about the 9th of *July*, 1683. *Hewit* "and *Holmes* came to his House in *Alderminster*, and continued there till about "the 23d.

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

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

When I found *Mr. Holmes* endeavoured to prove (as before sworn by *Hewit*) himself out of Town, from the 6th of *July*, 1683. to the 26th or 27th of the same Month; I did endeavour to enquire out all such, as either *Mr. Holmes*, or *Mrs. Hewit* were well-known to, or traded with; and therefore I made inquiry after those, with whom (in that Month and Year) they Bought of, or Sold to, all Shopkeepers, Taylors, Butchers, Fish-

mongers, Shoemakers, Hatters, &c. and such as upon inquiry, I received such Characters of, as I might expect their Satisfaction from, I did desire to see their Books in that Month of *July*, to see whether any Goods were bought in Town by the said *Mr. Holmes*, or *Mrs. Hewit* (for proving *Hewit* in Town, proves *Holmes* likewise in Town, because it's sworn, and can be proved, they both went out of Town together) or any Money paid between the 6th and 26th of *July*, by either of these. After a very long and tedious Inquiry (all those Tradesmen being altogether strangers to me) I providentially met with one *Mr. Welstead*, who very readily shewed his Book, wherein is entred according to his Information, which followeth:

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

This Book hath not been of any use to *Mr. Welstead* for almost five Years, and it was a very great Providence this had not been torn out, seeing the Book for

Some years had been used as wast Paper, and the very next leaf to this torn out, and lost. As soon as Mrs. Hewit understood such a Taylor's Entry was against her Oath, she, with Mrs. Holmes's Wife, went to this Taylor, and desired to see his Book; which being shew'd, Hewit first pretended that this Entry was forged, and new; but Mr. Westend 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. Westend declared he could depose, " That Mrs. Hewit was in Town when that Dust-gown was made and delivered, and that she then pretended she was about going into the Country, (but how many days after she did go, he could not tell). Mrs. Hewit told him, if he did swear that, he would take off her Brother's life, and Holmes's Blood would be upon his head.

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

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

The next thing previous to my Lord's Murther, are the several Reports in many places in England (before my Lord's death, or before it could be known) that the Earl of Essex had cut his Throat in the Tower.

This is proved by Mr. Hubland, *Merch.*
Eight Witnesses. It *Mrs. Hubland.*
is as to this sworn, *Mrs. Meux.*
" That at Frome *Treherne.*
(which is about *Jeremiah Burgis.*
100 Miles from *Thomas Feilder.*
London) " it was *— Savage.*
" reported the very *Mr. Butler.*
" next morning af-
" ter my Lord's Commitment to the
" Tower (*viz.*) the 11th of July, 1683. that
" the Earl of Essex had cut his Throat in
" the Tower: And this Informant, the week
after my Lord's death, meeting the Gentleman which had before given him this Information, and desiring to know how before my Lord's death he could declare it; the other replied, That all men concluded my Lord would either cut his Throat, or turn Evidence against his Friend my Lord Russell; but it was generally believed that my Lord would rather destroy himself, than be made a Witness.

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

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

Observe in this previous Report sixty miles from London, the next day after my Lord's Commitment, the very pretended Reason for the Self-murther is given; which Reason carries in it an accident that could never be before reported, or indeed expected, but by those which were the most secret in this Treacherous Cruelty; for herein is it said, the *Wednesday*
before

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

I shall in the 2d place observe what passed in the day of my Lord's murder, which proves his death to be such.

Bomeny and *Russel* before-mention'd, did before the Coroner's Jury upon Oath deny that any men were let into my Lord that morning my Lord died. The like did *John Lloyd*, the Soldier that kept the outward Door, depose at my Trial, pag. 57.

Nathanael Monday, who was my Lord's other Warder, and likewise *Russel*, before the Lords have denied that any men were that morning let into my Lord. But that there were some Ruffians a little before my Lord's death let in to murder him, plainly appears by the Proofs following.

Mr. Samuel Story deposeth to the effect following. (*viz.*) "The 21st of January, 1688. being the day before the Convention sat, *John Lloyd* (Sentinel upon the late Earl of *Essex* at the time of his death) was taken up as suspected privy to the said Earl's murder; and being therefore in custody, the said *Lloyd*, with

"tears in his Eyes, wrung this Informant by the hand, and declared, That by special Order of Major *Hawley*, or one of my Lord's Warders, he did let in two or three men into the Earl's Lodgings just before his death, and he was very sure, and could safely swear that Major *Webster* (then there in custody, suspected as one of the Ruffians that murdered my Lord) was one; and that as soon as he so let them in, he heard a noise in my Lord's Chamber, and somewhat thrown down like the fall of a man; soon after which it was said, the Earl of *Essex* had cut his Throat.

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

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

THis Examinant saith, on the day whereon the Right Honourable the late Earl of *Essex* was found dead upon the suspicion of having been murdered in his Lodgings in the Tower of *London*; he then being a Soldier, was standing Sentinel at the door of the said Earl's Lodgings, and had order to let no body up stairs to the said Lodgings without leave from Major *Hawley*, or the Warder then in waiting on the said Earl; and that about half an hour after Eight of the Clock in the Morning of the said day, two Men (to this Examinant unknown) knocked at the hatch-

door belonging to the said Lodgings, and by permission of the said Warder, entred the said Lodgings; but when they came out, he can give no account; and that about Nine a Clock he heard a struggling on the said Morning, and a little time after heard a Crying, My Lord is dead.

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

Lloyd did then farther declare, " That upon the letting in those Men, there was so great a bustle in my Lord's Chamber, that the said *Lloyd* would have forced in after them, but the

" Warder had made fast the outward door, so that he could not; and that upon the bustle he did hear somewhat thrown down like the fall of a Man, which he did suppose was my Lord's Body; and soon after, it was cry'd out that my Lord of *Essex* had cut his Throat. This is the substance of what *Mr. Tempest* hath deposed before the Lords.

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

But to put this matter beyond all doubt, that some men were bustling with his Lordship just before his pretended Self-murder discover'd, evidently appears by this Information following.

Maria Bascomb declareth, and before the Lords in substance hath depos'd, " That a little before the death of the late Earl of *Essex* was discovered, this Informant was walking up before the Earl's Chamber-window, and hearing a very great trampling and bustle in my Lord's Chamber, this Informant stood still, and 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

“ the Chappel, but not out of sight of
 “ the Lodgings, and about a quarter of
 “ an hour after (or less) it was first cryed
 “ 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 Murther cried
 “ out, as before related. This Informant
 “ further saith, “ That some few days af-
 “ ter this, telling Mr. *Perkins* and his
 “ Wife (whom she then kept in her ly-
 “ ing in) of what she had seen and heard,
 “ as before declared; the said Mr. *Perkins*
 “ advised her not to speak of it, for her
 “ divulging it, in all probability would
 “ prove her ruine.

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

I think this proof is little less than ocular Evidence of the Murther; for my Lord was a close Prisoner, to whom (as was pretended, and sworn by such as kept the Chamber-door) none was admitted that Morning; but his Lordship cut his Throat in all silence; whereas it is here deposed, that several were bustling together in my Lord's Chamber before his death (and this part agrees with the Confession of the Sentinel who let in the Ruffins) and one in this bustle (which can be presumed to be no other than my Lord) cry'd out several times very loud, and very dolefully, *Murther, Murther, Murther*.

And as a farther Confirmation of these Men being (and by whom) sent to murther my Lord, *Elizabeth Gladwin* and *Sarah Hughes* declare, (and before the Lords in substance have deposed) “ That the
 “ day of the death of the late Earl of *Essex*, (*viz.*) the 13th of July, 1683. about
 “ Eleven of the Clock the same day, one

“ *Ruddle*, 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
 “ *Ruddle* then declared, That he did observe
 “ His Majesty and Royal Highness part a
 “ little from those that attended them, and
 “ discoursed (to the best of these Informants remembrance); The said *Ruddle*
 “ declared it was in *French*, concerning
 “ the Prisoners then in the Tower, and his
 “ HIGHNESS declared, That of all the
 “ Prisoners then there, the Earl of *Essex*
 “ ought to be taken off; but His Majesty
 “ said he was resolv'd to spare him for
 “ what his Father had suffered; upon
 “ which his HIGHNESS seem'd very
 “ dissatisfied; 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 murther him. — So far
 “ before their Lordships.

The said *Ruddle* declared this with great earnestness and passion, and protested he thought no man safe who was against the Popish Interest, if once they began thus bare-faced to cut Throats. And he protested his blood did so boil against his Royal Highness, that if he could have got a Party that would have stood by him, he would have shot his Highness dead upon the spot, for so bare-fac'd a murther had before scarce ever been committed under a Civil Government.

John Bampton and his Wife both declare, and in substance before the Lords have deposed, “ That about one of the
 “ Clock, the very day the late Earl of *Essex* died in the Tower, one *Robert Meak*
 “ that morning (a Soldier in the Tower)
 “ came to these Informants House, and
 “ these Informants desired the said *Meak*

“ to give them the best account he could
 “ how the Earl of *Effex* cut his own
 “ Throat; to which the said *Meake* (with
 “ some earnestness and passion) answered,
 “ That the said Earl did not cut his own
 “ Throat, but was barbarously murdered
 “ by two men sent for that purpose by his
 “ ROYAL HIGHNESS to the Earls Lodg-
 “ ings just before his death.

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

I do expect it will be objected, That these four are but hear-say Evidence. To which I shall answer almost in the very words of a late Discourse on this Subject, (*viz.*) *Seeing there is reason to believe that the stifling the first murder occasioned the addition of these two Soldiers blood (as you will hereafter have some grounds to oppose) 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 these men (whose mouths have been by murder stop't from giving their own relation) have declared in the matter. These two Soldiers related the same as to the sending the Men into my Lord's Lodgings in two Houses as far distant as Duke's-place and Baldwin's-Gardens; and I am verily persuaded that neither Hughes nor Gladwin ever spoke to Bampton and his Wife in their lives, for neither two remember to have seen or heard of the other Informants. And who could imagine that two Soldiers should declare with such concern and earnestness that which was so very dangerous to be spoken, if their love to truth, and hatred of such a treacherous and bloody Murder had not even forced it from them, to the hazard of almost their lives by such their Relation?*

'Tis true, no man ought to suffer barely upon hear-say Evidence, but such Testimony hath been used to corroborate

what else may be sworn, and of it self may (in some cases) be enough to give satisfaction in the general, of the truth of a matter, and no farther is it here us'd: and I would have all men consider the many such Testimonies heretofore produced, amongst which I shall only mention one which had an immediate relation to my self. Mr *Blaitthwaite* (Clerk of the Council in 1683. and as I think still in that post) at my Trial, pag. 22. being sworn on the behalf of the King, against Mr. *Speake* and my self, in his Relation of what the Young *Edward's* Sister should declare to the Council-Board (*viz.*) *That Braddon compelled the Boy to sign it, (the Paper the young Edwards signed).* This you find to be *Hear-say-Evidence*, and the *Author* (the Sister) then in Court, but testified no such thing; therefore this *Hear-say-Evidence* ought (if any ought) to have been rejected: and yet this *Hear-say-Evidence* (though not confirmed by the Author then upon Oath) was not only admitted, but ordered to be Printed in the Trial in large Capital Letters. How much sooner ought the Evidence of *Bampton* and his Wife (as to what *Meake* declared), and of *Hughes* and *Gladwin*, as to *Ruddle's* Account, be particularly remarked, seeing *Meake* and *Ruddle* we cannot now produce in Court, (as that Author was), they (especially the first, being supposed to be murdered by way of prevention, by that bloody Party that murdered my Lord.

But the next Account of these two Men being sent, as before, by His Highness, shall be from the first hand. Mr. *Peter Effington* declareth, (and before the Lords in substance hath deposed), ' That ' he this Informant was in the *Tower* that ' morning the late Earl of *Effex* 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

‘ and then beck’ned 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 seem’d very well pleased, and immediately thereupon His Highness went to His Majesty; soon after which, News was brought to the King, *That the Earl of Essex had cut his Throat*.

I do expect that will be objected to this, which heretofore hath been, (*viz.*) That it cannot be thought the late Duke of *York* (admit he was so bad as to give Order for such a Fact) would be so impolitick as to send the *Ruffians*, so that any People might see their Mission, and their Return. But I desire such would consider this Murther in all its Circumstances, and then tell me, Whether those bloody Varlets had not all the reason in the world to have all the Security could be expected or desired? You well know, that my Lord of *Essex* was deservedly very Popular; and therefore a Parliament that should have had the least Information of this treacherous and bloody Murther, would have prosecuted the matter with all the diligence and vigour such a piece of barbarity deserved. Now, should they, in such their Inquisitions, have detected those treacherous Villains, these bloody Men without a full discovery must have expected no Mercy; and should the Duke have employ’d them in his Closet only, and they could not by any Circumstance have given satisfaction that they were his hired Journey-men 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 Dearth, 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 skreen those his faithful and ready Servants from any Prosecution, well knowing that his own Interest (and indeed Life) was wrapt up in theirs.

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

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

Richard Nicholson, in the *Ward* of *Queenhithe*, *Corn-Factor*, Deposeth, *That the day of the Earl of Essex his Death, this Depoent was a Warder in the Tower, and stood*

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

Jurat 9^o die Aug. Richard Nicholson.
1689. coram me

Tho. Pilkington, Mayor.

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

The Information of Philip Johnson of Whites-Alley in Coleman-street, in London, Free-mason, taken the 22d day of January, 168^s, before John Robins Esq; a Justice of the Peace for the County of Middlesex.

His Informant maketh Oath, and saith, That Mary Johnson, his Wife, (since deceased) being a labouring Woman to Major Hawley, in whose House the late Earl of Effex was found dead, That the morning on which he died, as she was at work, she heard a noise; and designing to go up stairs, she met Major Hawley coming down, who told her, My Lord was dead; upon which, she went up stairs, and found the said Earl dead in his Closet, as she gave her Husband, this Informant, an account; and that by Order of the said Major Hawley, she helped and assisted a Man (to the best of his memory his Name is Major Webster) to strip the said Earl from his Cloaths; and at the further Command of the said Major Hawley, she washed the said Earl's Body, and also washed the said Chamber and Closet belonging to the said Earl;

for

for the said Major Hawley gave her 10 s. and that the Neck of the Cravat that she took off the said Earl's Neck, was cut in three pieces.

The Mark of Philip Johnson.

The Information of Miriam Tovey of Red-Lion-streets in White-Chapel-Parish, in Middlesex, Widow, taken the day aforesaid before John Robins aforesaid.

THis Informant maketh Oath, and saith, That she several times heard Mary Johnson aforesaid declare the Substance of the preceding Information; and further sweareth, The said Mary Johnson told her, That Major Webster was the Person who helped her to strip the said Earl of his Cloaths; which she was very unwilling to do, saying, She should bring her self into trouble and hazard of her life, by intermeddling with the Body before the Coroner had sat upon it; and that Major Hawley told her, She must do it, and should come to no trouble by it.

Miriam Tovey.

But it seems Major Hawley's Principles were ever averse to those brave True English Champions that opposed the late Court-Arbitrary-designs, and could afford those Honourable Lords, and Truly-worthy Knights and Gentlemen, no better Titles than Rogues. This appears by what he declared the very day that a great number of Honourable Lords (amongst

which, this unfortunate Lord, I hear, was one) and Worthy Knights, Gentlemen and Citizens, dined together at *Mile-end-Green*; for some time that afternoon Hawley told Mr. Bunch, then a Warder, That above Two hundred Rogues that day dined together at *Mile-end-Green*; but he did wish that he had Forty of the biggest of them there in the Tower, that they might be made shorter by the Head; for till then the Land would never be at quiet. This in substance is deposed by the said Mr. Bunch, who with one Mr. — are ready likewise to depose, That some time since discoursing with one — a Servant-maid in the Tower at the time of my Lord's Murder, but since turned out, they told her, That it was supposed to be Major Hawley that occasioned her being turned out of the Tower; but she replied, It could not be the Major, for he was the best Friend she had in the world, upon the account of somewhat which she knew with relation to the Death of the late Earl of Essex.

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

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

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

But, to return:

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

This is, in short, the substance of these Mens Relations, whose Interest it is to prove the Self-murder. That this Story is false in every part, I doubt not but to

convince every unprejudic'd person, and hope to satisfie all who are not blinded with prejudice,

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

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

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

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

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

THE *Information* of Paul Bomeny saith, That the Earl of Essex on the 11th instant did speak to this Informant to bring him a Penknife to pare his Nails; but this Informant could not then get one. The Earl of Essex called to him again on Friday the 13th instant, about Eight of the Clock

in the forenoon, did again speak to this Informant to bring him a Penknife to pare his Nails : But this Deponent telling him that he had not one, his Lord commanded him to bring him a Razor, which he did accordingly ; and then his Lordship walked up and down the Room, scraping his Nails with it ; and this Informant then left him ; and coming about half an hour afterwards up into the Bed-Chamber, found his Closet-door fast ; whereupon this Informant knocked at the door, and called, My Lord, My Lord ; but he not answering, pushed the door a little open, where he did see his Lord lying all at length on the ground in his Blood, with the Razor near him on the ground. And further deposeth, That he hath not any Papers of his Lord's, nor doth know where any of his Papers or Writings are. And also, That on Thursday night last was very merry at Supper, and did not seem to be discontented the next morning.

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

James Whitechurch declareth, (and in substance before the Lords hath depofed), That the very day the Earl of *Essex* died, he went with one *George Jones* to the

Tower, to discourse *Nokanael 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-Gaoler had opened my Lord's Chamber-door, that very morning he the said *Monday* (by Order) went into my Lord's Chamber, and tarried there, because their Orders were, That one of the Warders should be in his Lordship's Chamber, and the other at the Stairs-foot ; and that they had this further Order, Not to suffer his Lordship to have a Knife, or any thing like it, but whilst he used it in cutting his Meat ; and that being done, all Knives and such-like were to be taken from him ; with which Orders having acquainted my Lord, his Lordship answered, He should take nothing ill from them in observing their Orders.

This Informant further saith, That the said *Monday* did then declare, That he tarried with my Lord in his Chamber two hours or better that very morning ; and that whilst he was with my Lord in his Chamber, he did observe his Lordship pared his Nails with the Heel of a Razor. This Informant further saith, That the said *Monday* did further declare, Before he left his Lordship, and went down Stairs to stand below, he called up *Ruffel*, his fellow-Warder, to stand in his Chamber ; and as he went down Stairs, he lighted his Pipe, and sat at the Stairs-foot ; but before he had half smoaked his Pipe, he heard it cried above stairs, That my Lord had cut his Throat ; whereupon he the said *Monday* ran up stairs, and pushed the Closet-door open, and there found my Lord dead. This Informant further saith, That the said *Monday* did further declare, That when he came up stairs, he asked Mr. *Bomeny* and *Ruffel*, Where they were whilst my Lord was in the Closet ? The said *Bomeny* answer-

'ed, He was sitting upon the Bed in my Lord's Chamber; and the said *Ruffel* declared, He stood at my Lord's Chamber-door, just without the door: Whereupon he the said *Monday* (as the said *Monday* declared) checked the said *Ruffel* for not keeping in the Chamber according to Order.

Richard Jordan declareth, ' That on the day Mr. *Braddon* was tried, in *Hilary-Term*, 1683. (upon the account of the late Earl of *Effex*) this Informant heard *Nathanael Monday* declare, That the very morning the late Earl of *Effex* died, as soon as the Gentleman-Gaoler opened the Chamber-door, which was about Seven of the Clock, the said *Monday* stood as Warder above-stairs upon the said Earl; and at the first opening the door, did observe the said Earl to have a Razor in his hand, paring or scraping his Nails with it; and this the said *Monday* declared he saw a long time before *Ruffel* stood Warder above stairs upon the said Earl.

By these two Informations, you may perceive what *Monday* declared; My Lord had this Razor in his hand about Seven a Clock in the morning, long before *Ruffel* came up stairs to stand Warder upon my Lord; and that my Lord pared his Nails with the Heel of the Razor.

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

a Penknife or Razor, &c. and yet at the same time confessed he left this Razor with his Lordship.

Ruffel the Warder hath before deposed, and now declares, That this Razor he saw *Bomeny* deliver to my Lord, whilst he stood Warder at my Lord's Chamber-door, after *Monday* was gone down stairs.

Let us now compare these three mens Relations as to the time of delivery of the Razor; by doing which, it will plainly appear that no Razor at all was delivered to his Lordship. For the clearer understanding hereof, I suppose *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 is 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 the 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.

Bomeny

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

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

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

Jury. When did you see this Razor delivered ?

Ruffel. Less than a quarter of an hour before we found my Lord dead. I stood Warder at my Lord's door ; and I heard his Lordship ask for his Pen-knife 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 a Clock.

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

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

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

Ruffel. It is very true ; for I am sure I stood by *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 ?

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

Ruffel withdraws, and *Monday* is examined.

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

Monday. Yes, I did.

Jury. What time was it, when you saw my Lord have the Razor in his hand ?

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

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

Monday. Yes, almost two hours.

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

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

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

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

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

Secondly, That my Lord's Body was not locked into the Closet. I will now suppose that *Bomeny*, *Munday*, and *Russel*, 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 a-long in his Blood, and the Razor by him, and I then called the Warders.

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

About an hour after this, the Jury did

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

Jury. Mr. *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.

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

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

Russel. Yes.

Jury. Who first opened the 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.

Here *Russel* makes no difficulty in opening the Door; but observe *Munday's* Answer.

Russel withdraws, and *Munday* is called.

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

Munday. I was standing at the foot of the Stairs, and hearing a great noise of my Lord's Death, I ran up Stairs, and found *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?

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

Upon the whole matter you find, first, *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 *Ruffel* opened it, according to *Bomeny's* second Information (which himself writ) and *Ruffel's* Depositions: And thirdly, That neither *Bomeny* nor *Ruffel* could open the Door, because the Body lay so close against it, and so *Monday* broke it open: This according to *Monday's* account of the matter.

These Contradictions before observed of themselves, are (as I do humbly conceive) sufficient to convince the man not byas'd, that this Unfortunate Lord was treacherously murdered; for our Law supposes every man destroy'd by violent means, to be murder'd by others, unless the contrary appears to the Coroner, and his Jury; now those which in this case come to testify the contrary, are so notoriously self-destructive in their Evidence by their gross Contradictions, that all these three appear treacherously false, and therefore these mens Evidence thus contradictory, cannot prove the Self-murderer, but rather demonstrate the contrary; for these three being the only Men, who by their Stations near my Lord at the time of his Death, could then be supposed capable of giving any account how my Lord came by his death; (for *Bomeny* attended upon my Lord in his Chamber; and *Monday* and *Ruffel*, the two Warders which alternately kept my Lord's Chamber-door, for when *Monday* kept my Lord's Chamber-door, *Ruffel* stood at the Stairs-foot-door, and this by turns); and seeing these mens Relations, for the Reasons before observed, are notoriously false, there was a Truth which these Perfidious Men thought neither convenient or safe to declare, which would have detected the true manner of my Lord's Death, and in what parts these Three stood related thereunto.

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

And for my own part, (admitting what is sworn against them to be true) I think these Three are worse Criminals than those Ruffians who cut my Lord's Throat. For some of the latter were not so intrusted with my Lord's Body, as properly to be termed treacherous, neither have they appear'd by falsities to conceal their Guilt by perfidiously transferring the same on him whom their own Hands have destroyed; But two of the three former (*viz.*) *Ruffel* and *Bomeny*, if what is sworn against them be true, have superadded the greatest Treachery and falsity to Blood, and
thereas

therefore stand guilty of a complicated Villany, by which they have, as much as in them lay, murder'd his Lordship's Honour, and stain'd his Family with such guilt, as nothing but the discovery of Truth, and a just recrimination of those Treacherous Men can wipe off.

But as a farther Argument of the Closet-door's not being locked upon my Lord's Body ; it appears, That when *Bomeny*, *Monday* and *Ruffel* pretended my Lord was lying in that posture wherein they first found him, his Lordship's Legs were part out of the Closet-door, as you see in the Figure at the beginning of this Book ; this is declared by *Will. Turner* and *Sam. Peck*, who before the Lords have in substance depofed, ' That these two Informants were Servants to the late Earl of *Essex* at the time of his death, and brought some Provisions into the *Tower* just upon the first discovery of my Lord's Death, of which as soon as they heard, they ran up Stairs, and found my Lord's Legs lying upon the Threhold of the Closet-door, and a print of a bloody Foot upon my Lord's Stockins. This proves not only that the Closet-door could not be locked (as was sworn and declared by *Bomeny* and *Ruffel*) but likewise that somebody had been with the Body in the Closet, or otherwise how came the print of a bloody Foot upon my Lord's Stockins, as these swear to have observed?

In the *third* and last place, I shall disprove that part of these Mens Relations which saith, *That the Razor was locked into my Lord's Closet when his Lordship was first by them seen dead.* Those Three have all depofed, 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 tickownd out of my Lord's Chamber-window just before my Lord's Death was first discovered to those out of the House.

William Edwards, aged about Eighteen years, and *Jane Loadman*, aged about Eighteen years, have both before the Lords in substance depofed, ' That a little before my Lord's Death was discovered, they saw a bloody Razor thrown out of my Lord's Chamber-window, and that just after there came a Maid in a White-hood out of Captain *Hawley's* House ; which Maid, *William Edwards* hath depofed, ' took up the Razor, and run with it into Major *Hawley's* House, and up Stairs, crying out Murther ; and immediately hereupon was it first said, ' that the Earl of *Essex* cut his Throat.

Thomas Edwards, Father to the said *William Edwards*, *Sarah Edwards*, *Ann Edwards*, and *Elizabeth Edwards*, Sisters to *William Edwards* (in substance before the Lords) have depofed, ' That the very morning of my Lord's Death, when *W. Edwards* came home, he did give this Information (in substance) to these Informants.

William Edwards did farther depofe to this effect ; ' That the very morning Mr. *Speke* and I were try'd, going into *Westminster Hall* to be an Evidence at that Trial, he met with Major *Hawley*, who in a threatening manner told him, That if he might have the management of him, the said *William Edwards* should be whipt once a Fortnight for seven years together ; which Threat of the said Major *Hawley* did so terrify this Informant, (he being then about Thirteen years of Age) that he was afraid to speak the Truth at that Trial, lest he should severely suffer for so doing.

Mrs. *Smith*, Aunt to *Jane Loadman*, and Mr. *Glasbrook*, did depofe, ' That this Relation *Braddon's* *Jane Loadman* gave as Trial, ' soon as she came from pag. 43. ' the *Tower* that morning.

Mrs.

Mrs. Gibbens hath before the Lords (in substance) deposed the same.

Here are two Children (aged then about Thirteen years) altogether strangers to each other, and whose Relations were as much strangers to one another, that gave the same Relation, exactly agreeing in several Circumstances, and this Story by them was told when there could not possibly be any use made of it to prove my Lord's being murdered. For here are Seven or Eight Witnesses have (for both Parties) deposed, that this Story was related by these two about Ten of the Clock the very day my Lord died, when it could not possibly be known what would be sworn before the Coroner's Jury the then next day. Now the only use made of it, is to contradict the Depositions of those which before the Coroner would have proved the Self-murder. Which Depositions (as before observed) were not taken till the *Saturday* (which was the day after these two Children had given this Relation) and not published before the then next *Monday* morning. Nay, these two Children were first so far from using it as an argument of my Lord's being murdered, that both of them (to their respective Relations) when checked for saying that my Lord cut his own Throat; in their Childishness and innocent Simplicity, urged this as an Argument of my Lord's Self-murder; *For they declared they were sure 'twas true for they saw him throw the Razor out of the Window.* But these two Children were not the only Persons that saw this Razor thrown out; for several others that very morning my Lord died, declared, That the bloody Razor was thrown out of my Lord's Chamber-window before my Lord's Death was known, and that a little Boy did endeavour to take up this Razor, but was prevented by the Maid, who took it up, and ran with it into the House, and up Stairs, immediately whereupon my Lord's Death was discover'd. This Re-

lation *Robert Mlake*, before mentioned, did give, the very day of my Lord's Death, to *Bampton* and his Wife (as they have deposed before the Lords). The same Account did the aforesaid *Ruddle* give before Twelve of the Clock the day my Lord died, to *Hughes* and *Gladwin*, as they have testified before the Lords. This Relation of these Two you find agrees exactly with what *William Edwards* declared. And that the throwing out this bloody Razor was commonly reported in the *Tower* just after my Lord's Death was known, appears by the Testimony of several Persons; for *John Salbury* hath deposed, 'That being sent as one of my Lord *Russel's* Guard to the *Old-Bayly*, as they were returning to the *Tower* that morning, one met them in great haste, and declared he just then came from the *Tower*, and that the Earl of *Essex* had cut his Throat in the *Tower*, and thrown the Razor out of the Window; upon which one reply'd to this effect, That my Lord had a good Resolution, first, to cut his Throat, and after to throw the Razor out of the Window. He further testified, 'That when he came into the *Tower*, he heard it declared by several, that the bloody Razor was thrown out of my Lord's Chamber-window before his Death was known. *Grimes* and *Bostick* both, likewise in the *Tower* that very morning, have deposed, 'That the throwing out of this bloody Razor was talked of by several then in the *Tower* upon the first discovery of my Lord's Death, some then and there declaring, 'That they saw this bloody Razor so thrown out. But if these many Testimonies will not satisfy, I shall next give you the Confession of him who declared he threw it out, and of the Sentinel who stood by my Lord's Lodging-door, and confessed he saw it thrown out.

Mr. *Samuel Story* did farther depose, 'That the very day Major *Webster* was taken up, to wit, the 21st of *January*,

1688 as suspected to be concern'd in my Lord's Murther; The said *Webster* being then charged as concern'd in my Lord's Murther, declared, ' He did nothing but throw the Razor out of my Lord's Chamber-window. Being asked what made him throw the Razor out? he said he was under such a consternation, that he knew not what he did. Upon this Confession of Major *Webster*, *Lloyd* confirm'd the same, saying, ' That it was indeed true that the bloody Razor was thrown out; for it was thrown out just over his head, and a little Boy did endeavour to take it up, but the Maid came out of the House, and took it up, and run immediately in with it, and then discover'd my Lord's Death: That this Maid did carry up the Razor, and then discover my Lord's Death, farther appears by the Testimony of *John Nettle*, who deposeth, ' That just before my Lord's Death was known, he was leaning over the Palls before Major *Hawley's* House, and asked my Lord's Sentinel how his Lordship did? To which the said Sentinel answered, Very well: And this Deponent did then observe a Maid run into the House in great hast, and up Stairs (when a Warder and another were coming down my Lord's Stairs, but declared nothing of my Lord's Death, as this Deponent could hear, who stood about six foot from them) but she immediately came down, and cried, my Lord had cut his Throat. And this Informant did observe the said Maid to have a Razor in her hand, either as she ran up stairs, or as she came running down.

The several large Notches in the Razor, as you may observe in the Cut, are Self-evidences of its fall from some height upon an hard Body; for these Notches could not be made by my Lord against his Neck-bone, as a Surgeon or any or Knavishly suggested to the Coroner's Jury.

To sum up all in a word with relation to this Particular. Major *Webster* (one of

the supposed Ruffians) ^a Mr. *Story*.
^a confessed he threw the bloody Razor out of my Lord's Window. *Lloyd* the Sentinel likewise ^b own'd that ^b Mr. *Story*.
 he saw it thrown out. *Edwards* and *Loxman* have depofed, That they did see the bloody Razor thrown out of my Lord's Chamber-window; ^c four have ^c Mr. *Tho. Edwards*.
 depofed, That *Edwards* declared (just as he *Sarah Edwards*.
 came from the Tower *Eliz. Edwards* and
 that morning) he saw *Ann Edwards*.
 it thrown out. ^d Three ^d Mrs. *Smith*.
 have sworn that *Loxman* gave this Relation *Mr. Glasbrooke*.
 as soon as he returned from the Tower that *Mrs. Gibbons*.
 very morning; (and these Children, and their Relations, far distant from, and altogether strangers to each other); ^e two Soldiers ^e *Bampton* and his
 in every part of their Wife as to *Meake*.
 Relation, the very day *Hugh* and *Gladwin*
 of my Lord's Death, as to *Ruddle*.
 did at two Places, far distant from each other, declare this matter; and ^f three more ^f *Grimes*, *Salisbury*
 have depofed, That and *Boslock*.
 the throwing out of the Razor was generally discourt in the Tower just upon the first discovery of my Lord's Death. This I do humbly conceive to be sufficient to convince any but Prejudice it self, that the Rizer was seen thrown out, and consequently that it could not be locked into the Closet with the Body, as *Bomey* and *Ruffel* have depofed, or often declared. Whereas *Bomey* swore before the Coroner, That peering through a Chink of the Closet-door, he saw the Razor, this appears to be impossible, considering the Position of the Razor, and the Circumstances of the Chink.
 For the Razor they all declare lay in the upper part of the Closet by the Closet-foot, where the Letter R. stands in the Closet, according to the Figure; the only Chink of the Door is in that part next the Chimney, where the streak and Letter C stands;

stands; now looking thro' that Chink when the Door is lock'd, you cannot see within three foot of the place where the Razor was laid to lie; this was about a year since demonstrated to the Right Honourable the Lord *Lucas*, now Governor of the Tower, and to several Gentlemen more.

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

' She did accordingly go to her Master, who thereupon order'd the Warder to let in my Lord's Provisions; and as they (*viz.*) my Lord's Footman, *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 surpriz'd, and asked *William Turner* what should be the meaning of that Expression, You are come too late; for she did not understand it; whereto *Turner* answered, That he did suppose the Sentinel believed those Provisions to be my Lord *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 admir'd to see so great a Crowd about the Door, but were soon too well satisfied in the occasion, for it was just before discovered that my Lord of *Essex* had cut his Throat.

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

All men, I find, are to seek of the reason that should move these Men to throw the bloody Razor out of the Chamber-window before my Lord's Death was discovered. But if we consider the amazement that might naturally seize these men upon the least disturbance in this Deed of Darkness, we must not expect that what is done under a sudden Confusion, should be according to the deepest Policy. And you find that *Webster* did confess, That when he threw the Razor out, he was under such a confusion, that he knew not what he did. This Disorder might be occasioned by some ones coming up Stairs, who was not then privy to the Murder, before they had laid all things aside, as they designed they should be found by such as were not immediately concern'd in it; and *Webster* having the bloody Razor in his hand, which was designed to be laid by the Body, as the pretended Instrument of the feign'd Self-murder; upon the coming up of one, of whom he was not aware, he under a surprizing fear of a discovery, threw the Razor out of the Window, and the Maid was afterwards sent for it, and then was it laid by the Body as the pretended Instrument of Death. For this I have some reason, which I think not fit now to publish.

That Major *Webster* was one of the Ruffians, and consequently might be the Man who threw this bloody Razor out of my Lord's Chamber-window (as himself confessed, farther appears probable by his producing (that day my Lord was murdered) the Earl's Pocket-handkerchief all bloody (the Handkerchief was known

by the E, and Coronet upon it) and shaked it, saying, there was the blood of a Traytor; and the very next morning a Purse of Gold of 49 Guineas, and a Pistol, which, rejoicing, he produced to some of his Neighbours, and immediately after my Lord's Death lived at a rate much above his Quality (being a poor Alehouse-keeper, and Under-bailiff of the *Tower Liberty*) and (as I have been credibly informed) in some few months after my Lord's Death, lost at Gaming several hundreds of Pounds, which made those that had well known his Poverty, conclude he robbed; but ill got, ill spent; for his Extravagancy and Losses soon reduced him to his former necessity; whereupon one upbraiding his Wife (or his Whore as he now calls her, for he saith he never married her, and therefore though she is living, he keeps, or hath married another.) I say, upbraiding his Wife with her Husband's Poverty, she replied, That her Husband not long before, had five hundred Guineas; whereupon the other declared he could not come by them honestly, for his Trade would scarce find him Bread. In Alehouse-keeping he run very deep in the Brewer's debt; but just after my Lord's Murther, he paid his Brewer Thirty Guineas in part, which made the Brewer wonder how he came by so much Gold. But not discharging the whole Debt, and beginning to contract new, the Brewer sued him, and at last in Execution seized his Goods; whereupon Major *Hawley* (for what reason is not unsuspected) was a daily Solicitor to the Brewer for this *Webster*, and at last offered a considerable Sum in discharge of the Debt.

This *Webster* very much abusing his Wife (or Whore) she told him, 'That he was a Fool as well as a Rogue, to abuse her so, when he knew it was within her power to hang him, and one in the *Tower*, and naming (as I have been informed) Major *Hawley* for the Man in the *Tower*. A great part of this is depended, and the

whole ready to be proved. — But farther, to disprove my Lord's cutting his Throat in the Closet :

Had my Lord cut his Throat standing in the Closet, that part of the Wall as high as his Throat would have been all bloody; for the Closet being about three Foot and two Inches wide, it could not be otherwise; for the Blood out of so large an Orifice might have gushed five Foot. Or, if my Lord had cut his Throat kneeling, the blood in the Wall would then have been as high as his Throat might have been in that posture. But there was no blood a foot higher than the Floor, therefore he could not cut his Throat either standing or kneeling. Neither can it be supposed to be done lying along, for then the Wound beginning at the left side, (and his Lordship being Right-handed) and ending at the Right, the Razor would have lain on the right, whereas the Razor lay on the left-side of the Body. But lest the Circumstances of the Body, as first pretended to be found, might prove a detection of this Villany, care was taken that before the Coroner's Jury saw the Body, the Body should be stript, and the Cloathes carried away, and the Room and Closet washed, so that the Body might appear as naked of its first Circumstances, as it was of its Cloathes. This particular was so notoriously irregular, or rather criminal in some degree, that all men know the Law requires the contrary. For by the first Posture of the Body, with the Circumstances of the Cloathes, &c. great light may be given to the true manner of his Death. But that in this Case was not to be discover'd, and therefore such Practices were necessary. My Lord's Cloathes were not only carried way, but when demanded by the Jury, as what might be serviceable in their Inquisition, the Coroner was upon this Question immediately called into the next Room, and returning, told the Jury, *It was the Body, and not the Cloathes, they were to sit upon;*

the Body was there, and that was sufficient. It is an unhappiness the Coroner hath forgot (as he swears) who those were which were in the next Room, whilst the Jury sat, and to whom, whilst they sat, he did several times go; but had the Jury seen the Cloathes upon the Body in its first Posture, these would of themselves have convinced them, that my Lord of Essex was murdered; for how could there be a print of a bloody Foot upon my Lord, and yet none (as they pretended) had been in the Closet with him? Or how could his Lordship with such an Instrument as the Razor, cut twice through the neck of his Cravat? For *Alice Carter* and *Mary Johnson*, who (together with *Major Webster*) stript the Body, have declared, as hath been deposed, the neck of my Lord's Cravat was cut in three pieces. The Circumstances of the pretended Instrument of Death, gives strong suspicion of the Murder; for the pretended Instrument of the Self-murder, was a *French Razor* about four Inches and a quarter in its Blade, and had no Spill or Tongue at the end, as you may perceive by the Figure thereof in the Cut. Wherefore this Razor in its use must be held by the very Blade, and not less than two Inches of that could well suffice to be held in his hand for that strength and steadiness the cutting twice through the Cravat, and afterwards so deep in the Neck, required. And then the Wound, if made at once, would not have been above two Inches and a quarter deep, no more of the Blade being outside the Hand, which length could not at once possibly make a Wound above three Inches in depth; I do suppose none do believe his Lordship cut twice to effect it.

The largeness of the Wound at first, did make very ingenious Physicians and Surgeons say, that they supposed it impossible for any man to cut his Throat; according as the two Surgeons upon my Lord's Body deposed, the Wound being such, both Jugulars and Arteries quite divided, and

cut to the very Vertebres of the Neck: now in cutting the first Jugular Artery, there would immediatly have issued such a quantity of blood and spirits, as would have soon incapacitated him from dividing the second; and though as Ingenious an Anatomist as most in *England*, before their Lordships would not say that he thought it impossible his Lordship should so cut his Throat; yet he did confess, that he never saw or heard of any before, who cut through both Jugulars and Arteries to the Neck-bone, as my Lord's was cut. This Gentleman for some years having been Physician to *Bedlam*, he may be supposed to have as many Instances of Self-violences as any Physician in *England*; and of all men, none do it with that good-will and vigor as the Distracted do, and therefore should make the deepest and largest Wounds. But I think I need not insist in this Case upon such Arguments, considering what is before said to be proved. Now to proceed with the Jury.

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

- ^a Mr. *Shillingford*,
- ^b *Turner* and *Peck*.
- ^c Mr. *Sherwood* the Surgeon upon the Body.

Right hand (*viz.*)^a one almost on the top of the Fore-finger, and another upon the same near the Hand; ^b one upon the Fourth Finger, and another upon the Little-Finger, and ^c a fifth about two Inches long in the very Palm of the Right-hand; can it be supposed that his Lordship made these Wounds (and that upon his Right-hand) for trial how sharp the Razor was, and how well it would perform what he designed to execute? These Cuts cannot be supposed to be made by holding the Razor. No, these were previous to that direful Cut; and the effects of his struggling with these bloody Men,

when he so often cried out, Murder, murder, murder; as he then used his Tongue to discover, so did he likewise his Hands to prevent that treacherous Wound he perceived designed for his Destruction; and in thus striving to put off the Instrument of Death, did his Right hand receive these several Wounds. Mr. *Esher*, one of the Coroner's Jury hath deposed to this effect; 'That he asked *Bomony*, whether his Lord was not esteemed a good man, for such he had heard him represented? *Bomony* answered, As good a man as lived. Upon which *Esher* said, Then it was very strange so good a man should be guilty of so bad an Action, for nothing could be worse than Self-murder; whereupon Major *Hawley* told *Esher*, Whoever thought that Action unlike his Lordship, did not know my Lord of *Essex*; for every one that was but well acquainted with the Earl, knew it was his Lordship's fixed Principle, That any man might cut his own Throat, or otherwise destroy himself, to avoid a dishonourable and infamous Death, and therefore this was like my Lord of *Essex*'s avowed Principle. *Esher* believing this to be true, was the more easily inclin'd to believe that his Lordship had followed such his own fixed Principles. But when Major *Hawley* was questioned for this Suggestion to the Jury, he positively deny'd it, and for answer saith, that he was not nigh the Victualling-house in the *Tower* all the time the Jury was there considering of their Inquisition: And as for the Principle, he could not say it, for he never heard it said to be my Lord's Principle, till their Lordships charged him with having suggested it. I know it is commonly discour'd about Town, that such was his Lordship's Principles; and this was industriously spread immediately upon my Lord's Death; but observe, Major *Hawley* was the man that suggested this to the Jury, that they might the more easily be-

lieve the Self-murder. And the Major's now denial of this Suggestion, or that he ever heard it said to be my Lord's Principle, when the matter is positively sworn against him (I think) naturally argues that this was a false, forg'd, and maliciously invented Story by that bloody Party that murdered my Lord, and *Hawley* the man by them pitch'd upon as the most proper Person to corrupt the Jury (the then proper legal Judges of the manner of my Lord's Death) with this treacherous and villanously contriv'd Suggestion; so that the Jury might the more easily be inclin'd to believe my Lord's Self-murder upon Evidence as inconsistent as false. And the Major's disowning that he was near the Jury at the Victualling-house whilst they were upon their Enquiry, implies his being conscious that he was there for a very ill purpose, and therefore thought it not safe to own his being with them; but he was too officiously there, not to be remembered; for when some of the Jury moved for Adjourning their Inquisition, in order to the giving notice to my Lord's Family; so that if any thing could be proved on my Lord's behalf, it might be by them heard: *Hawley* immediately enters a Caveat, and prevents it; for he tells the Jury, That they could not Adjourn, but must immediately dispatch their Enquiry; for His Majesty was then in Council, and had sent for their Inquisition, and would not rise till it was brought him. This further suggestion caused the Jury to make more haste than god's speed; and so, without that time which was convenient, ended their Inquisition. But Major *Hawley* denies this likewise, and protests, He was not nigh the Jury at the place, or did at all thus hasten them. But this is positively sworn against him by some of the Jury; and many of the Jury declare they remember the Major with them at the Victualling-house. The indiscretion in the Coroner

roner and his Jury, I cannot but observe, which was, their suffering *Bomeny* and *Ruffel* to come together, and hear each other's Examination; and, which was more foolish, to permit *Bomeny*, when he began to hesitate in his Examination, (which alone gave reasonable grounds of suspicion that he was telling a Lye; for Truth would have readily occur'd; but Lies were first to be invented, before they could be given in Evidence), to write his own Examination; and not only so, but in the Room next the Jury, where his Tutors were ready to instruct him: and yet, after all, this forged Deposition needed further Amendments at *Whitehall*, (as you will immediately hear); for as it was sworn, it was not thought fit to be expos'd. All men must agree, That the Circumstances in which *Bomeny* and *Ruffel* stood related to my Lord at the time of his Death, render'd them highly to be suspected as privy to my Lord's Death, if not acting in it, in case my Lord did not destroy himself: For, could *Ruffel* keep my Lord's Chamber-door (as himself upon Oath confesses) and be ignorant of what violence was offer'd to his Lordship within the Chamber, (the Room not being fourteen Foot square)? Or could *Bomeny* be waiting on his Lord in the very Chamber, and a stranger to the true manner of his Death? Wherefore, in common Discretion and Justice, these Two (and *Menny*, the other Warder, who first that morning kept the Chamber-door, with the Centinel that kept the outward Door) should upon the first Discovery have been seized, and separated, and kept apart, and examined apart, so that neither might have been privy to the others Examination, by which the Truth would have been soon detect'd; for had my Lord destroyed himself, all their Depositions would have so harmoniz'd (though separately and crossly examin'd) that the Truth would the

more plainly have appear'd; whereas on the other hand, in case his Lordship fell by Treachery, then such Proceedings would have immediately discover'd it to the Jury; for then these Warders, and Servants, and Centinel, not being able to foretell what Questions the Jury would ask them, consequently could not previously agree upon their Answers. And should their Examinations, upon this Management, have materially interfer'd, and thwarted each other, (as it's natural to suppose they would; for though Truth be still the same, yet Lies are almost infinite), these Depositions would have been so far from proving my Lord a Self-Murderer, as they would have plainly discover'd the contrary, and these men guilty in a most perfidious and barbarous connivance.

For, admitting that these men, upon their cross and separate Examination, should have answer'd the Jury as it is before represent'd (which is according to their own Oaths, or repeated Relations), can it be supposed that any Coroner and Jury could be so void of common Sense and Honesty, as to give credit to such, and so many Contradictions? But, alas! such fair Practices were not to be expected, where such a foul Villany was to be conceal'd. And therefore, instead of securing apart the two Warders, Servant, and Centinel, poor *William Turner* and *Samuel Peck* (whose Depositions are before mentioned) were to be lock'd up close, (with *Bomeny* for a colour), as though these two Men were more to be suspected than my Lord's two Keepers. And thus in Custody were these two innocent Men kept, whilst the two Warder and Centinel, the more-to-be-suspected Criminals, were permitted to go at large. But this was contrary to His then Majesty's Command: For as soon as King *Charles* the Second (then in the *Tower*) had heard of my Lord's Death, he did immediately

ately send the Lord *Allington*, Sir C ———, and *Thomas Howard*, Esq; to my Lord's Lodgings, with Orders, That such as were attending upon my Lord at the time of his Death, should be secured and examined, and all things to remain till the Coroner's Jury had seen the Body. In Obedience to which Command, Sir C ——— coming into the Lodgings, began to take some Examinations; but was soon interrupted by one, who told Sir C ———, His Majesty did command him immediately to go to the *Old-Bailey*, and give notice to the then Attorney-General of my Lord's Death, and to know what was to be done therein. Sir C ——— by the same Gentleman desired His Majesty's leave to finish those Examinations he was then upon; but the same Messenger came the second time, with positive Orders (as from His then Majesty) for Sir C ———'s immediate going in Obedience to this repeated Command. Sir C ——— went: But Sir C ——— remembers not who this Gentleman was, which thus twice came with Orders as from His then Majesty. It's a great misfortune, Sir C ——— remembers not; for by the Messenger (it's strongly suspected) it would be soon found, His then Majesty's Authority (in this Command) was used by him who too often abused it.

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

The Coroner's Inquisition, and the Depositions of *Bomeny* and *Ruffel* being

carried in all haste to *White-hall* in order to their immediate publication; they were there perused, and it being found that *Bomeny* and *Ruffel* had point-blank contradicted each other; (for the first, as before observ'd, had sworn the delivery of the Razor the day before my Lord's Death) and the second, that it was not deliver'd till the day of his Death. These Contradictions were not thought convenient to be expos'd, lest they should give just ground of suspicion that the whole was forged; and therefore a Reconciler was ordered to amend the one, so it might be agreeable to the other, it matter'd not how inconsistent or contradictory they were in the Original, for those could be seen by none but the Coroner himself, in whose custody they were; and 'twas to be supposed, that the Coroner would not then dare to contradict what Authority had ordered, so to be printed; and hereupon was that Alteration made, as was before observed, in *Bomeny's* Information, page 3. but this done (as some years since observed by an Ingenious Author upon this occasion) without the least congruity either to Sense or Grammar; for nothing can be more apparent, than that the foregoing part of the Information relates wholly to *Thursday*; but at last, without any regard to what *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 that false Information be most conspicuous.

The Soldiers that were in the *Tower* that morning my Lord was murder'd, having made such Discoveries as satisfied them my Lord was treacherously taken off; they used too great freedom in their discourse with relation thereunto; and therefore (as *Robert Meake* declared to two who have disposed it) 'An Officer called several of them together, and under severe Threatning enjoind them not to speak one word of what they had either seen or heard with relation to my Lord's Death. Wherefore the said *Meake* desired his Friends not to divulge what he had told them; for should it be known, it would prove his rune: but some short time after, *Meake* declared (as three have deposed, That he did believe he should be privately murder'd for what he knew, and had said with relation to my Lord's Murder, and therefore he desired *Bampton* or *Davidson* (as they have both sworn) to keep him company that very day, for he much fear'd he should that very day be destroyed. But both of them (fearing the danger themselves might be in) refusing, that very night was the said *Meake* thrown into the *Tower-ditch*. As for *Ruddle* before-mentioned, all the Information I can have of what is become of him, is, That not long after my Lord's Death he was drawn out of the *Tower*, and sent to the *East-Indies*, and at *Fort St. George* shot to death, but for what reason I cannot learn. There was one *Mr. Hawley*, a *Warder* in the *Tower* that very morning my Lord was murder'd, and by what he had observed with relation thereunto, he had reason to declare to a Friend, That it was a piece of Villany throughout. This *Mr. Hawley* being in *Westminster-Hall* whilst I was upon my Trial, said, He wonder'd what made me stir in it, when to his knowledge I knew nothing of the matter; upon which one *Mr. B.* said, *Mr. Hawley*, If you know *Mr. Braddon* knows nothing in this, what must you know? to which *Mr. Hawley* made

no reply. But this Gentleman's knowledge in the matter cost him too dear; for about *March* next after my Lord's Death, being missing, one of the *Warders*, suspected to be a *Papist*, said, *Mr. Hawley had been prating about the Earl of Essex's Death, and therefore was forc'd to fly*. But six Weeks discover'd how he fled, for he was then found in a *River* by *Rocheſter* so chang'd through the barbarity he had met with, that neither his Face or Body could be known by his nearest Relations; and his Cloathes were all taken off except his Stockins and Shoes, by which he was discovered to be the Man; for he wore three Stockins upon one Leg, and two Stockins and a *Sker-cloth* upon the other, and (as I have been inform'd) the lining of the Toes of his Shoes cut out. By these remarkable Circumstances his Wife knew him. She had used all possible diligence for finding her Husband; in order to which she offer'd in several *Gazetts* an Hundred pound Reward to any that could discover his Body dead or alive, but it was six weeks before he was found. Several of the Soldiers in the *Tower*, that morning my Lord was murder'd, I have been enquiring after, but have been told they were kill'd in the *West* against the late Duke of *Monmouth*.

But considering what fate befel *Hawley*, *Ruddle* and *Meake*, before mentioned, I have reason to suspect that others may likewise have been murdered by way of prevention.

Beside such addition of blood, other violent Methods were used to prevent a discovery, by punishing such Soldiers as seemed to disbelieve (upon very good grounds) my Lord's Self-murder: This appears by this Information following.

Richard Jordan declareth, 'That (some time that Summer the Earl of *Essex* died, and not long after the said Earl's Death) he saw a Solder tied to the Wooden-horse in the *Tower* (by order of Lieute-

(*ant Colonel Nichols*) and whipt after a very cruel manner. And this Deponent heard the said Lieutenant-Collonel tell the Soldier, he ought to be hanged. This Deponent further declareth, ' That he was just after informed by the Marshal that whipt the said Soldier, that by order of Lieutenant-Collonel *Nichols* he gave the said Soldier 53 Stripes (tho' the usual number was but 12.) and that the said Soldier had lain a Fortnight before in close custody, and been fed with Bread and Water, and all only for the Offence following; (*viz.*) *Some short*

time after the Death of the late Earl of Essex, a Divine coming into the Tower, the said Soldier was sent with him to shew him the Tower, and as the Doctor was almost over-against Major Hawley's, the Doctor asked the said Solder, which was the Chamber wherein the late Earl of Essex did cut his Throat; whereupon the said Solder (pointing to the Chamber in which the Earl had been Prisoner) said, that is the Chamber in which it is said the Earl of Essex cut his Throat. The Doctor then asked the Soldier, what he did believe? to which the Soldier answered, That he did believe in God; but being prest by the said Doctor to tell him, whether he did believe my Lord cut his Throat? The Soldier then replied, he would not say he did believe it; for which only saying, the Punishment aforesaid was inflicted.

And the more effectually to prevent any discourse that might give the least credit to my Lord's being murdered, our then Misgovernment took all possible care to punish, or rather oppress such as should declare their belief thereof; amongst which one of the Coroner's Jury upon the Earl's Body, suffer'd under this Tyranny; for this man, some time after my Lord's Death, discoursing concerning the Earl's Death, and the several Irregularities which he observed practis'd upon

my Lord's Body before they saw it, and how they were not permitted to make that Inquiry which was necessary; said to this effect; ' That he did believe they (*viz.* the Coroner's Jury) were all infatuated to bring my Lord in *Felo de se*; but he did suppose, had they not been hurried into their Inquisition, they should have found it otherwise. For this Discourse this honest poor man was prosecuted upon information, and fin'd (at first I have heard) 300 l. but it appearing he was very poor, his Poverty prevail'd for a mitigation of his Fine; and his Age and great Infirmities of Body (together with the charitable Intercession of a Gentleman of Interest in the then times) avoided the corporal punishment which he had otherwise undergone.

If such practices as these were us'd by our then Court to prevent my Lord's but being suspected to be murder'd, it could not be suppos'd that any encouragement should be given to a full detection, and therefore all proposals in order thereunto, were to be rejected; an Instance whereof was as followeth, (*viz.*)

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

This Letter was subscribed P. B.

By the Hand that writ it, and the Letter subscribed, it was *Paul Boneny* before-mentioned, (who did once blasphemously say, That he could as well tell how my Lord

came by his Death, as God Almighty himself) for the Letter was fairly writ, in a Hand between a Roman and an Italian, and such an Hand *Bomeny*, when he would write fair, did write; besides, the two letters subscribed, are the letters of his Name

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

But, with submission, I think *Bomeny* by this Letter, could it have been proved to be his own writing, was in no danger at all of being punished; for had they seized *Bomeny*, they would have catched a Tartar; should they have proceeded against him for this Murther, upon this Confession, the World would have believed the whole Contents of this Letter to be true; and consequently that the Duke of York, and—— authorized (or rather commanded) this most treacherous Murther. And then pray consider what that Government could have got by such prosecution, conviction and punishment.

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

The backwardness of the then Government in not examining into the matter, gave just grounds of suspicion they were too well satisfied in the Truth of the Contents; which was of such a nature, as it could not bear an Inquisition; for that would have centred in *His Ruine*, who was then by Blood, and Cruelty, and other illegal and oppressive Methods, endeavouring the total Subversion of our Church and State; and this by the removal of some of the Chief of those Noble Lords and Worthy Gentlemen,

who had ever opposed their Arbitrary Designs Amongst which, this Noble Lord and the Right Honourable the Lord Russell they did esteem two of the Chief.

Had none then in Authority and Power been concerned in this barbarous Treachery, and had our then Government had the least desire to know this Truth, in order to a just Punishment of those bloody Villains; with what diligence would they have search'd out the Author, who desired no other Reward than the Security of his Life; and in order to his Indemnity (if they could no otherwise have found him out) a Proclamation of Pardon would immediately have been issued forth, by which the Author would have been assured of his Life; and then, without doubt, according to his promise, would have laid open this bloody deed of darkness? Hath our Age ever seen, or known recorded, any Murther (admit this one) committed within this Kingdom, that hath been (all its Circumstances considered) attended with such aggravations? We have seen a Reward of 200 l. (as well as a Pardon) by Proclamation offer'd for the discovery of those bloody Ruffians, who barbarously wounded (but *design'd* to have murder'd) that Worthy Gentleman, Mr. *Arnold*. And was there not 500 l. and a Pardon by Proclamation promised to Him or Them that should detect the Murther of Sir *Edmundbury Godfrey*? Such means as these would have been likewise in this Case used, if such who then mis'd *Charles 2.* and corrupted the State, had not been the deepest in this black Contrivance.—

This *Bomeny*, soon after my Lord's Death, gives an eminent Divine an Account to this effect, (*viz.*) *That his Lord did use to be taken with sudden frenzical Passions; and in particular, with one that morning he died, just before his Death: For (said this vile Judas) as soon as my Lord saw my Lord Russell go to his Trial, he struck his Breast, and said, Hem-*

ſe^d was the cause of my Lord Ruffel's miſery, ſince he had vouch'd for that Gentleman whoſe Treachery would prove my Lord Ruffel's Ruine, &c. and hereupon ſell almoſt diſtracted. — But this Fellow's repeated Oaths give the Lye to this Forgery. Before the Coroner, in the conclufion of his firſt^a Depoſition,

^a Page 35. he ſwears, That on Thurſday-night, (which was the night before his Lord's Death) the Earl was very merry at Supper, AND DID NOT SEEM TO BE DISCONTENTED THE NEXT DAY. And when one of the King's Council at my Trial, page 55. at the lower-end, ask'd ſuch a Queſtion as ſeem'd either to imply my Lord's being melancholy, or elſe would have had Mr. Bomeny. — For the Queſtion was thus worded, (viz.) Did you obſerve your Lord melancholy, Mr. Bomeny? Bomeny answered, Yes; but we took no notice of it; for he us'd to be ſo, and we had no reaſon to ſuſpect any thing more than ordinary.

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

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

The Information of Rich. Davis of the Pariſh of St. Mary Somerſet, London, Schoolmaſter; taken before J. Cardran, Eſq; Juſtice of the Peace for the County of Middleſex.

THis Informant ſaith, That a little after the late Duke of Monmouth was routed in the Weſt, one Mr. J. E. (to the beſt of this Informant's 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. Gattford, for which both were condemned, and the ſaid D. executed, but Holland pardon'd), That the ſaid Holland was concerned in the Murder of Arthur late Earl of Eſſex, in which he was employ'd by the Earl of Sunderland, upon this occaſion, (viz.) The ſaid Mr. Holland one day waiting on my Lord Sunderland, his Lordſhip ſeem'd much diſturb'd 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.

cerned 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 *Effex*, and would have the said *Holland* therein to be engaged, to which the said *Holland* readily consented; and that the said Earl's Throat was cut with a large Knife, and not with a Razor. And this Informant was then further informed, That the said *Holland* had further declared to the said D. That some People were afterwards made away for blabbing what they knew concerning the said Earl's Death; and that the said D. had charged the said Mr. *Holland*, before several of their Acquaintance one day drinking together, with what the said *Holland* had confessed to him the said D. as aforesaid; and that he the said *Holland* being so charged, seemed much dejected, but could not deny it. This Informant further maketh Oath, That one D. P. about three years since, did give this Informant almost the same Account with relation to *Holland* and D. And the said P. D. did further tell this Informant, That when the said *Holland* and D. were committed to *Newgate* for robbing Mr. *Gatford*, the said D. P. went to see the said *Holland* in

Newgate, to condole his Condition; but the said *Holland* was very cheerful, and told him the said D. P. He was secure of his Life, and likewise not to want Money as long as the Earl of *Sunderland* was living. The said D. P. did likewise then further tell this Informant, That the said *Holland* (as soon as he was committed to *Newgate* for the foresaid Robbery) sent to my Lord *Sunderland* for some Money, and that his Lordship sent him the said *Holland* 16 Guineas. And this Informant hath been told by several, That the said Lord *Sunderland* hath many times supplied the said *Holland* with Money.

When *Holland* was imprisoned for Mr. *Gatford's* Robbery in *Newgate*, my Lord *Sunderland* sent often thither, and took a more than ordinary care of him; whereupon Major *Richardson* told my Lord's Gentleman, That he did much wonder his Lordship would be so kind to so profligate a Fellow. To which it was answered, That his Lordship had a very great kindness for *Holland*, because he had been Servant to my Lord *Spencer* (my Lord *Sunderland's* Son); but it seems somewhat else was in the matter; for it's deposed by *John Waytis*, "That observing *Holland* to be frequently furnished with Money by my Lord *Sunderland* and —, this Informant asked *Holland* how his Lordship became so kind to him? To which *Holland* replied (with his usual phrase) *Damn him, he had done that for him, that HE DURST NOT DO OTHERWISE*. And when this Informant was once saying, It was whisper'd that the late Earl of *Effex* was murdered; *Holland* said, *Damn him, it was not a farthing matter if twenty such were taken off*. He that so little valued

valued the lives of Twenty, would not in all probability much boggle to be concerned in the murdering One.

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

Having some reason to believe *Holland* one of the Ruffians, I did use all means possible for his Apprehension; but I found that *Holland* lay very private, and, as I had reason to believe, designed to fly beyond Seas, (as his own Letter before mentioned declared). Hereupon I applied my self to some of *Holland*'s Acquaintance, and by them being brought to Mrs. *Holland*, I told her, That I had reason to believe her Husband was concerned in this villanous Murther, and herein I was confirmed by Mr. *Holland*'s absconding; for Innocence desires a Trial, but Guilt still flies from Justice. I then told her, That if her Husband were really guilty of this Fact, and would immediately surrender himself, ingenuously declaring, *how, by whom, with whom,* and *for what* he'd do this barbarous Murther, her Husband should have a general Pardon, and both Him and Her provided for: But if her Husband was innocent, (notwithstanding whatsoever was said to the contrary), and should take upon him a Crime (for any advantage whatsoever) of which he was not guilty, he deserv'd to be Hang'd here, and Damn'd hereafter, seeing by his Perjury he would make Justice an Instrument of executing the worst of Murthers. — But if he were indeed the Man, and should surrender himself, and discover the whole matter, he must be sure to keep

within the limits of Truth; for should he be detected in the least Perjury, no man was ever more vigorously prosecuted, nor any more severely punished, than he (for such his Perjury) must expect to suffer.

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

I shall now mention one or two more Objections against my Lord's being murder'd, and then draw to a Conclusion. The first is this, (*viz.*) the Right Honourable the Lady Countess-Dowager of *Essex*, having heretofore declared (whether lately, I cannot say) That she did believe her Lord cut his own Throat; and being so possessed, some time after this Committee had several times sat, she desired several Lords (amongst which some were of this Right Honourable Committee) to meet at her House; and after her Honour had acquainted their Lordships with the occasion of her request, an eminent Divine (and now Bishop) did inform their Lordships what were the Reasons that moved her Honour to believe that her Lord did indeed lay violent hands on himself; *the Chief*, if not the *Only* whereof, was, *That some short time before my Lord's Commitment to the Tower, his Lordship seemed to be under a great concern of mind; but then declared, That the trouble he was in did not arise from any thoughts of Self-preservation, for himself was the least of his Care; but the thoughts of his Family, what would after his Death become of them, was what did indeed trouble him: As for himself, he was resolv'd what to do; SEVERAL TIMES VERY RESOLUTELY REPEAT-*

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ING THAT EXPRESSION, AS FOR MY SELF, I AM RESOLVED WHAT TO DO. This I was told by a Gentleman then present, who (as I have great reason to believe) would have represented every thing to the best advantage (as far as Truth would permit) on the behalf of such Objections. But, with all submission to such Judgments as are sway'd with this Objection, I think it carries not that force which many imagine: For is there *nothing* to which that Resolution of his Lordship might so probably have relation, as a *Self-destruction*? was that the *only*, or the *most likely* thing he was resolved to do? I do humbly conceive, a little consideration may afford us both a more charitable Opinion of his Lordship's Resolution, and somewhat *more probable* than Self-murder to be assigned as what his Lordship *was resolved to do*. For when I consider the time when his Lordship was apprehensive of the like danger as threatened him just before his last Imprisonment, (*viz.*) when my Lord *Shaftsbury* and my Lord *Howard*, &c. were committed to the *Tower*, and a Gentleman who had a very great Honour for his Lordship, (as all good men had, who had the honour to know him) in true Zeal for his Lordship's preservation, (having heard that the Court design'd likewise to commit my Lord of *Essex*, and to take off many in Form of Law; or rather, that which they falsely call'd so) went to his Lordship, and inform'd him of what he had been told, and humbly submitted it to his Lordship's Judgment, Whether it were not proper for some time to withdraw, till the fury of the Court by time was a little appeas'd? This Gentleman told his Lordship, He found by the *Papists*, that they did design to take off several; and his Lordship being to their Arbitrary and *Popish* Designs as great and profess'd an Enemy as any, he did fear his Lordship might not be safe from their pretended

Justice, when once within their Power. My Lord hereupon smil'd, and said very sedately, and yet very resolutely, *That he would not stir, though he did expect the Court would proceed very far, not only to the Imprisoning, but against the Lives of many; and if God in his Providence should think fit to suffer him to fall a Sacrifice to the Malice and Rage of the Court, he did hope, and did not doubt, but the World should see that he could die with as GREAT RESOLUTION as ever his Father did; for he was ready at all times, and upon all occasions, to lay down his Life for his Country.*

Reflecting therefore on my Lord's declared Resolution of his not stirring, though then under the like danger, as in this case apprehended, and with what *readiness, courage, and cheerfulness* he could lay down his Life for his Country; and likewise the knowledge that he may be supposed to have of the then Court-Designs (which those Villains, nine days before his Death declared; for it is ^a sworn the *Papists* then said, *The Earl* ^a *Vide D.* knew so much of their Designs, Smith's Evidence first and was so very averse to their Interest, that they could never carry them on, UNLESS

HIS LORDSHIP WAS TAKEN OFF; AND HIS LORDSHIP WAS THEREFORE TO BE MURDERED.) I say, when I consider these things, and that the more this Honourable Lord knew of the black Intrigues of the Court, the more so good a Man, and so true a Patriot must be supposed to hate them; I can't but imagine that this brave State-Champion, when he had been once satisfied, that the Court, under colour of Law, would have taken him off, had RESOLVED AS TO HIMSELF, to lay open those *Popish* Arbitrary Court-Contrivances, and justified that just Design of standing upon their Guard; there was no other way (under God) to defend what was so grossly invaded.

dea. Now, though his Lordship might suppose, by dealing thus plainly, he should the more exasperate the Court; so that their Malice would be more inveterately bent in his Destruction; yet that he declared he *F E A R E D N O T*, but was ready cheerfully to lay down his life in so just a cause. And should this daring true Lover of his Country have thus expired, by his State-Martyrdom, he would have given such satisfaction in the Truth of what he thus courageously, with his last breath, should have affirmed, as would have raised a general hatred against those Arbitrary and Popish Court-resolutions; and this might so suddenly have given another so general a Resurrection to that just Cause, as would have totally routed those true and only Enemies of both Church and State. Our then Enemies, under colour of Law, were industriously endeavouring the total Subversion of our Laws; and whilst in *shew* they seemed to maintain the Protestant Church, they were secretly contriving its total Destruction, by wresting those very Laws which were chiefly designed as *destructive* to Popery, and making them *productive* of what they were enacted to destroy: For by a malicious and furious Prosecution of all Protestant Dissenters, they did hope to raise so general Animosities between the Conforming and Non-Conforming Protestants, that they might, through such division, have an opportunity to fulfil that notorious Jesuitical Maxim, *Divide & Impera*.

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

Father had sacrific'd his life in that King's Service; wherefore his then Majesty had good reason to declare (when His Highness, not many hours before the Earl's Death, said, *the Earl ought to be taken off*) that he was resolv'd to spare his Lordship for what his Father had suffer'd; (this you find before by ^b two sworn to be ^b *Hughes* and declar'd by *Ruddle*, who *Gladwin*. 29. heard it that very morning my Lord was murder'd); And this account of *Ruddle* seems the more probable by what his then Majesty is generally said to have declar'd soon after he heard of that deplorable Accident, (*viz.*) *That he did much wonder his Lordship should murder himself, and not trust to his Mercy, seeing he ow'd him a Life.*

Considering therefore that his Lordship had so good cause for hopes of Mercy under the greatest danger [even Conviction] there is the less reason to believe, *THAT HIS LORDSHIP HAD RESOLV'D TO DESTROY HIMSELF*. — I find this Objection from the Right Honourable the Countess Dowager of *Essex*, hath been generally us'd as what should convince every man that the late Earl did indeed cut his own Throat. — But I would fain ask those Gentlemen (who immediately run away with this as what is sufficient to answer whatsoever seems to prove the contrary) *Whether it is within the power of belief or disbelief of a fact, either to alter the nature, or destroy the existence of a Fact.* Most certainly none will be so ignorant as to assert, That any thing becomes true by being believ'd, or false by being discredited, for then according to different persuasions a thing would be, and not be at the same time, which is impossible. Wherefore no man should be *implicitly* sway'd by the *bare belief*, or disbelief of another, (without knowing and examining the reasons of that belief, or disbelief) for this is to act in the belief of *matters of Fact*, which we justly condemn

demn in the Church of Rome in matters of Faith — But when the truth of a Fact is question'd, and reasons given *pro & con*, every man is naturally sway'd by those Testimonies which to him seem the strongest for the *proof*, or *disproof* of that Fact; and no man (but such as are easily impos'd upon, or are willing to impose upon others) will oppose to such Evidences as naturally prove a Fact, another's bare disbelief of the Fact. But before any unprejudic'd Person will be influenc'd (by another's disbelief) against the proof of the Fact, he will know, and well weigh the grounds of that disbelief, and compare their strength and natural efficacy with that Evidence that seems to prove the contrary; and having judicially weigh'd both in an unprejudic'd ballance, which side draws down, *MUST* naturally draw his belief; for no man can believe what he would, but every man *MUST* believe according as his Judgment stands inclin'd to assent upon such Evidence as to him seems sufficient. — Prejudice, I must confess, naturally indisposes and corrupts men on either side according as they stand affected; for as some are induc'd to *ASSENT* upon such Evidence as is in it self *INSUFFICIENT*; so others many times *DISSENT* upon such as is *SUFFICIENT*. Amongst the first of these (*viz.*) the *CREDULOUS*, a Reverend B. some time since rang'd me. For tho his Lordship (heretofore) did charitably excuse me from any malice or ill design, yet (as I have been credibly inform'd) he hath been pleas'd to say that I am of a *very strong imagination*, and possess'd with a *Phancy* that a thing is, without rational grounds to believe the thing to be. But I dare now appeal to his Lordship's own Judgment, whether Credulity is more justly chargeable on the belief of the Self-murder, or its contrary. That is to say, whether such as believe the late Earl of *Essex* murder'd himself, because his Lordship, some days

before his Death, several times declared, as for himself he was resolv'd what to do. And ^a because ^a To an Eminent *Bomeny* pretended (contrary to what he twice swore) that morning of his Lordship's Death, my Lord was taken with a fit of a Phrensy; and because *Bomeny*, *Monday*, *Russel* and *Lloyd* (the three latter being three of those ^b in whose custody my Lord was, and ^b Vid. before who, as Mr. Attorney in page 16, 17. his Information against Mr. *Speak*, and my self, sets forth, were consequently charged with my Lord's Murther) to save their own lives, with Halters about their Necks, endeavour to prove his Lordship a *Felo de se* by their Relation, which in every part is contradictory to each other.

For *Bomeny* first ^c swore he delivered my Lord the Razor about Eight of the Clock in the morning the very day of his death, and within two hours ^d deposed, ' he did deliver this ' Razor to his Lordship ' about Eight of the Clock ' on Thursday morning, the day before his ' death. But *Russel* ^e deposed, ' That he saw this ' Razor deliver'd by *Bomeny* about Eight or ' Nine of the Clock on Friday morning ' (being the day my Lord dy'd) and did ' ever declare, and still asserts that this ' Razor was delivered *AFTER* *Monday* ' the Warden had left my Lord's Chamber-door, and that it ' was deliver'd ^f within ' less than half an hour of ' the time they found his ' Lordship dead in the ' Closet; both which ^g Whitechurch and *Jorden*, *Monday* (if Contradictions can) confirmed by declaring that this

^c Before the Coroner. Vide the Deposition, pag. 34, 35.

^d Vide the Second Deposition, pag. 2, 3.

^e *Russel's Depositions*, p. 4.

^f *R's Deposition*, page 4.

^g *Whitechurch and Jorden*, p. 35, 36.

Razor my Lord had, and pair'd his Nails with it. When his Lordship's Chamber-door was first opened that morning (*viz.*) about Seven of the Clock, *about two hours* BEFORE Ruffel came up stairs to stand Warder at the Door ;

Bonny first ^b swore that he first opened the Door upon my Lord's Body ;

ⁱ *Bom. Dep.* in his ⁱ second Information deposed, ' That he *did not*, but (seeing blood ' and part of the Razor through the ' Chink) he call'd *Ruffel* the Warder, and

^k *Speak and Braddon's Trial, p. 55.* and in his ^k third Oath declar'd, ' he knew not ' who open'd the Door. ^l *Page 4.* *Ruffel* ^l depos'd before the

Coroner, ' That he first open'd the Closet-door, the Key being ' on the outside (and he mentions no difficulty in the doing it)

^m *White-church's Inf. page 35.* but *Monday* ^m declar'd, ' the day my Lord dy'd (and ⁿ afterwards confirm'd the same) ' that ' my Lord's Body lay so

' close against the Door, ' that neither *Bonny* nor *Ruffel* could stir ' the Door ; but he being much stronger ' than either, thrusting with all his ' might, broke it open.

These Mens Depositions and Relations THUS AGREEING in every part in proof of the Self-murder, can't but satisfy all men (except such as are, like my self, of strong imaginations, and too easily inclin'd credulously to believe the contrary.) And

whereas *Bonny*, *Monday* and *Ruffel* have ^o depos'd, or often declar'd, ' That ' the Razor was lock'd in- ' to the Closet with the ' Body, and ^p no Razor ' thrown out of my ' Lord's Chamber-window

before his Death was discover'd. —

It s^q prov'd (I do humbly conceive, to the satisfaction of more than the Credulous) that there was a bloody Razor thrown out of my Lord's Chamber-window (which is about sixteen Foot from the Closet where the Body lay) and the Maid who carried up this Razor, first Discover'd my Lord's Death to those out of the House, (wherefore the Razor was afterwards laid by the Body for to colour the (pretended) Self-murder) and when my Lord's Body was seen in the very posture in which the Warders pretended it was first found, his Lordships legs ^r lay part out- ^r *Turner and Peck, p.* therefore the Door could not be lock'd) and upon his Stockin the print of a bloody Foot coming out of the Closet ; wherefore somebody before that, and after my Lord was Dead, had come out of the Closet.

Is there not rational grounds from the many contradictions before observ'd, for any man (tho not possess'd with prejudice against the Self-murder) to believe that there was no Razor delivered to my Lord just before his Death, nor the Closet-door lock'd upon the Body, or the Razor first found lying by the Body (as these have Sworn, whose Interest and Lives depend upon the proof of the Self-murder) and consequently their relation a forgery throughout, by which they would prove his Lordship Felo de fe.

But farther, to excuse from partiality such as disbelieve the Self-murder upon the Evidence before observ'd in all parts contradictory ; and from credulity, because they are persuaded that his Lordship fell by treachery and violence, seeing they find it ^s Sworn to this effect ; ^t *D. S. p. 22.* (*viz.*) That about nine days

Ruff. in their Examination before the Lds. q Vide ante page 47. the Second Column.

before

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

pears by the Testimony of ^t six or seven Witnesses; and for a farther confirmation of the truth of that Consult, ^u three Depositions which were made to destroy the Credit of that Deponent, are detected, and (by ^v many Witnesses) prov'd false in every part; but as farther rational grounds (and not strength of imagination) for this barbarous Murther, Eight Witnesses have proved, That before the Earl's Death, or before his Death could be known, was it reported in many Parts of England, that the Earl of Essex

^t Mr. Rowden,
Mrs. Rowden,
Mrs. Mary Rowden,
Mr. Adams,
Mrs. Adams,
Mr. May, and
Mr. Tourny,
p. 23, 24.
^u Mrs. Hewits,
Christophers, and
Mrs. Swans, p. 24, 25.
^v Morris, Dupine,
Baldham, Douthwait,
Bond and
Mr. Welstead, p. 24,
25, 26.
^x Mr. Hubland,
Mrs. Hubland,
Mrs. Meux, Trehem,
Burgis, Savage and
Mr. Butreo Maynoe,
will attest the same,
p. 16, 27.

Parts of England, that the Earl of Essex

had cut his Throat in the Tower, and these several previous Reports agreed in the manner how, (viz.) cutting his Throat; and place where, (viz.) the Tower; (though at some of those Places when so reported, it could not be known that the Earl of Essex was a Prisoner in the Tower) and one of these previous Reports, the next day after my Lord's Commitment, (viz.) the Wednesday, pretended to give the reason wherefore the Earl cut his Throat (that is to say) because the King and Duke being in the Tower, he was afraid his (then) Majesty would have come up into his Chamber, and seen him; but his Guilt and Shame was such, as he could not bear the thought of it, and therefore cut his Throat to avoid it: this being said about 60 miles off, two days before the King and Duke went to the Tower, and the very next day after my Lord's Commitment; wherefore many that are not of too strong an imagination credulously to believe without grounds from those very particular previous Reports, as to manner, place, and pretended reason, are apt to think that the MANNER HOW, THE PLACE WHERE, AND PRETENDED REASON (to be given out) WHEREFORE, were all previously agreed upon some days before my Lord's Death; for they cannot perceive how my Lord's Death, in all its parts (as it was afterwards pretended to be acted) could be so particularly related in so many, and far distant Places from each other.

And though those who had my Lord in close Custody, to excuse themselves from a barbarous and bloody Treachery, did declare, That no men were let in to my Lord that morning he died, yet many rational men, not credulously inclin'd to believe without cause, are verily perswaded to the contrary, because it is ^y proved, That two Soldiers (who have been prevented from giving their own Rela-

Monday & Ruff declare this before the Lords.
Hughes and Gladwin, Bampton and his Wife, 29, 30.

tion) the day of my Lord's Death declared, That they saw His HIGHNESS send two men to the Earl's Lodgings to murder the Earl, and that his HIGHNESS did send two Men towards the Earl's Lodgings just before his Death, and that these two Men soon after returned, and said, The

Business was done, appears by the ² Testimony of ² Mr. Efferon, ³ one who saw His HIGHNESS

send those Men, and their return to His HIGHNESS: And

it's further ^a proved, That a ^a Lloyd's Confession, Mr. Story, Mr. Temple, 27, 28.

the Centinel who kept my Lord's Outward-door, confessed, by special Order he let in two or three to my Lord, (of which Webster was one, who that night produced my Lord's bloody Pocket-handkerchief, and the next day a Purse of Gold of 49 Guineas and a Pistol, though he was very poor before) just before his Death; and that upon those mens going in to my Lord's Chamber, there was so great a trampling and bustling, that the Centinel would have forc'd in after them, but could not, because the first door was made fast; and that upon the bustle, he heard somewhat thrown down like the fall of a Man, which he did believe to be my Lord's Body; soon after which, it was pretended my Lord cut his Throat: And for what those Men were thus bustling, appears by the Murther which was several times very loud and very dolefully cried out during this bustle; and this heard by

^b Mrs. Bascomb, ^b one who saw this bustling, and soon after revealed it, but was cautioned to secrecy for her safety, by ^c him

^c Mr. Perkins, ^c who in this respect upon Oath hath confirmed the

same; And that his Lordship made use of his Hand to prevent, as well as his Tongue to discover that Villany, which he saw design'd his Destruction, is verily believed by those who find it proved, That there were several Cuts in my Lord's Right-hand, (viz.)

^d One upon his Fore-finger, near the top; another on the same Finger next the hand; ^e One upon the fourth Finger, another on the Little-finger, and a fifth ^f about two Inches long in the Palm of his Hand. And

left my Lord's Cravat, which was ^g cut in three pieces, and the print of a bloody Foot upon my Lord's Leg, as before observed (with other Circumstances, which might have been discovered, had the Jury seen the Body in its first posture, and the Cloaths in which his Lordship died) might

have occasioned a Discovery, taken that the Body should be ^h stript (though His then Majesty ⁱ had ordered all things to remain till the Coroner's Jury saw the Body), and the Cloaths carried away, and the Room and Closet washed, before the Jury sat upon the Body. And when ⁱ one of the Jury desir'd to see the Cloathes in which my Lord dy'd, the Coroner hereupon was immediately call'd into the next Room, and returning in some heat, told the Jury, it was the Body, and not the Cloathes they were to sit upon; the Body was there, and that was sufficient; and when it was perceived that ^k some of the Jury were doubtful of my Lord's Self-murther, because his Lordship was (very deservedly) esteem'd a very good man, and therefore not to be thought Felo de se: Major Hawley, to remove this Objection, and to corrupt the Jury with a lie, tells them to this effect, (viz.) That whosoever did believe Self-murther unlike my Lord of Essex, did not know his Lordship, for every man that was well acquainted

^d Mr. Stullingsford, 40.

^e Turner and Peck.

^f Mr. Sherwood the Surgeon, 45.

^g Mary Johnson, who stript the Body, confessed this.

Johnson and Tovey, 32, 33.

and Alike Carter declared the same.

speedy care was

^h This is sworn by the Coroner, and several of the Jury.

ⁱ T. Howard, Esq;

swore upon the Body.

^j Mr. Fisher, p. 44.

was immediately call'd into the next Room, and returning in some heat, told the Jury, it was the Body, and not the Cloathes they were to sit upon; the Body was there, and that was sufficient; and when it was perceived that

^k some of the Jury were doubtful of my

Lord's Self-murther, because his Lordship was (very deservedly) esteem'd a very good man, and therefore not to be thought Felo de se: Major Hawley, to remove this Objection, and to corrupt the Jury with a lie, tells them to this effect, (viz.) That whosoever did believe Self-murther unlike my Lord of Essex, did not know his Lordship, for every man that was well acquainted

with

^k Mr. Fisher, p. 46.

with

with the Earl, knew that it was a fixt Principle in his Lordship, that any man might cut his Throat, or otherwise dispose of his Life to avoid a dishonourable and infamous Death; and therefore this Action was according to the Lord of Essex's avowed Principles. — But when Major Hawley was charg'd (before the Lords) with this Suggestion, he did utterly deny it, and professed that he never heard it said to be my Lord's Principle, till their Lordships charg'd him with having suggested it, and therefore he could not suggest it: Besides, he was not nigh the Jury at the Victualling-house any time whilst they were there upon their Inquisition; but the Major had given them another reason not to forget his being then there; for (it is prov'd by one, and ready to be prov'd by many then present) that some of the Jury were for adjourning their Inquisition, and immediately to give notice to my Lord's Relations, so that if any thing could be prov'd on my Lord's behalf, it might be heard. This Major Hawley

steps in and prevents it, ¹ P. 46. 2d Col. by protesting ¹ that his (then) Majesty had sent an Express for their Inquisition; and His Majesty had declared, that he would not rise from Council till it was brought, and therefore they could not adjourn, but must immediately dispatch. — In answer to this, the Major protests that he was not near the Jury at that House, and so did not, or could hasten them. But the Major was so well known to the Coroner, Surgeons and Jury, that it's highly improbable all should be mistaken.

The timing my Lord's Death, and the speedy hurrying it away to the Old-Bayly, and the immediate use that was made thereof as an Evidence from Heaven of his Lordship's Guilt, and of the truth of the Charge against the Right Honourable the Lord Ruffel, then upon his Tryal, and the corrupt influence it had upon the Court, Council and Jury, (so that they did at one stroke virtually destroy two of as

great Patriots as this Age or Nation ever knew, and of whom we were no longer worthy.) This might be us'd by Impartiality it self as a probable Evidence of this Treacherous Cruelty.

The unjust Methods and Violence us'd to prevent any search after, or discovery of this unfortunate Lord's Death, are further rational Inducements for sober men to believe this Murder, when they find that ^m I was ^m Vide p. 8. committed as soon as I came to White-hall with the Persons to be sworn with relation to my Lord's Death, and this before either my self or any person had been examined, and consequently before any thing criminal could appear against me: And afterwards Mr. Speak and my self prosecuted, and represented (especially my self) as the worst of Criminals, tho' nothing like a Crime was proved against me, admitting for true, every thing sworn at my ⁿ Tryal, where those in whose Custody my Lord was, ^o and consequently whom we would have accused of my Lord's Murder were called a CLOUD of Witnesses to prove the Self-murder.

The Prosecution of ^p one ^p Mr. Colson, of the Coroner's Jury, for page 52. declaring, That he believed they, (viz) the Jury, were all insatuated to find his Lordship Felo de se; but he did suppose, had they not been hurried, they might have found it otherwise, is an other instance of the severity of the Government, with relation hereunto; and the ^q Ab Jorden, cruel usage of an ^q old Soldier, in feeding him with ^p 49. Bread and Water in the Hole, and afterwards causing him to receive Fifty three stripes with great force (tho' the usual Number was but Twelve) and then telling him, He ought to be Hanged for saying what he did, and so discarded him; and all this, only for declaring (when often press'd to give his opinion with relation to my Lord's death, whether he did believe his

ⁿ I do appeal to the Tryal as Printed.

^o Vid. 16, 17.

his Lordship ~~cut~~ own Throat & Declared,
That he would not say he did believe it.
But greater Cruelty than these, some bloody
men may be suppos'd to have us'd to pre-
vent a discovery of my Lord's Murther;

for Mr. Hawley, who
Vid. ante. KNEW THAT I
KNEW NOTHING
WITH RELATI-

ON TO MY LORD'S DEATH; and
his too freely imparting his own Know-
ledg'd in the matter, is thought to have
caus'd him (not to run away, but) to
be murder'd.

And honest Robert
Bampron and Meake protested for
his Wife, and ~~the~~ day he was murder'd,
Davidson, p 49. that he did fear that
day he should be murder'd
for what he knew, and had declar'd concern-
ing my Lord's murther; and the very next
morning was found dead in the Tower
Ditch.

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

To proceed no farther

Now whether that CLOUD of (three or four)

Witnesses, in whose custody
Pag. 16, 17. my Lord was, to avoid
being charg'd with treache-
rously consenting to my Lord's Murther, with

Halters about their Necks, by contradictions en-
deavouring to prove the Self-murther, —
or that GREAT CLOUD of (upwards of
sixty) Witnesses (for more have been, and
will be examin'd with relation to my Lord's
Murther) which swear not for their own
lives, but stand resti in Curia, being Per-
sons unprejudic'd, deserve the most credit —
must be left, first, to the Right Honourable
the Lords, before whom this Cause will (in
convenient time) be reviv'd; and afterwards
to such other Judicatures before which this
matter may hereafter be brought; till when
it's not proper to publish what might be far-
ther said. — But I do humbly conceive I
have herein already furnis'd you with suffi-
cient grounds to satisfy some (who have been
deceiv'd by misinformation) that there are
more Arguments than they could have ex-
pected, to clear his Lordship's Innocence, and
less reason for them to believe, that I have
us'd such villainous Practices as my greatest
Enemies have suggest'd, or (as some of my
pretented Friends would insinuate) am pos-
sessed with such heat of imagination, as cre-
dulously to believe a thing to be without ra-
tional grounds to convince me that it is.

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

S I R,

Your highly obliged, and ever
faithful Friend and Servant,

L. B. -

April 15.
1696.

F I N I S

